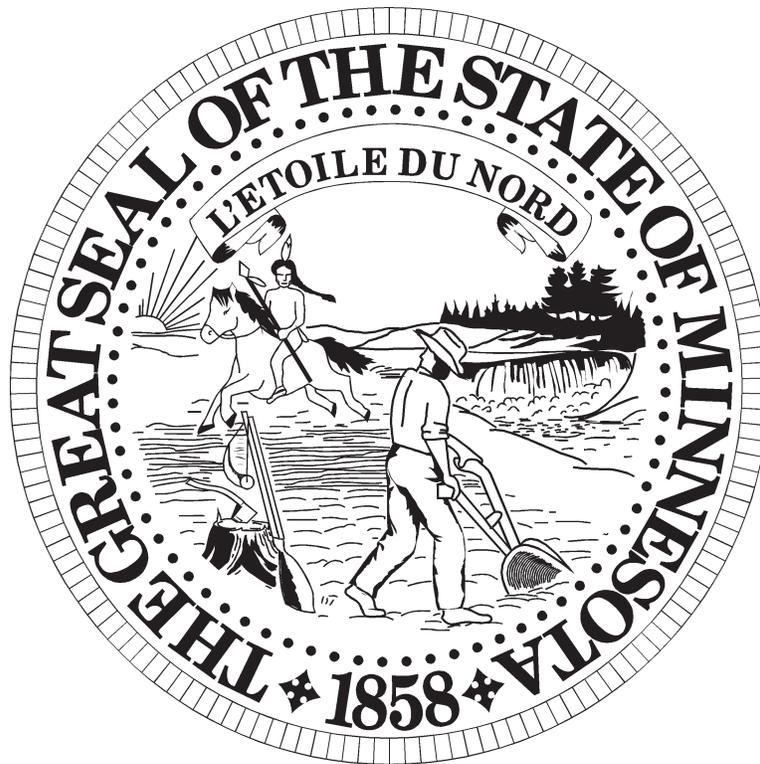


Minnesota

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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 29 February 2016
Volume 40, Number 35
Pages 1053 - 1168**

Minnesota State Register

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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- Withdrawn Rules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. 40 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 36	Monday 7 March	Noon Tuesday 1 March	Noon Thursday 25 February
# 37	Monday 14 March	Noon Tuesday 8 March	Noon Thursday 3 March
# 38	Monday 21 March	Noon Tuesday 15 March	Noon Thursday 10 March
# 39	Monday 28 March	Noon Tuesday 22 March	Noon Thursday 17 March

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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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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

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Yes, that's right -- 2-1/2 days ahead of normal publication schedule -- to get to know what Proposed and Adopted Rules are coming in the next week, in addition to Exempt Rules, Expedited Rules and Expedited Emergency Rules. You also will see Executive Orders of the Governor, Commissioner's Orders, Revenue Notices, Official Notices, State Grants and Loans, State Contracts and Non-state Bids, Contracts and Grants.

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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 Board of Marriage and Family Therapy Proposed Permanent Rules Relating to Licensure for Marriage and Family Therapists

**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; Revisor's ID Number 4271; OAH Docket No. 60-9012-33181
Proposed Amendments to, Additions to, and Repeal of Rules Governing the Practice of Marriage and Family Therapy, Chapter 5300:**

- 5300.0100 Definitions
- 5300.0110 License Requirement
- 5300.0120 Exceptions to License Requirement
- 5300.0130 Requirements for Licensure
- 5300.0135 Requirements for Licensure as a Licensed Associate Marriage and Family Therapist (new)
- 5300.0140 Educational Requirements; Determination of Equivalent Degree
- 5300.0145 Degrees from Foreign Institutions (new)
- 5300.0150 Experience Requirements
- 5300.0155 Persons in Postgraduate Supervised Experience Prior to August 1, 2016 (new)
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5300.0355 Assessments, Tests, Reports (new)

Introduction. The Minnesota Board of Marriage and Family Therapy intends to adopt rules without a public hearing following the procedures 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 March 30, 2016, the Board will hold a public hearing in the University Room, 1st floor, University Park Plaza, 2829 University Avenue SE, Minneapolis, MN, 55414 starting at 9:30 a.m. on April 22, 2016. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after March 30, 2016, and before April 22, 2016.

Agency Contact Person. The agency contact person is:

Jennifer Mohlenhoff, Executive Director
Minnesota Board of Marriage and Family Therapy
2829 University Ave. S.E., Suite 400
Minneapolis, MN 55414
Phone: (612) 617-2220
E-mail: Jennifer.Mohlenhoff@state.mn.us
TTY users may call the Department at 1-800-627-3529.

Subject of Rules and Statutory Authority. The Board proposes to amend its rules for five main purposes: (1) to update the rules with current terminology and to reflect more accurately current statutes, terminology, and practices; (2) to update and clarify the Board's application and licensure rules to reflect current processes and Board expectations; (3) to update continuing education rules to clarify approval processes and to better reflect Board expectations for education and continuing education activities; (4) to update the code of ethics to reflect current trends and Board expectations; and (5) to add a rule governing assessment, test, and report requirements that reflect Board expectations for the use and documentation of these tools.

Minnesota Statutes, sections 148B.31 and 214.06, authorize the Board to adopt rules necessary to administer and enforce sections 148B.01 to 148B.39 and to set forth procedures and information required for renewal. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on March 30, 2016, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. **Public comments should be submitted electronically at**

<https://minnesota.aoah.granicusideas.com> .

Comment is 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 that you desire. Any comments that you have about 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 the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on March 30, 2016. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you

Proposed Rules

object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Board cannot count it when determining whether it must hold a public hearing. 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 Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the Board must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Board will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, Braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Board will cancel the hearing scheduled for April 22, 2016, if it does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (612) 617-2220 after March 30, 2016, 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, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge James LaFave is assigned to conduct the hearing. Judge LaFave's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7900, and **fax:** (651) 539-0310, or **e-mail:** denise.collins@state.mn.us .

Hearing Procedure. If the Board holds a hearing, 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 hearing record closes. 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. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge 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. You may direct questions about the procedure to the Administrative Law Judge.

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

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes 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. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Also, the SONAR is available on the Board's website at <http://mn.gov/boards/marriage-and-family/> .

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 539-1180, or 1-800-657-3889.

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Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure after a Hearing. If a hearing is 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 that 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 that the Board adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 9 February n 2016

Jennifer Mohlenhoff, Executive Director
Marriage and Family Therapy Board

5300.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of ~~parts 5300.0100 to 5300.0360~~ this chapter, unless the context otherwise requires, the following terms have the meanings given.

Subp. 2. **Advertising.** Advertising includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on a building; or in ~~a newspaper, magazine, directory, or other printed matter~~ the form of an article or publication in any form of print media. Advertising also includes business solicitations communicated by individual, radio, video, television broadcasting, or any other technological means.

[For text of subps 3 to 5, see M.R.]

Subp. 6. [See repealer.]

Subp. 6a. **Emeritus.** "Emeritus" means retired from active practice but retaining one's license and title.

Subp. 7. **Fee splitting.** "Fee splitting" means the practice of ~~paying commissions to colleagues~~ compensating others for referrals.

Subp. 7a. **LAMFT.** "LAMFT" are the initials ~~permitted to be used by~~ designating a licensed associate marriage and family therapist ~~to designate that the individual is as~~ licensed by the Board of Marriage and Family Therapy to practice within Minnesota.

Subp. 8. **Licensee.** "Licensee" means a licensed marriage and family therapist or a licensed associate marriage and family therapist.

Subp. 9. **LMFT.** "LMFT" are the initials ~~permitted to be used by~~ designating a licensed marriage and family therapist ~~to designate that the individual is as~~ licensed by the Board of Marriage and Family Therapy to practice within Minnesota.

Subp. 10. **Marriage and family therapy.** "Marriage and family therapy" has the meaning given in *Minnesota Statutes*, section 148B.29, subdivision 3.

Subp. 10a. **Multiple relationship.** "Multiple relationship" means a relationship between a therapist and another person that is both professional and one or more of the following:

A. cohabitational;

B. familial;

C. one in which there is or has been personal involvement with the person or a family member of the person that is reasonably likely to affect adversely the person's welfare or ability to benefit from services; or

D. one in which there is a significant financial involvement other than legitimate payment for professional services rendered that is reasonably likely to affect adversely the person's welfare or ability to benefit from services.

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Subp. 11. **Postgraduate supervised experience.** “Postgraduate supervised experience” means supervised experience occurring after the educational institution grants the graduate degree or postgraduate certificate for licensure as shown on the applicant’s transcript and all educational requirements specified in part 5300.0140 have been completed.

Subp. 12. **Regionally accredited.** “Regionally accredited” means ~~that an educational institution has been accredited by the North Central Association of Schools and Colleges, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, Western Association of Schools and Colleges, or a postgraduate academic program in marriage and family therapy accredited by the Commission on Accreditation of the American Association for Marriage and Family Therapy~~ a regional accrediting organization recognized by the Council for Higher Education Accreditation (CHEA).

Subp. 12a. **Sexual behavior.** “Sexual behavior” ~~includes sexual contact or any physical, verbal, written, interactive, or electronic communication, conduct, or act that may be reasonably interpreted to be sexually seductive, demeaning, or harassing.~~

[For text of subp 13, see M.R.]

Subp. 14. **Sexual harassment.** “Sexual harassment” ~~includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:~~ has the meaning given in *Minnesota Statutes*, section 363A.03, and

A. ~~submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;~~

B. ~~submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment, public accommodations or public services, education, or housing; or~~

C. ~~that conduct or communication has the purpose or effect of substantially interfering with an individual’s employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.~~

Subp. 15. **Supervisee.** “Supervisee” means an individual who is supervised while engaged in a graduate program practicum or internship, or postgraduate, supervised experience under the direction of a supervisor needed to obtain credentialing by the board, or to comply with a board order.

[For text of subp 16, see M.R.]

Subp. 17. **Supervisor.** “Supervisor” means an individual who has met the requirements in part 5300.0160, has been credentialed as a supervisor by the board, and takes full professional responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing;

A. complete a practicum or internship;

B. complete a postgraduate supervised experience to obtain credentialing by the board; or

C. satisfy a board requirement or order.

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

Subp. 19. **Therapist.** “Therapist” means a licensee ~~of the board or applicant.~~

Subp. 20. **Variance.** “Variance” means permission from the board to comply with a rule in a manner other than that generally specified in ~~parts 5300.0100 to 5300.0360~~ this chapter.

5300.0110 LICENSE REQUIREMENT.

Subpart 1. **License required.** No person, other than those individuals exempt in *Minnesota Statutes*, sections 148B.32, subdivision 2, and 148B.38, shall engage in marriage and family therapy practice, advertise the performance of such services, or use a title or description denoting marriage and family therapist without obtaining a license issued under *Minnesota Statutes*, sections 148B.29 to 148B.39, and ~~parts 5300.0100 to 5300.0360~~ this chapter.

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Subp. 2. **Engaging in marriage and family therapy practice, defined.** An individual engages in marriage and family therapy practice if the individual performs or offers to perform marriage and family therapy or if the individual is ~~held out~~ presented as one who is able to perform such a service.

5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT.

~~As stated in~~ Under Minnesota Statutes, section 148B.38, those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from parts 5300.0110 to ~~5300.0360~~ 5300.0350 so long as they do not represent themselves by a title denoting marriage and family therapist, such as marriage and family therapist, marriage therapist, family therapist, marriage and family counselor, marriage counselor, or family counselor unless specifically allowed to do so under *Minnesota Statutes*, section 148B.32, subdivision 2. Those qualified individuals listed in *Minnesota Statutes*, section 148B.38 may advertise ~~the performance of their qualifications to perform~~ marriage and family therapy services.

5300.0130 REQUIREMENTS FOR LICENSURE AS A LICENSED MARRIAGE AND FAMILY THERAPIST.

Subpart 1. **Requirements.** To be eligible for licensure, an applicant must meet the following requirements:

A. complete the education requirements in Minnesota Statutes, section 148B.33, subdivision 1, ~~clauses~~ clause (5), items (i) and (ii), and defined in part 5300.0140;

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

F. pass ~~both parts of the examination~~ national and state examinations listed in part 5300.0240.

Subp. 2. **Denial of licensure to applicant.** An applicant who fails to meet all requirements in this part shall be denied a license.

5300.0135 REQUIREMENTS FOR LICENSURE AS A LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPIST.

Subpart 1. **Requirements.** To be eligible for licensure, an applicant must meet the following requirements:

A. complete the education requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (5), items (i) and (ii), and defined in part 5300.0140;

B. be 18 years of age;

C. agree to conduct all professional activities as a licensed associate marriage and family therapist as specified in the code of ethics for marriage and family therapists in part 5300.0350; and

D. pass the national examination as listed in part 5300.0240.

Subp. 2. **Denial of licensure to applicant.** An applicant who fails to meet all requirements in this part shall be denied a license.

5300.0140 EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.

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

Subp. 2. **Degrees; course work requirements.** A master's or doctoral degree, ~~or postdegree graduate certificate or coursework~~, is equivalent to a master's or doctoral degree in marriage and family therapy if the degree ~~or coursework~~ is from a regionally accredited institution, if the degree ~~or graduate coursework~~ is in a related subject field including mental health, family studies, or human development, and if the degree contains the following coursework:

A. nine semester hours in human development covering human development ~~over the life span, child and adolescent or adult development~~, human behavior, personality theory, human sexuality, psychopathology including the assessment and diagnosis of child, adolescent, and adult mental illness, and ~~behavior-pathology~~ behavioral disorders;

B. nine semester hours in marital and family studies covering theories of family development, theories of family functioning, the family life cycle, sociology of the family, including gender, race, ethnicity, class, and religion, families under stress, contemporary family forms, family subsystems, and theories of marital and family interaction;

C. nine semester hours in marital and family therapy covering marital and family communication, family psychology, couples or family therapy, methods of intervention, couples or family assessment, treatment planning, and sex therapy, major theories of marital and family therapy such as structural, strategic, transgenerational, experiential, object relations, contextual, and systemic therapy all informed

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by current research and professional standards of practice. Foundational theories of marriage and family therapy and other emerging models of therapy are included in these hours;

D. three semester hours in research covering current research design, methods, statistics, and special issues research in marital and family studies or a related mental health field;

E. three semester hours in ethical and professional studies covering professional ethics, family law, professional socialization, professional organizations, legal issues, and interprofessional cooperation, ~~professional ethics, and family law~~; and

F. a clinical practicum in marriage and family therapy of at least 300 hours of clinical client contact with including assessment, diagnosis, and treatment of individuals, couples, and families ~~for the purpose of assessment and intervention~~. Of the 300 hours, ~~no more than at least~~ 150 hours ~~may~~ must be with ~~individuals~~ couples, families, or similar relational groups. This clinical experience must be supervised on site or at the academic institution by a licensed marriage and family therapist or an American Association for Marriage and Family Therapy approved supervisor.

Four quarter credit hours shall be equivalent to three semester hours in meeting the requirements in items A to E. This curriculum may be completed during the qualifying master's or doctoral degree programs; or additional course work may be taken at a college or university accredited by a regionally accredited educational institution after receiving the graduate degree in order to fulfill the requirements for each of the areas described in items A to F. An applicant may not use a course for more than one area described in items A to F.

Subp. 3. **Proof of equivalency.** The burden is on the applicant to prove by a preponderance of the evidence that the coursework is equivalent to the requirements in subpart 2.

5300.0145 DEGREES FROM FOREIGN INSTITUTIONS.

In addition to meeting all other licensure requirements, an applicant for licensure whose degree was received from a foreign degree program or from a foreign institution of higher education shall demonstrate to the satisfaction of the board that the degree meets the requirements of part 5300.0140. The applicant shall provided the board with a comprehensive evaluation of the degree performed by a credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) and any other documentation the board deems necessary. The evaluation must be sent directly to the board from the evaluating agency. The applicant shall be responsible for the expenses incurred as a result of the evaluation.

5300.0150 EXPERIENCE REQUIREMENTS; PERSONS IN POSTGRADUATE SUPERVISED EXPERIENCE PRIOR TO AUGUST 1, 2016.

Subpart 1. **Supervised experience required.** The two years supervised, postgraduate experience required by *Minnesota Statutes*, section 148B.33, subdivision 1, clause (4), must meet the requirements in subparts 2 to 6.

Subp. 2. **Years of experience; computation.** In calculating two years of supervised postgraduate experience in marriage and family therapy, the board shall accept ~~a minimum of not less than~~ 4,000 hours of supervised professional experience including at least 1,000 hours of clinical client contact including the assessment, diagnosis, and treatment of mental illness, and cognitive, emotional, and behavioral disorders, as specified in subpart 3 with 200 hours of clinical supervision by a board-approved, Minnesota licensed marriage and family therapist supervisor over a period of not less than 24 months. All additional work used to complete this ~~two-year experience may~~ 4,000 hours must be supervised in a legal and ethical manner by a licensed mental health professional listed in *Minnesota Statutes*, section 245.462, subdivision 18, clauses (1) to (5), or 245.4871, subdivision 27, clauses (1) to (5), or both.

Subp. 3. **Clinical client contact; requirements.** The applicant must ~~demonstrate~~ document at least 500 hours of ~~the clinical direct~~ client contact ~~required in the following categories of cases:~~ in working with couples, families, or other relational groups.

A. ~~unmarried couples;~~

B. ~~married couples;~~

C. ~~separating and divorcing couples; and~~

D. ~~family groups including children.~~

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This contact shall include experience in the assessment, diagnosis, and treatment of mental illness and cognitive, emotional, and behavioral disorders.

Subp. 4. **Supervision; setting.** The supervision by a board-approved, Minnesota licensed marriage and family therapist supervisor shall take place in individual and group settings, according to items A and B.

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

Subp. 5. **Supervision requirements.** Supervision must involve:

A. at least 200 hours of face-to-face contact between the supervisor and supervisee of which at least 100 150 hours must be in individual settings face-to-face; no more than 50 hours of supervision may be conducted through synchronous electronic communication;

B. at least 100 hours of supervision per year contact between the supervisor and supervisee must be in an individual setting; and

C. no more than 100 hours of supervision may be logged toward the 200-hour requirement in item A in any 12-month period; and

D. a focus on the raw data from the supervisee's clinical work that is made directly available to the supervisor through means of written clinical materials, direct observation, and audio or video recordings, or other reporting methods.

Subp. 6. **Verifying supervised experience.** A supervisee must verify the required supervised experience by completing a form supplied by the board. The form must be signed by the applicant's supervisor and be notarized. The form must include the setting, nature, and extent of the supervised experience, the time period involved, the number of hours of clinical client contact, the number of hours of supervision, and the name and qualifications of each the board-approved supervisor.

5300.0155 EXPERIENCE REQUIREMENTS FOR PERSONS COMMENCING THE SUPERVISED EXPERIENCE AFTER AUGUST 1, 2016.

Subpart 1. **Supervised experience required.** The two-year supervised, postgraduate experience required by *Minnesota Statutes*, section 148B.33, subdivision 1, clause (4), must meet the requirements in subparts 2 to 6.

Subp. 2. **Application to written examination.** Within six months of commencement of the supervised experience, an applicant must apply to the board to take the national examination specified in part 5300.0190.

Subp. 3. **Years of experience; computation.** The postgraduate experience shall include not less than 4,000 hours, and must be completed in no less than two and no more than seven years from the filing of the application to take the national examination. This experience must include the following:

A. A minimum of 1,000 hours of direct client contact supervised by a board-approved, Minnesota-licensed marriage and family therapist supervisor. The 1,000 hours shall include at least 500 hours of face-to-face therapy with couples, families, or similar relational groups.

B. A minimum of 200 hours of supervision as described in subpart 4.

C. No more than 2,800 hours supervised by a licensed mental health professional as defined in *Minnesota Statutes*, section 245.462 or 245.4871. This experience shall include the assessment, diagnosis, and treatment of mental illness, and cognitive, emotional, and behavioral disorders, as well as all other professional responsibilities.

D. A detailed log on a form provided by the board shall be maintained of all professional activity during this time period. This log shall be permanently maintained by the applicant.

Subp. 4. **Supervision requirements.** The 4,000 hours of postgraduate experience must comply with the following requirements:

A. All direct clinical client contact must be supervised by a board-approved, Minnesota-licensed marriage and family therapist supervisor. The supervision must be obtained at an average rate of one hour of supervision per five hours of direct client contact, for a minimum total of 200 hours of supervision.

B. No more than 120 hours of supervision per year will be accepted toward the licensure requirement and must comply with the average rate of supervision stated in item A.

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C. At least 100 hours of supervision shall be received in an individual setting. The remaining 100 hours may be received in a group setting. For purposes of this paragraph, individual supervision is defined as a setting in which the supervisor and no more than two supervisees are present. Group supervision is defined as a setting in which the supervisor and no more than six supervisees are present.

D. Up to 25 percent of the required supervision may be received via secure, synchronous electronic means.

E. Supervisees must make data from their clinical work directly available to the supervisor through written clinical materials, direct observation, audio or video recordings, or other reporting methodologies.

Subp. 5. Verification of supervised experience. A supervisor must verify all supervised experience by completing a form supplied by the board. The form must be signed by the supervisor. The form must include the setting, nature, and extent of the supervised experience, the time frame of the supervision, the number of hours and type of clinical client contact, the number of hours of supervision, and the name and credentials of the supervisor. The supervisor must attest that the performance, competence, and adherence to the standards of practice and ethical conduct of the supervisee are satisfactory.

5300.0160 REQUIREMENTS FOR SUPERVISOR.

Subpart 1. Requirements. A supervisor is acceptable to the board if the supervisor was listed by the board under this part prior to ~~January 19, 1999~~ August 1, 2016, except that those supervisors must meet the continuing education requirement specified in part 5300.0170, item D. After ~~January 19, 1999~~ August 1, 2016, new supervisors are acceptable to the board if the supervisor ~~meets the requirements of either subpart 2 or 3.~~

Subp. 2. Board-approved supervisor requirements. An applicant for board-approved LMFT supervisor status will be approved by the board if the applicant:

A. is licensed as a marriage and family therapist in Minnesota;

B. has at least ~~three~~ four years and ~~3,000~~ 4,000 hours of experience in clinical practice as a licensed marriage and family therapist; and

C. provides evidence of training in supervision. Evidence must be shown through ~~graduate level academic course work in supervision~~ completion of a board-approved MFT supervisor training course equivalent to three semester hours from a graduate program of a regionally accredited institution or 30 hours in continuing education, or designation by the American Association for Marriage and Family Therapy as an approved supervisor of coursework in a board-approved MFT supervision education course.

Subp. 3. AAMFT-approved supervisor status. An applicant for board-approved LMFT supervisor status will be approved by the board if the applicant is designated an approved supervisor by the American Association for Marriage and Family Therapy (AAMFT).

Subp. 4. Application. An application for board-approved LMFT supervisor status must be filed with the board prior to approval of supervisor status by the board.

5300.0170 RESPONSIBILITIES OF SUPERVISOR.

A supervisor must:

A. be knowledgeable of ~~the~~ current clinical skills required for effective delivery of marriage and family therapy services;

B. be knowledgeable of ~~the important~~ current literature in the field of marriage and family therapy ~~and~~ including professional ethics, ~~and the supervisor must be knowledgeable about~~ of the basic skills and service delivery of supervision;

C. see that all supervised work is conducted in ~~an appropriate professional settings,~~ setting, with adequate administrative and clerical controls, so as to assure the quality and competency of supervised activities; and

D. devote at least ten percent of the required continuing education hours to supervision training and skills.

5300.0175 LICENSURE PROCESS FOR LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPISTS.

A licensed associate marriage and family therapist is one who has completed the educational requirements in part 5300.0140 and who has passed the ~~written~~ national examination specified in part 5300.0240. ~~A licensed associate marriage and family therapists~~ therapist must

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practice under the supervision of a ~~board-qualified-board-approved~~ LMFT supervisor as specified in parts 5300.0160 and 5300.0170. A licensed associate marriage and family therapist must observe ~~the same~~ all laws and rules that govern the practice of licensed marriage and family therapists. The licensed associate marriage and family therapist status shall be granted for one year upon completion of the board's application form and payment of the required fee. Licensed associate marriage and family therapist status may be renewed on a yearly basis for up to ~~four~~ six additional years. An applicant must apply for and be issued a licensed associate marriage and family therapist license by the board upon receiving notice of passage of the national examination specified in part 5300.0240.

5300.0180 LICENSURE PROCESS FOR LICENSED MARRIAGE AND FAMILY THERAPISTS.

The process of licensure by the board as a licensed marriage and family therapist ~~is divided into~~ consists of two separate parts: admission to written examination and admission to licensure:

A. successful completion of the national examination following completion of all educational requirements; and

B. successful completion of the state examination, following completion of all specified experience requirements.

5300.0190 PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.

Subpart 1. **Information required.** To be admitted to written the national examination, an applicant must submit to the board the information in items A to D.

A. The applicant must submit a completed, notarized application for admission to written the national examination on a form provided by the board. The application must include:

(1) a photograph of the applicant; and

(2) an affirmation by the applicant that the statements made in the application are true and correct to the best knowledge of the applicant.

B. The applicant must submit the required, nonrefundable fee for application for admission to written the national examination specified in ~~part 5300.0360, item A~~ Minnesota Statutes, section 148B.17, subdivision 2, made payable to the Board of Marriage and Family Therapy.

C. The applicant must submit official transcripts of all ~~graduate postbaccalaureate~~ graduate postbaccalaureate education of the applicant, including verification of the ~~degree degrees and certificates~~ degrees and certificates granted. The transcripts must be sent directly to the board from the institution granting the ~~degree degrees and certificates.~~

(1) The applicant must demonstrate ~~to the board, by a preponderance of the evidence,~~ that the ~~degreed program degree or certificate programs~~ documented by the applicant's official transcripts submitted meets the requirements of part 5300.0130, subpart 1, item A.

(2) The institution granting the degree or postdegree certificate must be regionally accredited at the time the degree is granted or postdegree work is completed.

D. An applicant for licensure must inform the board within 30 days of any changes in name, ~~residential public mailing address, or business and residential telephone numbers~~ address, or other contact information provided.

Subp. 2. **Verification of information; board's powers.** The board has authority to ~~investigate or contact persons to~~ verify the authenticity of the information in the application for admission to written the national examination and to require the applicant to provide verification.

Subp. 3. **Time requirements.** An applicant's file shall be closed if the applicant fails to complete the application for admission to written the national examination and provide all information required within six months from the date the board receives the application or requests information from the applicant.

Subp. 4. **Admission to written the national examination.** Upon the board's approval of an application to take the national examination, an applicant shall be admitted to the first regularly scheduled written, objective part of the examination that occurs 60 days or more after the applicant has met the requirements of subpart 1, unless admission is denied under subpart 5. Admission to the examination shall be complete only after receipt by the board from the applicant of the examination fee specified in part 5300.0360, item B; is authorized to register for the national examination. An applicant may register for the national examination only after the board notifies

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the examination administration that the application has been approved by the board.

Subp. 5. **Denial of admission to written examination.** The board shall deny an applicant admission to ~~written the national~~ examination if for any reason the applicant has not met the ~~education~~ requirements of part 5300.0130, subpart 1, item A. The board shall notify the applicant of the denial in writing and state the reasons for the denial. ~~Any subsequent~~ application for admission to ~~written the national~~ examination submitted after denial is deemed a new application for admission to ~~written the national~~ examination which must be accompanied by the fee for application for admission to ~~written the national~~ examination specified in ~~part 5300.0360, item A~~ Minnesota Statutes, section 148.17, subdivision 2.

5300.0200 PROCEDURES FOR ~~ADMISSION TO~~ APPLICATION FOR STATE LICENSURE.

Subpart 1. **Information required.** To be eligible for ~~admission to~~ licensure, an applicant must submit to the board the information in items A to E.

A. The applicant must submit evidence of having passed ~~the written part of the~~ national examination in part 5300.0240, subpart 3.
[For text of item B, see M.R.]

C. The applicant must submit the required, nonrefundable application for licensure fee specified in ~~part 5300.0360, item C~~ Minnesota Statutes, section 148B.17, subdivision 2, made payable to the Minnesota Board of Marriage and Family Therapy.

D. The applicant must submit a completed ~~notarized form~~ forms provided by the board, verifying the applicant's postgraduate, supervised experience, conforming to the requirements of part 5300.0150, subpart 6.

E. The applicant must submit two endorsements attesting to the applicant's ~~good moral~~ professional and ethical character. The endorsements must be completed and signed by individuals who meet the requirements for ~~endorsers~~ endorser under part 5300.0230, subparts 1 and 2. The endorsements must be ~~notarized~~ on forms provided by the board.

Subp. 2. **Verification of information; board's powers.** The board has authority ~~to investigate or contact persons~~ to verify the authenticity of the information in the application for licensure and to require the applicant to provide verification.

Subp. 2a. **Time requirements.** An applicant's file shall be closed if the applicant fails to complete the application for licensure and provide all information required within six months from the date the board receives the application or requests additional information from the applicant. An application for licensure submitted following closure of a prior file is considered a new application for licensure and must be accompanied by the fee for application for licensure as specified in Minnesota Statutes, section 148B.17, subdivision 2.

Subp. 3. **Denial of admission to application for licensure.** An applicant who fails to meet all the requirements in subpart 1 shall be denied licensure. An applicant who is denied licensure shall be informed in writing of the denial and the reasons for it. An application for licensure submitted following denial is considered a new application for licensure ~~which and~~ must be accompanied by the fee for application for licensure specified in ~~part 5300.0360, item C~~ in Minnesota Statutes, section 148B.17, subdivision 2.

5300.0230 REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130, subpart 1, item D, and 5300.0200, subpart 1, item E, the endorser must:

A. be licensed by the board as a LMFT; or

B. be licensed to practice marriage and family therapy ~~by in~~ another state or country jurisdiction whose licensure standards are ~~at least~~ equivalent to or exceed the requirements for licensure in Minnesota.

Subp. 2. **Limitations.** An endorser must not be an employee, ~~independent contractor, patient, or former patient~~ client, former client, or be related in any way to the applicant.

5300.0240 EXAMINATION METHODS; SUBJECTS AND PROCEDURES.

Subpart 1. **National ~~written and state~~ examination required.** Examination of an applicant for a license as a marriage and family therapist ~~shall be composed~~ consists of:

A. a ~~written, objective part~~ national examination designed and scored by a professional examination service approved by the Association of Marriage and Family Therapy Regulatory Boards; and

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B. a state ~~part-conducted~~ licensure examination provided by members of the board.

Subp. 2. **Examination fee.** An applicant who is admitted to ~~written the national~~ examination under part 5300.0190 must pay ~~the written an~~ examination fee in part 5300.0360, item B, directly to the test administrator before taking the examination.

Subp. 3. **National ~~written part of~~ examination.** The ~~written national~~ examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards. The ~~written national~~ examination shall be offered on dates established by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **State part of examination.** The state examination of an applicant for licensure shall be held conducted according to ~~those~~ methods determined by the board ~~to be the most practical and expeditious in testing the applicant's qualifications for licensure.~~ The state examination of an applicant shall take place after the applicant's application for licensure has been ~~accepted approved~~ by the board ~~and before the applicant is approved for licensure.~~ The state examination of an applicant shall cover:

- A. the applicant's knowledge of the ~~laws statutes and rules~~ governing marriage and family therapists;
- B. the applicant's knowledge of the code of ethics;
- C. the applicant's awareness of the responsibilities to the board and to the public; and
- D. other practice-related areas.

Subp. 5. [See repealer.]

Subp. 6. **Passing score required on examination.** The passing score of ~~the written part of the national~~ examination is ~~the passing score~~ determined by the Association of Marriage and Family Therapy Regulatory Boards. The passing score for the state examination shall be determined by the board. An applicant must pass both parts of the examination to qualify for licensure as a marriage and family therapist.

Subp. 7. **Reexamination permitted.** An applicant who has failed ~~a part of the national or state~~ examination may be reexamined ~~on the part the applicant failed,~~ but not more than five times without a variance. Each time an applicant who is reexamined on the written part of the national examination, the applicant must pay the written an examination fee in part 5300.0360, item B to the test administrator.

5300.0250 RECIPROCITY.

Subpart 1. **Other states or countries recognized.** The board shall issue a marriage and family therapist license to an individual who holds a current license as a marriage and family therapist from another ~~state or country~~ jurisdiction if the board determines that the standards for licensure in effect when the individual was licensed in the other ~~state or country~~ jurisdiction are at least equivalent to or exceed the current requirements for licensure in Minnesota.

If an applicant for licensure by reciprocity has been licensed continuously as a marriage and family therapist in a United States jurisdiction for the five years preceding the application, the educational requirements for licensure are considered satisfied. If licensed for any period less than five years, the board will determine whether educational requirements are satisfied.

If an applicant for licensure by reciprocity has been licensed continuously as a marriage and family therapist in a United States jurisdiction for the five years preceding the application, and the jurisdiction has taken no adverse action against that license, the postgraduate, supervised clinical experience requirements are considered satisfied. If licensed for any period less than five years, or if adverse action against the license has been taken, the board shall determine whether the experience requirements for licensure are satisfied.

If an applicant for licensure by reciprocity was licensed in another ~~state or country~~ jurisdiction without passing the ~~written national~~ examination specified in part 5300.0240, subpart 3, but meets all other Minnesota requirements, the applicant may submit an application for licensure by reciprocity ~~after passing the, and must also pass the national~~ examination according to part 5300.0240, subpart 6, before the reciprocity application may be approved. All applicants for licensure by reciprocity must pass the state examination specified in part 5300.0240, subpart 4.

Subp. 2. **Application required.** An individual who holds a current license as a marriage and family therapist from another ~~state or~~

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~~country jurisdiction~~ must file a completed application for licensure by reciprocity and must pay the fee for application for licensure by reciprocity specified in ~~part 5300.0360, item E~~ *Minnesota Statutes*, section 148B.17, subdivision 2. The application must be on a form provided by the board. The application must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant and an agreement by the applicant that the applicant will conduct all professional activities according to the code of ethics in part 5300.0350.

Subp. 3. **Verification from other ~~state or~~ country jurisdiction required.** The applicant must direct the ~~board of examiners of the state or country~~ licensing entity in the jurisdiction in which the license is held to send to the board directly a statement that the license is in effect and in good standing on a form provided by the board, and a copy of the state's current licensing law and rules.

Subp. 4. **Discipline in another jurisdiction; effect on licensing.** The board may refuse to grant a license or may impose disciplinary action as described in *Minnesota Statutes*, section 148B.37, subdivision 1, for:

A. revocation, suspension, restriction, limitation, or other disciplinary action against the applicant's license in another ~~state or~~ jurisdiction;

B. failure to report to the board that charges regarding the applicant's license have been brought in another ~~state or~~ jurisdiction; or

C. having been refused a license by another ~~state or~~ jurisdiction.

Subp. 5. **Proof of equivalency.** The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in effect when the individual was licensed in the other ~~state or~~ jurisdiction are at least equivalent to or exceed the current licensing requirements in Minnesota.

5300.0260 TERM OF LICENSE.

Subpart 1. **Effective date.** An initial license is effective after:

A. the board notifies the applicant in writing that the applicant has been approved for licensure;

B. the applicant has paid the initial license fee in part 5300.0360, item D; and

C. the board assigns a license number to the applicant.

A license is valid for the period beginning with the date on which the license is originally granted and effective immediately upon the board's issuance of the initial license and payment of the initial license fee.

Subp. 2. **Initial licensure period; term of license.**

A. An initial license of marriage and family therapy granted by the board is valid for a period beginning with the effective date in subpart 1 and ending on December 31 of the year in which the license was initially granted. For example, an initial license granted on May 6, 1989, is valid from May 6, 1989, to December 31, 1989. A subsequent the date indicated on the license card issued by the board. Thereafter, the license is valid-renewable for a one-year period ending on December 31. The license must be renewed according to the procedures in part 5300.0280.

B. An initial license of associate marriage and family therapy granted by the board is valid for a period beginning with the effective date in subpart 1 and ending on the date indicated on the license card issued by the board. Thereafter, the license is renewable for a one-year period and may be renewed for up to six additional years.

5300.0270 DISPLAY OF LICENSE.

A licensed marriage and family therapist or licensed associate marriage and family therapist must display ~~the therapist's license and~~ evidence of current ~~renewal~~ license status in a conspicuous place in the therapist's office, or place of business or employment. This requirement may be satisfied by display of the initial licensure certificate issued by the board or the annual licensure card issued by the board. Evidence of current renewal will be provided by the board upon renewal of the license. A duplicate license shall be issued to a licensee after the licensee requests a duplicate license from the board and pays the duplicate license fee in ~~part 5300.0360, item K~~ *Minnesota Statutes*, section 148B.17, subdivision 2.

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5300.0280 RENEWAL OF LICENSE.

Subpart 1. **Renewal every year.** Licenses ~~A license~~ issued by the board must be renewed every year upon the payment of the required renewal fee ~~required in part 5300.0360, item F,~~ completion of a notarized renewal application, and ~~the fulfillment and notarized reporting of attestation to completion of the~~ continuing education requirements in part 5300.0320.

Subp. 2. **Notice of renewal.** The board shall send the licensee a ~~written~~ renewal notice identifying the amount of the renewal fee. The notice shall be sent to the licensee's last known address on record with the board. The notice may be sent electronically.

~~A licensee must notify the board in writing of any change of name, address, or residential or business telephone numbers within 30 days after any change.~~

Failure to receive the renewal notice does not relieve the licensee of the obligation to renew the license.

Subp. 3. **Renewal application required.** The licensee must ~~submit to the board a completed~~ complete the renewal application ~~on a form provided~~ required by the board. The licensee must ~~submit~~ complete the renewal application so that the application is postmarked or electronic renewal is completed on or before ~~December 31~~ the expiration date of the current license.

~~If the postmark is illegible, the renewal application is timely if received in the board office by mail on the first work day after December 31.~~

Subp. 4. **Fee.** The renewal fee ~~required in part 5300.0360, item F;~~ must accompany the renewal application for the renewal application to be complete.

Subp. 5. **Affirmation.** The renewal application must include a notarized statement by the licensee that the information in the application is true and correct to the best knowledge and belief of the licensee.

Subp. 6. **Late fee.** A licensee must pay a late renewal fee and the renewal fee specified ~~in part 5300.0360, items F and G, by the board~~ if the licensee's application for renewal is postmarked after ~~December 31~~ the expiration date of the license, or ~~delivered to~~ received by the board ~~office~~ by nonpostal means after ~~December 31~~ the expiration of the license.

5300.0290 FAILURE TO RENEW.

Subpart 1. **Procedures.** The following procedure applies if a licensee fails to submit the renewal application according to part 5300.0280, subparts 3, 4, 5, and 6, or fails to fulfill or report continuing education requirements in part 5300.0320.

Subp. 2. **Expiration of license.** If the licensee fails to submit to the board the required renewal application, ~~information about required~~ continuing education ~~requirements information, and or~~ the renewal and late renewal fees specified ~~in part 5300.0360, items F and G, on or before December 31~~ by the board within 30 days after the license expiration date, the license expires and the licensee's right to practice terminates ~~on December 31~~.

A. The board shall mail to the former licensee a written notice that the ~~licensee's~~ license has expired and the licensee's right to practice has terminated. The board shall send the notice to the licensee's last known address on record with the board. ~~The board shall instruct the former licensee to promptly return the licensee's board issued license certificate, written in calligraphy, to the board office.~~

B. A license that expired under this part may be reinstated under part 5300.0300.

5300.0300 REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements for reinstatement.** A license former licensee seeking reinstatement of a license that has expired under part 5300.0290 may be reinstated if:

A. no fact, circumstance, or condition exists which, if the license were reinstated, would justify its revocation or suspension;

B. the former licensee verifies that the former licensee has not engaged in the practice of marriage and family therapy in ~~this state or any other state~~ any jurisdiction, or used a title denoting marriage and family therapist since expiration of the license unless ~~also licensed by another state in another jurisdiction~~ also licensed by another state in another jurisdiction. The verification must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the former licensee;

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- C. the former licensee submits to the board a completed application for reinstatement on a form provided by the board;
- D. the former licensee pays the reinstatement fee and required renewal fees specified in part 5300.0360, item H by the board;
- E. the former licensee includes with the application for reinstatement a letter stating the reasons for applying for reinstatement; and
- F. the former licensee complies with the applicable provisions of subparts 2 and 3.

Subp. 2. **Expiration of less than five years.** A former licensee whose license expired under part 5300.0290 less than five years previous to the application for reinstatement must:

A. submit evidence of meeting the continuing education requirements that would have applied to the former licensee if the license had not expired; and

B. pay the renewal fee specified ~~in part 5300.0360, item F, and late renewal fees specified in part 5300.0360, item G by the board,~~ for each of the years between the date the license annual license term the license was expired and the date the former licensee submits a reinstatement application.

Subp. 3. **Expiration of five years or more.** A former licensee whose license expired under part 5300.0290 five years or more before the application for reinstatement must:

A. meet the current education and experience requirements for licensure;

~~A B.~~ retake and pass the written national examination and state examination required for licensure of marriage and family therapists ~~given by the board~~ according to part 5300.0240, subpart 3;

~~B C.~~ submit evidence of meeting a minimum of five years of the continuing education requirements that would have applied to the former licensee if the license had not expired; and

~~C D.~~ pay the renewal fee specified ~~in part 5300.0360, item F, and late renewal fees specified in part 5300.0360, item G, by the board~~ for each of the five years immediately preceding application for reinstatement.

[For text of subps 4 and 5, see M.R.]

5300.0310 VOLUNTARY TERMINATION OF LICENSE.

A license may be voluntarily terminated at any time upon written request by the licensee to the board, unless a complaint is pending against the licensee. If a complaint is pending against a licensee, a license may not be voluntarily terminated until any indicated action relative to the complaint is concluded. The board must receive the request to terminate before expiration of the license for failure to renew under part 5300.0290. The board retains jurisdiction over a former licensee for complaints received after termination regarding conduct that occurred while licensed. A licensee who has voluntarily terminated the license may be relicensed by complying with the requirements for reinstatement of an expired license in part 5300.0300, except that payment of the late renewal fees shall not be required.

5300.0315 EMERITUS LICENSE STATUS.

Subpart 1. **Emeritus status; requirements.** A marriage and family therapist duly licensed to practice marriage and family therapy in the state under *Minnesota Statutes*, chapter 148B, who has reached the age of 62 and is retired from the active practice of marriage and family therapy, may apply to the board for emeritus status:

A. by indicating on the licensee's renewal form or by petitioning the board in writing;

B. by indicating the licensee ~~has is~~ has is not ~~been~~ the subject of current disciplinary action resulting in the suspension, revocation, qualification, condition, or restriction to practice marriage and family therapy; and

C. by paying the ~~annual~~ onetime emeritus fee.

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

Subp. 4. **Reactivating license.** In the exceptional case that a marriage and family therapist ~~issued~~ granted an emeritus license should wish to resume practice, the board shall reactivate the license according to the procedure in part 5300.0300 except that the only fee required shall be the reinstatement fee specified ~~in part 5300.0360, item H by the board,~~ and the current annual renewal fee ~~specified in part~~

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5300.0360, item F.

If a licensee ~~has had an~~ was granted emeritus license status more than five years ago, the license may be reactivated only as specified in part 5300.0300, subpart 3.

5300.0320 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Purpose of continuing education required.** A licensee must regularly engage in continuing education related to the practice of marriage and family therapy as defined in this part. The purpose of mandatory continuing education is to:

A. promote the health and safety of the residents of Minnesota who receive services from licensees; and

B. promote the continuing professional competence of providers of these services.

The continued development and maintenance of competence are ongoing activities and the ethical responsibility of each licensee.

Subp. 2. **Number of hours required Continuing education requirements.** Licensees must complete a minimum of ~~30~~ 40 hours of board-approved continuing education every two years. Three hours in ethical and professional studies education covering professional ethics, family law, professional socialization, professional organizations, legal issues, or interprofessional cooperation must be included in the required 40 hours. Board-approved supervisors must meet the continuing education requirements specified in part 5300.0170, item D. The required number of hours shall be prorated for persons who are initially licensed during a given reporting period. Proof of Licensed marriage and family therapists must attest to the board as to completion of the required hours must be submitted to the board by December 31 of upon renewal of the license in each odd-numbered year. The initial two-year period begins on January 1 of each even-numbered year.

Subp. 3. **Documentation of courses Attestation of continuing education completion.** When the licensee applies for renewal of the license, the licensee must submit documentation of the licensee's completion of the required hours of continuing education on an appropriate form furnished by the board. A receipt for payment of the fees for the course is not sufficient evidence of completion of the required hours of continuing education. Licensees shall keep attendance certificates for at least five years as the board may conduct random audits to verify compliance with subpart 2. At time of license renewal in each odd-numbered year or at the time of application for reinstatement of a license, a licensed marriage and family therapist must attest to completion of a minimum of 40 approved continuing education hours since last renewal or the minimum number required for reinstatement. Failure to complete the attestation required will result in nonrenewal of licensure.

Subp. 4. **Courses; board approval required Documentation.** A course must be approved by the board according to the procedures in this subpart and subparts 5 to 11. Courses may be approved for all attendees when submitted by the sponsor as prescribed in subpart 6 or a licensee may request individual approval as prescribed in subpart 7. All licensees shall retain original documentation of completion of continuing education hours for a period of five years. The information must include:

The board shall consider the following factors in determining whether a course should be approved:

A. The course's relevance to the therapeutic practices of marriage and family therapy.

B. Whether the course is structured on sound educational principles and fits into one of the following categories:

(1) structured educational programs with an instructor as a part of conventions, workshops, seminars, lectures, interactive media, and graduate and postgraduate courses from regionally accredited institutions. All course work must include the areas described in item D, subitems (1) to (6); and

(2) home study courses related to marriage and family therapy as described in item D. Programs must have an independently graded test component. No more than one-fourth of the required 30 continuing education hours may be earned by this method.

C. Whether the course is at least one hour in length. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format. Time for home study courses shall be based on developer's research on average time to complete.

D. Whether the subject of the course is related to marriage and family therapy with an emphasis upon systemic approaches or the theory, research, or practice of psychotherapeutic work with couples or families. Continuing education for marriage and family therapy generally evolves from the following areas:

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(1) historical, theoretical foundations, and contemporary conceptual directions of the field of marriage and family therapy;

(2) assessment, diagnosis, and treatment in marriage and family therapy including both dysfunctional relationship patterns and nervous and mental disorders, whether cognitive, affective, or behavioral;

(3) family studies including the life cycle of the family, the process and modification of family structures over time, and issues related to ethnicity, race, socioeconomic status, culture, gender, and sexuality;

(4) human development including human behavior, personality theory, sexuality, psychopathology, behavior pathology, and physical and mental impairments and disabilities that affect normal development;

(5) ethics and professional studies covering legal responsibilities and liabilities of licensure, clinical practice, research, family law, and confidentiality issues; and

(6) supervision in marriage and family therapy including theories and practices.

E. Whether the course's instructors or developers are qualified by practical or academic experience to teach, lecture, make presentations, or develop courses:

A. course or activity title;

B. name of sponsor of the course or activity;

C. continuing education approval number assigned by the board;

D. date the licensee attended or completed the program or activity;

E. number of continuing education hours for the program or activity; and

F. signed certificate of attendance.

For purposes of this subpart, a receipt for payment of the fee for the program or activity is not sufficient evidence of completion of the required hours of continuing education.

A copy of a transcript demonstrating successful completion can be used to document academic coursework. Individual activities may be documented with a copy of the program where the licensee is a presenter, a notice of publication of written material, or other material requested by the board.

In the case of independent study, a summary of the topic, a comprehensive list of resources used to study the topic, the hours (including dates) spent in independent study, and the applicability of the study to the licensee's work must be included.

Subp. 5. **Committee evaluation Audit of continuing education.** The board shall use a committee, which may include nonboard members, to evaluate applications for course approval. The board may conduct random audits for the purpose of verifying continuing education each reporting year. A licensee who is being audited must provide verification of the required number of continuing education hours by submitting documentation described in subpart 4. Failure to submit required documentation shall result in license renewal being considered void and constitute grounds for nonrenewal and disciplinary action.

Subp. 6. **Sponsor's application for course approval Courses; board approval required.** Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in items A to D to receive and maintain course approval. Continuing education activities must be approved by the board. Activities may be approved for all attendees when submitted by the sponsor as prescribed in subpart 7 or a licensee may request individual approval as prescribed in subpart 8.

The board shall consider the following factors in determining whether an activity should be approved:

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A. The application for course approval must be submitted at least 60 days before the course is scheduled to begin and must include the sponsor's application for approval of a continuing education course fee specified in part 5300.0360, item I.

B. The application for course approval must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subpart 4:

(1) a statement of the objectives of the course and the knowledge the participants will have gained upon completion of the course;

(2) a description of the content and methodology of the course which will allow the participants to meet the objectives;

(3) a description of the method to be used by the participants to evaluate the course;

(4) a listing of the qualifications of each instructor or developer which shows the instructor's or developer's current knowledge and skill in the course's subject; and

(5) a description of the certificate or other form of verification of attendance distributed to each participant upon successful completion of the course.

C. If the board approves a course, it shall assign a number to the course. The approval remains in effect for one year from the date of initial approval. The board shall compile a list of approved courses at least once per calendar year. To retain course approval, a course sponsor must submit to the board a new application for course approval required in items A and B and the application fee for approval of a continuing education course required in part 5300.0360, item I, before the expiration of the one-year period.

(1) Each sponsor of an approved course may announce, as to a course that has been approved by the board, that: "This course has been approved by the Minnesota Board of Marriage and Family Therapy for ... hours of credit."

(2) The course sponsor must submit proposed changes in an approved course to the board for its approval.

D. The board shall approve or disapprove a sponsor's application for course approval.

E. The board shall deny approval of a course if it does not meet the standards in subpart 4. The board shall notify the course sponsor in writing of its reasons for denying approval of a course.

F. The board shall revoke its approval of a course if a course sponsor fails to comply with item C and subpart 4, or if a course sponsor falsifies information requested by the board in the application for approval of a course.

A. the activity's relevance to the therapeutic practices of marriage and family therapy;

B. the activity's relevance to the development and maintenance of professional skills or marriage and family therapists;

C. whether the activity is structured on sound educational principles and fits into one of the following categories:

(1) structured educational programs with an instructor as a part of conventions, workshops, seminars, lectures, interactive media, and graduate and postgraduate courses from regionally accredited institutions. All course work must include the areas described in item D; and

(2) home study courses related to marriage and family therapy as described in item D. Programs must have an independently graded test component;

D. relation of the activity's proposed topics to the body of marriage and family therapy knowledge, emphasizing systemic approaches or theory, research, or practice of psychotherapeutic work with couples or families;

E. continuing education for marriage and family therapy that includes the following areas:

(1) historical and theoretical foundations and contemporary conceptual directions of the field of marriage and family therapy;

(2) assessment, diagnosis, and treatment in marriage and family therapy including both dysfunctional relationship patterns and

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cognitive, affective, behavioral, or nervous disorders;

(3) family studies including the life cycle of the family, the process and modification of family structures over time, and issues related to ethnicity, race, socioeconomic status, culture, gender, and sexuality;

(4) human development including human behavior, personality theory, sexuality, psychopathology, behavior pathology, and physical and mental impairments and disabilities that affect normal development;

(5) ethics and professional studies covering legal responsibilities and liabilities of licensure, responsible business practices, clinical practice, research, family law, and confidentiality issues; and

(6) supervision in marriage and family therapy including theories and practices;

F. whether the instructors or developers of the activity are qualified by practical or academic experience to teach, lecture, make presentations, or develop courses; and

G. whether the activity is at least one hour in length. Time for home study activities is based on developer's research on average time required for completion.

Subp. 7. **A licensee's Sponsor's application for course approval.** Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer a continuing education activity must submit to the board a completed application on a form provided by the board accompanied by the appropriate nonrefundable fee. The sponsor must comply with items A to D to receive activity approval.

A: A licensee must apply individually for approval of continuing education courses that have not been approved by the board in subpart 6. The licensee must submit information required in item B, as well as other information the board reasonably requires to evaluate the course for approval.

B: The following information must be submitted to the board, in addition to the form required in subpart 3, by the licensee:

(1) the name and address of the organization sponsoring the course;

(2) a detailed description of the course content;

(3) the name of each instructor or presenter and the instructor's or presenter's credentials; and

(4) the location, including the name and address of the facility, at which the course will be conducted.

C: Licensees seeking approval for a course not previously approved by the board are strongly encouraged to seek board approval before attending the course.

D: The board shall deny approval for a course if it does not meet the standards in subpart 4. The board shall notify the applicant in writing of its reasons for denying approval of a course under this subpart.

A. The application for approval must be submitted at least 60 days before the activity is scheduled to begin.

B. The application must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subpart 6:

(1) a statement of the objectives of the activity and the knowledge the participants will have gained upon completion of the activity;

(2) a description of the content and methodology of the activity which will allow the participants to meet the objectives;

(3) a description of the method to be used by the participants to evaluate the activity;

(4) a list of the qualifications of each instructor or developer that shows current knowledge and skill in the activity's subject;

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(5) a description of the certificate or other form of verification of attendance distributed to each participant upon successful completion of the activity;

(6) a statement that the sponsor agrees to retain attendance lists for a period of five years from the date the activity occurs; and

(7) a copy of any proposed advertisement or other promotional literature for the activity.

C. If the board approves an activity, the sponsor shall receive a board approval number. The approval remains in effect for one year from the date of initial approval. Upon expiration, a sponsor must submit to the board a new application for activity approval as required by subpart 1.

D. Materials advertising approved activities may include a statement that the program has been approved by the Minnesota Board of Marriage and Family Therapy for a certain number of continuing education hours.

E. The sponsor must submit proposed changes in an approved activity to the board for its approval.

F. The board shall deny approval of an activity if it does not meet the criteria in subpart 6. The board shall notify the sponsor in writing of its reasons for denying approval of an activity.

G. The board shall revoke approval of an activity if a sponsor fails to comply with this subpart, or if a sponsor falsifies information requested by the board in the application for approval of an activity.

Subp. 8. ~~Sources of credit~~ **A licensee's application for course approval.** Continuing education credit may not be applied for marketing the business aspects of one's practice, time management, supervisory sessions, staff orientation, agency activities that address procedural issues, personal therapy, or other methods not structured on sound education principles or contrary to the code of ethics. Continuing education credit may be applied for the following programs that comply with the requirements of subpart 4:

A: programs specifically listed in subpart 4, item B, subitems (1) and (2);

B: teaching a marriage and family course in an institution accredited by a regional accrediting association. Continuing education hours may be earned only for the first time the licensee teaches the course. The course must be related to marriage and family therapy as described in subpart 4, item D, subitems (1) to (6). Ten continuing education hours may be earned for each semester credit hour taught;

C: research of an original nature directly related to marriage and family therapy as described in subpart 4, item D, subitems (1) to (6). This activity must be preapproved by the board. Hours of credit for this activity shall be negotiated based on the nature of the project. Contact the board office for appropriate preapproval forms;

D: authoring, editing, or reviewing in an area of marriage and family therapy as described in subpart 4, item D, subitems (1) to (6). Continuing education hours may be earned only in the year of publication. The maximum hours earned are as follows:

(1) author of a professional book, 30 hours;

(2) author of a professional book chapter or journal article, 15 hours;

(3) editor of a professional book or journal, 25 hours; and

(4) journal article review, one hour per manuscript;

E: presentations at workshops, seminars, symposia, meetings of professional organizations, or postgraduate institutes. The presentation must be related to marriage and family therapy as described in subpart 4, item D, subitems (1) to (6). One hour of development time equals one continuing education hour and up to three hours of development time may be claimed for each hour of presentation. Continuing education hours may be earned only for the licensee's first presentation on the subject developed; and

F: individually designed continuing education activity. Licensees may submit proposals for continuing education activities which do not meet other guidelines established within this part. The proposal request must include the following:

(1) the rationale for pursuing an individually designed activity;

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(2) ~~specific goals and objectives, and an explanation of how the goals and objectives are related to the enhancement of the licensee's professional skills;~~

(3) ~~an outline of the topics to be covered;~~

(4) ~~a description of related resources and activities;~~

(5) ~~the proposed documentation of completion of activity; and~~

(6) ~~the estimate of time to be expended on the activity and the number of continuing education hours requested. The board shall have final say in the number of hours credited for completion of such activity.~~

~~Items D to F require preapproval. The applicant must obtain preapproval forms from the board.~~

A. A licensee must apply individually for approval of continuing education activities that have not been approved by the board. The licensee must submit information required in item B, as well as other information the board deems necessary to evaluate the course for approval.

B. A licensee shall complete and submit to the board, on a form provided by the board, the following information:

(1) the name and address of the organization sponsoring the activity;

(2) a detailed description of the content of the activity;

(3) the name and credentials of each instructor or presenter; and

(4) the location, including the name and address of the facility, at which the activity will be conducted.

C. Licensees seeking approval for an activity not previously approved by the board are encouraged to seek board approval before attending the activity.

D. If the activity does not meet the standards in subpart 6, the board shall deny approval. The board shall notify the licensee in writing of its reasons for denying approval of an activity under this subpart.

Subp. 9. **Hours Sources of credit.** Continuing education shall be credited on an hour-for-hour basis except as noted in subpart 8. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format. Continuing education credit may be applied for the following programs that comply with the requirements of subpart 6:

A. programs specifically listed in subpart 6, item C;

B. teaching a marriage and family course in an institution accredited by a regional accrediting association. Continuing education hours may be earned only for a single time the licensee teaches the course. The course must be related to marriage and family therapy as described in subpart 6, item D. Ten continuing education hours may be earned for each semester credit hour taught. Documentation of this activity will consist of verification by the institution's department that the licensee taught the course for an assigned number of credits or hours;

C. development and conducting of original research directly related to marriage and family therapy as described in subpart 6, item D. This activity must be preapproved by the board. Hours of credit for this activity shall be determined by the board based on the nature of the project;

D. authoring, editing, or reviewing in an area of marriage and family therapy as described in subpart 6, item D. Continuing education hours may be earned only in the year of publication. The maximum hours earned are as follows:

(1) author of a professional book, 40 hours;

(2) author of a professional book chapter or journal article, 20 hours;

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(3) editor of a professional book or journal, 40 hours; and

(4) journal article review, three hours per manuscript;

E. developing and delivering presentations at workshops, seminars, symposia, meetings of professional organizations, or post-graduate institutes. The presentation must be related to marriage and family therapy as described in subpart 6, item D. One hour of development time equals one continuing education hour and up to three hours of development time may be claimed for each hour of presentation. Continuing education hours may be earned only for a single presentation by the licensee on the subject developed; and

F. individually designed continuing education activity. Licensees may submit proposals for continuing education activities that do not meet the guidelines in this part. The proposal request must include the following:

(1) the rationale for pursuing an individually designed activity;

(2) specific goals and objectives, and an explanation of how the goals and objectives are related to the enhancement of the licensee's professional skills;

(3) an outline of the topics addressed in the activity;

(4) a description of related resources and activities;

(5) the proposed documentation of completion of activity; and

(6) the estimate of time to be expended on the activity and the number of continuing education hours requested. The board shall determine the number of hours credited for completion of such activity.

Items D to F require preapproval. The applicant must obtain preapproval forms from the board.

Subp. 10. **Exemption from continuing education requirements Hours of credit.** A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee: Continuing education shall be credited on an hour-for-hour basis except as noted in subpart 9.

A. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis;

B. is permanently disabled and unable to practice marriage and family therapy, accompanied by a notarized statement from the licensee's physician; or

C. has been granted emeritus status as specified in part 5300.0315.

Subp. 11. **~~Discontinuance of exemption from continuing education requirements~~ Exemption from continuing education requirements.** A licensee claiming exemption under subpart 10 who later decides to resume practice must submit to the board, before resuming practice, a written notice that the licensee intends to resume practice. The licensee must also submit evidence that the licensee has completed continuing education requirements that are equivalent to what the requirements would have been without the exemption for the five years or any portion of the five years immediately preceding the date of the notice of intent to resume practice. A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee:

A. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis;

B. is permanently disabled and unable to practice marriage and family therapy, accompanied by a notarized statement from the licensee's physician; or

C. has been granted emeritus status as specified in part 5300.0315.

Subp. 12. **Discontinuance of exemption from continuing education requirements.** A licensee claiming exemption under subpart 11 who later decides to resume practice must submit to the board, before resuming practice, a written notice that the licensee intends to resume practice. The licensee must also submit evidence that the licensee has completed continuing education requirements that are

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equivalent to what the requirements would have been without the exemption for the five years or any portion of the five years immediately preceding the date of the notice of intent to resume practice.

5300.0330 REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION OF LICENSE.

[For text of subs 1 to 4, see M.R.]

Subp. 5. **Restoring a license.** The board shall restore a license according to *Minnesota Statutes*, section 148B.37, subdivision 2. A licensee whose license has been revoked or suspended and subsequently restored by the board must comply with the requirements for reinstatement in part 5300.0300 and must pay the penalty fee in ~~part 5300.0360, item J~~ *Minnesota Statutes*, section 148B.17, subdivision 2.

5300.0340 VARIANCE.

Subpart 1. **Variance; when allowed.** A licensee or applicant may petition the board in writing for a variance from ~~rules in parts 5300.0100 to 5300.0360 this chapter,~~ except for a ~~if the rule~~ which incorporates a statutory requirement. A variance shall be granted if the board determines that the licensee or applicant has specified alternative practices or measures equivalent to or superior to the rule in question and if the licensee or applicant provides evidence that:

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

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

Subp. 3. **Alternatives must be followed.** ~~Any~~ A licensee or applicant who is granted a variance must comply with the alternative practices or measures specified in the petition for the variance.

Subp. 4. **Renewal; Notice of change; revocation.** ~~If required by the board, a variance shall be renewed upon petition for a renewal of the variance at the time specified by the board when granting the variance if the circumstances justifying the variance continue to exist, their existence is not due to failure to comply with the correction of these conditions, and if all of the requirements of subparts 1, 2, and 3 are met.~~ A licensee or applicant who has been granted a variance must immediately notify the board of any material change in the circumstances that justified the variance. A variance shall be revoked if there is a material change in the circumstances ~~which that~~ justified the granting of the variance.

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

Subp. 6. **Notice of variance; denial; revocation.** The board shall notify the licensee or applicant in writing when the board grants, denies, ~~renews,~~ or revokes a variance. The notice must specify the reasons for the action. If a variance is granted, the notification must state the period of time for which the variance is effective, if required, and must state alternative practices or measures the licensee or applicant must meet.

5300.0350 CODE OF ETHICS.

Subpart 1. **Scope.** The code of ethics applies to all ~~licensees and applicants~~ providers who practice marriage and family therapy and applies to their conduct during the period of education ~~and~~ training, and employment required for licensure.

Subp. 2. **Purpose.** The code of ethics constitutes the standards ~~against~~ by which the professional conduct of a provider of marriage and family therapist therapy is measured.

Subp. 3. **Violations.** A violation of the code of ethics is ~~unprofessional or unethical conduct and~~ is a sufficient reason for disciplinary action, corrective action, or denial of licensure.

Subp. 3a. **Conflicts.** If the provider's work setting requirements conflict with the marriage and family therapy code of ethics, the provider shall clarify the nature of the conflict, make known the requirement to comply with the marriage and family therapy code of ethics, and seek to resolve the conflict in a manner that results in compliance with the marriage and family therapy code of ethics.

Subp. 4. **Integrity.** A provider of marriage and family therapist therapy must act in accordance with the highest standards of professional integrity and competence. A ~~marriage and family~~ therapist must be honest in dealing with clients, students, trainees, colleagues, and the public.

A. A therapist must ~~not perform, nor pretend to be able to perform, limit practice to the professional services beyond the therapist's field or fields of~~ for which they have competence or for which they are developing competence. When the therapist is developing a

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competence in a service, the therapist shall obtain professional education, training, continuing education, consultation, supervision, experience, or a combination thereof necessary to demonstrate competence. If a complaint is submitted alleging a violation of this subpart, the therapist must demonstrate that the elements of competence have reasonably been met.

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

C. A therapist must recognize the potentially influential position the therapist may have with respect to students, interns, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid ~~that~~ multiple relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Sexual contact between the therapist and students, employees, ~~independent contractors, colleagues, interns~~ or supervisees is prohibited for two years after the date that the relationship is terminated, whether or not the party is informed that the relationship is terminated. Sexual contact after two years with a former student, intern, employee, or supervisee is prohibited:

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

D. A therapist must not engage in sexual contact or other harassment, therapeutic deception, or exploitation of students, trainees, interns, employees, ~~independent contractors, colleagues,~~ research subjects, or actual or potential witnesses or complainants in ethical proceedings.

E. A therapist must not use or exploit the professional relationship with a student, trainee, intern, employee, ~~independent contractor, colleague,~~ research subject, or actual or potential witness or complainant in ethical proceedings in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit.

F. A therapist must recognize the limitations to the scope of practice of marriage and family therapy. When the needs of a client appear to be outside this scope, a therapist must inform the client that there are other professional, technical, community, and administrative resources available to ~~clients~~ the client. The therapist must make referrals to those resources when it is in the best interest of ~~clients~~ the client to be provided with alternative or complementary services. The therapist must make a reasonably prompt referral when requested to do so by the client, without consideration of limitation of third-party payors.

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

J. A therapist must seek appropriate professional assistance for the therapist's own personal problems or conflicts that are likely to impair the therapist's work performance and clinical judgment. During any period where the therapist is unable to practice with reasonable skill and safety, the therapist shall either promptly terminate the professional relationship with all clients or shall make arrangements for other health providers to provide services that are needed by a client during the period of impairment.

[For text of items K to Q, see M.R.]

R. A therapist must make certain that the qualifications of a person in a therapist's employ, or under the therapist's supervision, is a student, ~~independent contractor, or an intern~~ represented in a manner that is not false, misleading, or deceptive.

S. A therapist must pursue knowledge of new developments and maintain competence in marriage and family therapy through education, training, or supervised experience.

T. A therapist shall maintain current knowledge on the use and impacts of technology in providing, documenting, training, and supervising marriage and family therapy, in order to safeguard the welfare of clients, trainees, interns, and supervisees.

S.U. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or ~~violating those standards of professional behavior~~ any conduct that fails to conform to minimum standards of acceptable and prevailing practice that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest.

Subp. 5. **Relations to clients.** A ~~marriage and family~~ therapist's primary professional responsibility is to the client. A ~~marriage and family~~ therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A ~~marriage and family~~ therapist must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately. A ~~marriage~~ therapist is bound by these ethics primarily. ~~These ethics supersede any policies of an employer or contractor that may be contrary to the ethics in this part.~~

A. Once a client has been accepted into therapy, a therapist must not discriminate on the basis of ~~age, sex, race, national origin,~~

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religion, physical disability, political affiliation, or social or economic status. In addition, a therapist must not discriminate on the basis of affectional preference, or choice of lifestyle race, age, ethnicity, socioeconomic status, disability, gender, health status, religion, national origin, sexual orientation, gender identity, or relationship status. A therapist or client may terminate professional services unless prohibited by law or court order. When unable to offer services for any reason, a therapist shall make an appropriate referral.

B. A therapist must recognize the potentially influential position the therapist may have with respect to clients, and must avoid exploiting the trust and dependency of clients. A therapist must make every effort to avoid ~~that~~ multiple relationships with clients that could impair the therapist's professional judgment or increase the risk of exploitation.

C. A therapist must ~~be careful to~~ truthfully represent to clients facts regarding services rendered.

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

E. A therapist must not engage in any sexual contact or other physical intimacies behavior with a client. Sexual ~~contact behavior~~ with a former client is prohibited for two years after termination of services whether informed or not that the relationship is terminated. Sexual ~~contact behavior~~ after two years with a former client is prohibited:

(1) if the former client was emotionally dependent upon the therapist; or

(2) if the sexual ~~contact behavior~~ occurred by means of therapeutic deception.

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

M. In the course of professional practice, a therapist must ~~not violate any law comply with all laws~~ concerning the reporting of abuse of children under Minnesota Statutes, section 626.556 and or neglect of minors or vulnerable adults under Minnesota Statutes, section 626.557.

N. A therapist must display prominently on the premises of the ~~therapist's~~ professional practice or make available as a handout the bill of rights of clients, including a statement that consumers of marriage and family therapy services offered by marriage and family therapists licensed by the state of Minnesota have the right:

(1) to expect that a therapist has met the minimal qualifications of education, training, and experience required by state law;

(2) to examine public records maintained by the Board of Marriage and Family Therapy ~~which that~~ contain the credentials of a therapist;

(3) ~~to obtain a copy of the code of ethics from the State Register and Public Documents Division, Department of Administration, 117 University Avenue, Saint Paul, MN 55155;~~

(4) ~~(3) to report complaints to the Board of Marriage and Family Therapy, University Park Plaza Building, 2829 University Avenue SE, Suite 330, Minneapolis, MN 55414-3222;~~

(5) ~~(4)~~ to be informed of the cost of professional services before receiving the services;

(6) ~~(5)~~ to privacy as defined and limited by rule and law;

(7) ~~(6)~~ to be free from being the object of unlawful discrimination ~~on the basis of race, religion, gender, or other unlawful category~~ while receiving services;

(8) ~~(7)~~ to have access to their records as provided in Minnesota Statutes, section 144.292 ~~sections 144.291 to 144.298, except as otherwise provided by law or prior written agreement;~~ and

(9) ~~(8)~~ to be free from exploitation for the benefit or advantage of a therapist.

O. A therapist must, upon request from the client, provide information regarding the procedure for filing a complaint with the board.

P. Prior to commencing therapy through electronic means (e.g., telephone or electronic methodologies), a therapist must:

(1) determine that electronic therapy is appropriate for the client, taking into account the client's physical, emotional, and

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intellectual needs;

(2) inform clients of the potential risks and benefits associated with electronic therapy, including but not limited to, issues of confidentiality, clinical limitations, transmission difficulties, and ability to respond to emergencies; and

(3) ensure the security of the communication medium, and ensure such practice complies with all legal requirements.

Subp. 6. **Confidentiality and keeping of records.** A marriage and family therapist must ~~hold in confidence~~ safeguard all private information obtained in the course of professional services. A marriage and family therapist ~~must safeguard client confidences~~ may disclose client information only as permitted by law and rule.

A. A therapist, ~~and employees and professional associates of the therapist,~~ must not disclose any private information ~~that the therapist, employee, or associate may have acquired~~ in rendering professional services except as provided ~~in by Minnesota Statutes, sections 148B.11, subdivision 3, and 148B.39~~ law and rule. All other private information ~~must~~ may be disclosed only with the informed consent of the client, ~~except disclosure of private information may occur without the consent of the client when disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on the client or another individual, including the therapist, or as otherwise provided by law, rule, or court order. In such case, the private information is to be disclosed only to law enforcement agencies, the potential victim, the family of the client, or appropriate third parties in a position to prevent or avert the harm.~~

B. A therapist must be responsible for informing clients of the limits of confidentiality.

C. For purposes of safeguarding confidentiality, when seeing a couple or a family, a therapist must define who the “client” is as soon as it is possible to determine the client. For example, the therapist must define whether the couple or family, as a unit, is the client or whether the individuals who make up the couple or family are the clients. The therapist must disclose the limitations, if any, to each client’s right to privacy.

D. When seeing a couple or a family, a therapist must inform the client, at the beginning of the relationship, what the therapist’s procedures are for handling confidences from individual members of the family and for protecting individuals’ privacy while safeguarding the integrity of the therapy process.

E. A therapist shall inform a minor client, to the extent that the client can understand, that the law imposes limitations on the right of privacy of the minor with respect to the minor’s communications with the therapist.

E.F. Whenever marriage and family therapy services are requested or paid for by one client for another, the therapist must inform both clients of the therapist’s responsibility to treat any information gained in the course of rendering the services as private information.

F.G. A therapist must limit access to client records and must inform every individual associated with the agency or facility of the therapist, such as a staff member, student, or volunteer, that access to client records must be limited to only the therapist with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the informed written consent of the client.

G.H. A therapist must continue to maintain as private information the records of a client after the professional relationship between the therapist and the client has ceased. The therapist must store and dispose of records in ways that maintain confidentiality.

H.I. A therapist must disclose to the board and its agents client records ~~that the board and its agents consider to be germane to a disciplinary proceeding as required by Minnesota Statutes, sections 148B.11 and 148B.39.~~

I.J. A therapist must obtain written, informed consent from each client before electronically recording sessions with that client or before permitting third-party ~~supervisory~~ observation of their sessions. The consent form should specify the purpose and proposed audience for the recording.

J.K. A therapist must disguise adequately the identity of a client when using material derived from a counseling relationship for purposes of supervision, training, research, professional meetings, or publications, unless the therapist has obtained a signed release of information.

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~~K.L.~~ A client who is the recipient of marriage and family therapy services has the right to access ~~the records related to the service and release private information~~ maintained by the licensee ~~on that therapist, including client records~~, as provided in *Minnesota Statutes*, section ~~144.292~~ sections 144.291 to 144.298, provided the records are not classified as confidential under *Minnesota Statutes*, section 13.84, ~~or except as otherwise provided by law or court order~~. A marriage and family therapist must maintain an accurate record for each client. Each record must minimally contain:

- (1) a client personal data record which shall include the presenting problem;
- (2) a treatment plan with a diagnosis ~~and justification for it~~ and treatment goals ~~and any subsequent revision~~;

[For text of subitems (3) to (5), see M.R.]

- (6) copies of all client ~~authorization~~ authorizations for release of information and any other legal forms pertaining to the client including documentation of informed consent; and

[For text of subitem (7), see M.R.]

Subp. 7. **Research.** A marriage and family therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare according to the requirements of the “Ethical Principles of Psychologists, General Principle 9: Research with Human Participants,” American Psychological Association, as amended June 2, 1989. These requirements are incorporated by reference and are not subject to frequent change. The requirements were published in “*American Psychologist*” March 1990, Volume 45, Number 3, pages 390-395. They are available through the Minitex interlibrary loan system. Participation in research is voluntary. A therapist must inform participants of the aspects of the research that might reasonably be expected to influence willingness to participate. A therapist must inform a research participant of the ability to decline participation in or to withdraw from a research study at any time.

5300.0355 ASSESSMENTS, TESTS, REPORTS.

Subpart 1. **Basis for assessments.** When a therapist conducts assessments within the scope of the therapist’s training and experience, the therapist must meet the requirements in items A to C.

A. The therapist shall base an assessment on records, information, observations, and techniques sufficient to substantiate clinical findings.

B. Except as permitted in item C, the therapist shall render opinions regarding individuals only after the therapist has conducted an examination of the individual that is adequate to support the therapist’s statements or conclusions, unless an examination is not practical despite reasonable efforts.

C. The therapist may limit assessments to reviewing records or providing testing services when an individual examination is not warranted or necessary for the opinion requested.

Subp. 2. **Administration and interpretation of tests.** Therapists shall use tests as described in items A to E.

A. Standardized tests are preferred over nonstandardized tests.

B. All tests must be administered and responses must be recorded, scored, and interpreted based on practice or scientific foundations.

C. If a test is used in a nonstandard manner, the limitations of the test and the reasons for its nonstandard use must be clearly stated in the report.

D. A test’s reliability, validity, and normative data must be taken into account in its selection, use, and interpretation.

E. The reliability and validity of test statements and interpretations in reports are the responsibility of the therapist, including when automated testing services are used.

Subp. 3. **Reports.** The provision of a written or oral report, including testimony of a therapist as an expert witness and letters to third parties concerning the mental, behavioral, or emotional health or state of a client, must be based on information and techniques sufficient to substantiate the therapist’s findings. The therapist shall be fair and accurate and shall guard against making unsubstantiated statements or providing unsubstantiated opinions, interpretations, or recommendations in a report. The report must include:

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A. a description of all assessments, evaluations, or other procedures, including materials reviewed, upon which the therapist's conclusions are based;

B. any reservations or qualifications concerning the validity or reliability of the opinions and conclusions formulated and recommendations made, taking into account the conditions under which the procedures were carried out, including any nonstandard use of a test, the limitations of scientific procedures and descriptions, base rate and baseline considerations, and the impossibility of absolute predictions;

C. a statement concerning any discrepancy, disagreement, or inconsistent or conflicting information regarding the circumstances of the case that may have a bearing on the therapist's conclusions;

D. a statement of the nature of and reasons for any use of a test that differs from the purposes, populations, or referral questions for which it has been designed or validated, or that is administered, recorded, scored, or interpreted in other than a standard and objective manner; and

E. a statement indicating whenever any test interpretation or report conclusion is not based on direct contact between the therapist and the client.

Subp. 4. **Private information.** A test result or interpretation regarding an individual is private information.

REPEALER. Minnesota Rules, parts 5300.0210; and 5300.0240, subpart 5, are repealed.

Minnesota Pollution Control Agency (MPCA) Environmental Analysis and Outcomes Division Proposed Permanent Rules Relating to Air Quality

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments to Rules Governing Air Quality, *Minnesota Rules*, Chapter 7002 Emission Permit Fees, Chapter 7005 Definitions and Abbreviations, Chapter 7007 Air Emissions Permits, Chapter 7008 Exempt Air Emissions, Chapter 7009 Ambient Air Quality Standards, Chapter 7011 Standards for Stationary Sources, Chapter 7017 Monitoring and Testing Requirements, Chapter 7019 Emission Inventory Requirements, and Chapter 7030 Noise Pollution Control, and Repeal of *Minnesota Rules*, parts 7007.0325; 7009.0070; 7011.0725; 7011.1280, subpart 8; 7011.1400, subpart 12; 7011.1415; 7017.1080, subpart 3; 7017.1120, subpart 2; 7017.1170, subparts 1, 4, and 5; 7017.1210; 7017.2001, subpart 2; and 7017.2018; Revisor's ID Number RD4097

Plain English Summary. This Notice is the Minnesota Pollution Control Agency's (MPCA) legal notice of its intent to adopt amended air quality rules. The proposed rule amendments, known as the omnibus air rules, are part of an ongoing effort to update and improve the MPCA's existing air quality rules. The rule amendments are also a means of incorporating by reference new federal rules to ensure consistency with applicable federal and state rules.

This notice provides an opportunity for public comment and input on the proposed rule amendments. Anyone who would like to comment on the proposed rule language must submit written comment or a written request for a hearing on the proposed rules by the deadline identified below. Further description of these rules is provided in the Subject of Rules section. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

Introduction. The MPCA intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings (OAH), *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until 4:30 p.m. on Monday, April 4, 2016.

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MPCA Contact Person. Submit any written comments or questions on the rules or written requests for a public hearing to the MPCA contact person. The MPCA contact person is: Mary H. Lynn at the MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155, telephone 651-757-2439, and mary.lynn@state.mn.us. You may also call the MPCA at 651-296-6300 or 800-657-3864 or use your preferred relay service info.pca@state.mn.us.

Availability of Rules. A copy of the proposed rules is published in the *State Register* after this notice, or they can be viewed on the MPCA public notice webpage at <https://www.pca.state.mn.us/public-notice>, and on the omnibus air rule webpage at <https://www.pca.state.mn.us/air/minnesota-omnibus-air-rule-amendments>. A free copy of the proposed rules is also available upon request by contacting Janice Lehner-Reil at 651-757-2091. One copy will be sent per request.

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

Subject of Rules. The MPCA proposes to amend several chapters of Minnesota's air quality rules with the overall purpose of keeping the rules current, removing redundant language and clarifying ambiguous rule language, and correcting gaps or errors identified while administering the existing rules. The proposed amendments are also to ensure consistency with applicable state and federal regulations and to make changes required by the U.S. Environmental Protection Agency. In general, these are updates to air program definitions and ambient air quality standards, changes to permitting and performance testing rules, and incorporation by reference of new federal performance and emission standards. The proposed rules affect air emission facilities with individual air emissions permits (federal Part 70 or State), and registration permit holders.

Described below are the main parts of the proposed rule amendments. For more information about the proposed amendments, please refer to the statement of need and reasonableness (SONAR) which is available as stated below.

- **Chapter 7002.** Changes clarify that additional points are applied for permit application review related to federal rules for interstate transport of pollutants under the Clean Air Act.
- **Chapter 7005.** Changes add definitions for various types of particulate matter (PM) used for stationary source standards and clarify several existing definitions.
- **Chapter 7007.** Changes clarify and update rules related to permit application content, administrative amendment application and review, and submittal format to assist the MPCA in meeting the permit issuance goals established by the Permitting Efficiency Law of 2011 and Laws of Minnesota 2012. Changes also align the permit review process with federal Part 70 rules; clarify and update rules related to electronic submittals to accommodate technology; and fill gaps in capped and general permit rules, notification procedures, and insignificant activities rules.
- **Chapter 7008.** Changes to the conditionally insignificant activities requirements include the change to use the more inclusive "conditionally insignificant material usage," and clarify limits, monitoring and record keeping for volatile organic compounds, hazardous air pollutants, particulate matter, PM-10, and PM-2.5 emissions.
- **Chapter 7009.** Changes update state ambient air quality standards to align with current federal standards and include changes to standards for Ozone, Carbon Monoxide, Sulfur Dioxide (SO₂), Nitrogen Dioxide (NO₂), Lead, PM-10, and PM-2.5. The National Ambient Air Quality Standards are incorporated by reference to distinguish between federal and state standards.
- **Chapter 7011.** Changes relate to performance standards and performance testing, control equipment identification, and incorporate by reference new National Emission Standards for Hazardous Air Pollutants.
- **Chapters 7011 and 7017.** Changes relate to monitoring and performance testing and clarify how the technical standards of performance for stationary sources of emissions are to be applied and the performance test procedures to be used for determining particulate matter emissions. Consistency was applied throughout these chapters when referring to particulate matter. The emissions limits for several pollutants from waste combustor units are revised to reflect changes to the federal standards. The MPCA proposes to lower the SO₂ emissions limit *only* for stationary internal combustion engines. No additional changes to SO₂ or NO₂ emission limits are proposed for change within the performance standards.
- **Chapter 7019.** Changes specify air emission inventory requirements for Registration Option A permits which are not included in the existing rules.
- **Chapter 7030.** Delete duplicative and contradictory noise area classifications.

Statutory Authority. The statutory authority to adopt these proposed rule amendments is in *Minnesota Statutes*, section 116.07, subdivision 5, and *Minnesota Statutes*, section 115.03, subdivision 5. The MPCA is also directed to address negative impacts on air and water quality, as described in *Minnesota Statutes*, sections 116D.01 and 116D.02.

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Comments. You have until 4:30 p.m. on Monday, April 4, 2016, 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 submitted in writing and received by the MPCA contact person by the due date. The MPCA encourages comment. 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 have about 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 the MPCA hold a public hearing on the rules. You must make your request for a hearing in writing, and the MPCA contact person must receive it by 4:30 p.m. on Monday, April 4, 2016. Your written request for a hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the MPCA cannot count it when determining whether it must hold a public hearing. 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 MPCA will hold a public hearing 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 effect 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. The MPCA reserves the option to remove a section of the rule that may be controversial and to proceed without a hearing on the noncontroversial parts of the proposed rules.

Modifications. The MPCA may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the MPCA, and the adopted rules may not be substantially different than these proposed rules, unless the MPCA follows the procedure under *Minnesota Rules*, part 1400.2110.

Statement of Need and Reasonableness. The SONAR summarizes 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 print copy is available for the cost of reproduction by contacting the MPCA contact person listed above. The MPCA posted the SONAR on the omnibus air rule webpage at <https://www.pca.state.mn.us/air/minnesota-omnibus-air-rule-amendments>.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Minnesota Campaign Finance and Public Disclosure Board. You should direct questions about this requirement to the Campaign Finance and Public Disclosure Board located at 190 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.

Adoption and Review of Rules. If no hearing is required, the MPCA may adopt the rules after the end of the comment period. The MPCA will then submit the rules and supporting documents to the OAH for a legal review. You may ask to be notified of the date the MPCA submits the rules to the OAH. If you want to be so notified, or 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.

Dated: 8 February 2016

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

7002.0019 AIR 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 value as determined in part 7002.0018 to calculate the additional fee.

	Activity	Points
A.	Modeling review	15
	The points for modeling review shall not be assessed for screening modeling or CAPS modeling.	
B.	Best available control technology (BACT) review	15
	BACT points shall be applied for each prevention of significant deterioration (PSD) pollutant analyzed.	
C.	Lowest achievable emission rate (LAER) review	15
	LAER points shall be applied for each nonattainment new source review (NSR) pollutant analyzed.	

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D.	Clean Air Interstate Rule (CAIR)/Part 75 continuous emission monitoring analysis Act, section 110(a)(2)(D)(i)(I) review Points shall be applied for a review of any standard or other requirement related to interstate transport of pollutants established under section 110(a)(2)(D)(i)(I).	10
E.	Part 75 continuous emission monitoring analysis	10
E-F.	New source performance standard (NSPS) review Points shall be applied for each applicable standard but do not apply to registration, capped, or general permit applications.	10
F-G.	National emission standards for hazardous air pollutants (NESHAP) review Points shall be applied for each applicable standard but do not apply to registration, capped, or general permit applications.	10
G-H.	Case-by-case maximum achievable control technology (MACT) review Points shall be applied for each applicable source category reviewed.	20
H-I.	Netting Points shall be applied for each prevention of significant deterioration (PSD) pollutant for which a netting analysis is performed.	10
F-J.	Limit to remain below programmatic regulatory threshold Points shall be applied, if applicable, to each of the following regulatory programs: Part 70, NESHAP, EAW, AERA, NSPS, PSD, and nonattainment NSR.	10
F-K.	Plantwide applicability limit (PAL) Points shall be applied for each prevention of significant deterioration (PSD) pollutant for which a plantwide applicability limit is established.	20
K-L.	Air emission risk analysis (AERA) review	15
L-M.	Variance request under part 7000.7000	35
M-N.	Confidentiality request under part 7000.1300	2
N-O.	Environmental assessment worksheet (EAW) review Points shall be assigned as follows:	
	Part 4410.4300, subparts 18, item A; and 29	15
	Part 4410.4300, subparts 8, items A and B; 10, items A to C; 16, items A and D; 17, items A to C and E to G; and 18, items B and C	35
	Part 4410.4300, subparts 4; 5, items A and B; 13; 15; 16, items B and C; and 17, item D	70

A fee for EAW review shall be charged only if the project falls into a mandatory category specified in part 4410.4300, the agency is the designated responsible governmental unit (RGU), and an air or water permit is required for the project. If a facility requires both an air and water permit, the points for an EAW review shall be charged only once and multiplied by the lower of the dollar per point value for an air or water permit.

7005.0100 DEFINITIONS.

[For text of subps 1 to 4e, see M.R.]

Subp. 4f. **Condensable particulate matter.** “Condensable particulate matter” means material that is in vapor phase at stack conditions and upon discharge immediately condenses in the ambient air to form solid or liquid particulate.

Subp. 4g. **Conditionally exempt stationary source.** “Conditionally exempt stationary source” means a stationary source listed in parts 7008.2100 to 7008.2250 that complies with chapter 7008 and all applicable requirements as defined in part 7007.0100, subpart 7.6b, and is not part of another stationary source.

Subp. 4g. **Conditionally insignificant activity.** “Conditionally insignificant activity” means any emissions unit, emissions units, or activity listed in part 7008.4100 that complies with chapter 7008 and all applicable requirements as defined in part 7007.0100, subpart 7.6b.

[For text of subps 5 to 11d, see M.R.]

Subp. 11e. **Filterable particulate matter.** “Filterable particulate matter” means material collected up to and on the filter media of the sample train during a performance test for particulate matter.

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Subp. 12. [Repealed by amendment, 8 SR 2275]

Subp. 12a. **Inorganic condensable.** “Inorganic condensable” means inorganic material collected and measured by the sample train during a performance test for particulate matter.

[For text of subps 13 to 29, see M.R.]

Subp. 29a. **Organic condensable.** “Organic condensable” means organic material collected and measured by the sample train during a performance test for particulate matter.

Subp. 30. **Owner or operator.** “Owner” or “operator” means a person who owns, leases, operates, controls, or supervises, to any degree, an emissions unit, emission facility, or stationary source.

[For text of subps 30a to 44, see M.R.]

Subp. 45. **Volatile organic compound (VOC) or VOC.** “Volatile organic compound (VOC)” or “VOC” means any organic compound which participates in atmospheric photochemical reactions. This includes any organic compound other than the following compounds:

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

HH. 1,1,1,3,4-pentafluoropentane 1,1,1,2,3-pentafluoropropane (HFC-245eb);

II. 1,1,1,3,3-pentafluoropentane 1,1,1,3,3-pentafluoropropane (HFC-245fa);

[For text of items JJ to NN, see M.R.]

OO. 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃ or HFE-7100);

PP. 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₂)₂CF₂OC₂H₅);

QQ. 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅ or HFE-7200);

RR. 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₂)₂CF₂OC₂H₅);

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

TT. 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, HFE-7000);

UU. 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);

VV. 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);

WW. methyl formate (HCOOCH₃);

XX. 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);

YY. propylene carbonate;

ZZ. dimethyl carbonate;

AAA. trans-1,3,3,3-tetrafluoropropene;

BBB. HCF₂OCF₂H (HFE-134);

CCC. HCF₂OCF₂OCF₂H (HFE-236cal2);

DDD. HCF₂OCF₂CF₂OCF₂H (HFE-338pcc13);

EEE. HCF₂OCF₂OCF₂CF₂OCF₂H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));

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~~FFF.~~ trans 1-chloro-3,3,3-trifluoroprop-1-ene;

~~GGG.~~ 2,3,3,3-tetrafluoropropene;

~~HHH.~~ 2-amino-2-methyl-1-propanol;

~~FF.~~ III. any other compound listed in table 1, as amended, of the United States Environmental Protection Agency's Recommended Policy on Control of Volatile Organic Compounds, Federal Register, volume 42, page 35314, July 8, 1977; or

~~UU.~~ JJJ. any other compound determined by the United States Environmental Protection Agency to be negligibly photochemically reactive, upon publication of the determination in the Federal Register.

7007.0100 DEFINITIONS.

[For text of subs 1 to 6, see M.R.]

Subp. 6a. **Alternative operating scenario.** "Alternative operating scenario" means a scenario authorized in a part 70 permit that involves a change at the part 70 source for a particular emissions unit and that either results in the unit being subject to one or more applicable requirements that differ from those applicable to the emissions unit prior to implementation of the change or renders inapplicable one or more requirements previously applicable to the emissions unit prior to implementation of the change.

Subp. 6b. **Approved replicable methodology.** "Approved replicable methodology" means part 70 permit terms that:

A. specify a protocol that is consistent with and implements an applicable requirement, or requirement of this chapter, such that the protocol is based on sound scientific or mathematical principles and provides reproducible results using the same inputs; and

B. require the results of the protocol to be recorded and used for assuring compliance with the applicable requirement, any other applicable requirement implicated by implementation of the approved replicable methodology, or requirement of this chapter, including when an approved replicable methodology is used for determining applicability of a specific requirement to a particular change.

Subp. 7. **Applicable requirement.** "Applicable requirement" means all the following as they apply to emissions units in a stationary source (including requirements that have been promulgated or approved by the EPA or the commissioner through rulemaking at the time of issuance but have future effective compliance dates):

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

W. any standard or other requirement of the federal Clean Air Interstate Rule or a regulation adopted under it established under section 110(a)(2)(D)(i)(I) of the Clean Air Act that regulates interstate transport of pollutants.

[For text of subs 7a to 28, see M.R.]

7007.0250 SOURCES REQUIRED TO OBTAIN A STATE PERMIT.

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

Subp. 4. **PTE threshold required state permit.** Owners and operators of a stationary source must obtain a permit under this part if the source has the potential to emit any pollutant listed below at a rate equal to or greater than the following amounts, in tons per year:

Pollutant	Threshold
Lead	0.5 tons per year
SO_2	50.0 tons per year
PM-10	25.0 tons per year
VOCs	100.0 tons per year

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

7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.

Subpart 1. **No permit required.** The owners and operators of the following stationary sources are not required to obtain a permit under parts 7007.0100 to 7007.1850:

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

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D. any stationary source with only emissions units listed as insignificant activities in part 7007.1300, subparts 2 and 3, ~~and conditionally insignificant activities.~~ The owner or operator must maintain records that demonstrate that a permit is not required. These records shall contain a list of all emissions units and the Minnesota Rules citation that defines those emissions units as an insignificant activity ~~or conditionally insignificant activity.~~ The records shall be permanently kept at the stationary source or a central office and be readily available for examination and copying by the commissioner or a representative of the commissioner;

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

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

7007.0350 EXISTING SOURCE APPLICATION DEADLINES AND SOURCE OPERATION DURING TRANSITION.

Subpart 1. **Transition applications under this part; deadline based on SIC code.** Initial permit applications under parts 7007.0100 to 7007.1850 for an emission unit, emission facility, or stationary source in operation on October 18, 1993, shall be considered timely if they meet the requirements of this part.

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

~~C. If a single owner or operator is responsible for filing applications for three or more stationary sources under this subpart, the owner or operator may request the agency to allow it to submit one or more of its applications according to a subsequent deadline of this subpart. Such a request shall be made by the owner or operator in writing no later than 60 days before the application deadline which the applicant is seeking to postpone. The agency shall approve in writing such requests if they more evenly distribute the owner's or operator's stationary sources among the application deadlines in item A.~~

~~D. An application date for a stationary source or group of stationary sources may be deferred by the commissioner under the following circumstances: a source or sources will soon be subject to a new federal requirement that will affect the source's application or the commissioner finds that it will reduce the agency's administrative burden by deferring the application deadline for sources required to obtain a state permit. The application dates for sources required to submit a part 70 permit application shall be deferred to a date no later than one year after the administrator grants part 70 program approval to Minnesota, and the application dates for sources required to submit a state permit application may not be deferred more than two years after EPA program approval. The source or sources are required to submit the permit application by the new date specified by the commissioner under this item.~~

~~E. C.~~ The owners and operators of a stationary source must comply with the applicable deadline in this part, even though the stationary source may be operating under a permit issued by the agency under parts 7001.1200 to 7001.1220 (the permit rules in effect before October 18, 1993), and the permit is not due to expire until after the applicable deadline in this part. If a stationary source is operating under a permit issued by the agency under parts 7001.1200 to 7001.1220, and the permit expires after October 18, 1993, but before the applicable deadline, the owners and operators need not reapply before expiration of the permit, but shall comply with the applicable deadline in this part.

~~F. Except as provided in subitems (1) and (2), the agency waives its authority to take enforcement action against the owner or operator of a stationary source for failure to obtain a permit authorizing operation under parts 7001.1200 to 7001.1220, if the owners and operators file a timely and complete permit application under this part. This waiver does not apply to:~~

~~(1) an owner's or operator's failure to obtain a permit required under the federal preconstruction review programs of part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan Requirements for Nonattainment Areas) of the act, or regulations promulgated under them; or~~

~~(2) an owner's or operator's failure to obtain an amendment under parts 7001.1200 to 7001.1220 for modifications to a stationary source for which a permit had been obtained under those parts.~~

[For text of subps 2 to 5, see M.R.]

7007.0500 CONTENT OF PERMIT APPLICATION.

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

Subp. 2. **Information included.** Applicants shall submit the following information as required by the standard application form:

A. Information identifying the stationary source and its owners and operators, ~~including company:~~

(1) facility name and address;

(2) (and plant name and address if different from the company name) name, address, telephone number, and ownership interest

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of all owners of the stationary source;

(3) name, address, telephone number, and ownership interest of all owners of the real property on which the facility is located;

(4) name, address, and telephone number of all stationary source operators;

(5) owner's name and agent, and contact telephone numbers including names name and contact telephone number of plant the facility site manager or primary facility contact; and

(6) name, address, and telephone number of the person preparing the application if different from the facility site manager or primary facility contact.

B. A description of the stationary source's processes and products (by Standard Industrial Classification Code or SIC Code) including any associated with each ~~alternate~~ alternative operating scenario identified by the stationary source.

C. The following emissions-related information:

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

(2) The application need not include the information required by this part for any activity listed on the insignificant activities list in part 7007.1300 or for conditionally insignificant activities, except as provided in this subitem. The application shall include a list identifying any activity at the stationary source described in subparts 3 and 4 of the insignificant activities list and conditionally insignificant activities. If requested by the agency, the permittee shall provide a calculation of emissions from any activity described in subparts 2, 3, and 4 of the insignificant activities list and conditionally insignificant activities. The agency shall request such a calculation if it finds that the emissions from those activities, in addition to other emissions from the stationary source, could make the stationary source subject to different applicable requirements under parts 7007.0100 to 7007.1850.

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

(4) The permit application shall specify the potential emissions, as defined in part 7005.0100, subpart 35a, in tons per year from the stationary source as a whole. These potential emissions shall be specified for each regulated air pollutant and each hazardous air pollutant that is not yet a regulated air pollutant, as defined in part 7007.0100, subparts 12a and 19, except that pollutants which are regulated solely under section 112(r) of the act need not be included and pollutants regulated solely under section 602 of the act need not be included. ~~Pollutants in part 7007.0325 are excluded until they must be included under federal law.~~ In addition, for each emissions unit subject to an applicable requirement, the permit application shall specify, in tons per year, the potential emissions of the same pollutants referenced in the previous sentence. If the applicable requirement contains a standard reference test method which is to be used to establish compliance, the permit application shall specify the potential emissions in the same units as are used in the test method.

[For text of subitems (5) to (10), see M.R.]

(11) A permit application for an amendment must include all calculations of emissions changes required under part 7007.1200.

~~(H) (12)~~ (12) A permit application must explain the means by which the emissions information in subitems (1) to ~~(10)~~ (11) is gathered, and provide the calculations on which they are based.

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

K. For part 70 permit applications only, a compliance plan that contains the following:

[For text of subitems (1) to (3), see M.R.]

(4) For applicable requirements associated with a proposed alternative operating scenario, a statement that the source will meet the requirements upon implementation of the alternative operating scenario. If a proposed alternative operating scenario would implicate an applicable requirement that will become effective during the permit term, a statement that the source will meet the requirement on a timely basis.

~~(4) (5)~~ (5) For applicable requirements for which the stationary source is not in compliance at the time of application submittal, including applicable requirements associated with a proposed alternative operating scenario, a proposed schedule of compliance. ~~Such a~~ The schedule shall must include a date specific schedule of remedial measures, including an enforceable sequence of actions with mile-

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stones, leading to compliance in the shortest reasonable period of time. The proposed schedule of compliance ~~shall~~ must begin at the time of permit application, but the applicant may project its compliance status at the time the permit is expected to be issued. This compliance schedule ~~shall~~ must resemble and be at least as stringent as that contained in any judicial consent decree, stipulation agreement, or administrative order to which the stationary source is subject. The compliance schedule ~~shall~~ must be supplemental to, and ~~shall~~ must not sanction noncompliance with, the applicable requirements on which it is based.

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

Subp. 3. **Application certification.** A responsible official, as defined in part 7007.0100, subpart 21, shall sign and certify any application, notice, report, or compliance certification submitted pursuant to parts 7007.0100 to 7007.1850 with regard to truth, accuracy, and completeness. This certification and any other certification required by parts 7007.0100 to 7007.1850 shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. This subpart shall be complied with by both the owner and the operator of the stationary source if they are not the same.

[For text of subps 4 and 5, see M.R.]

7007.0502 MERCURY EMISSIONS REDUCTION PLANS.

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

Subp. 2. **Applicability.** The owners or operators of an existing mercury emission source must comply with this part. For the purposes of this part, “existing mercury emission source” means that the owners or operators have been issued an air emission permit by the agency as of September 29, 2014. For initial applicability, owners or operators must calculate emissions following methods in part 7019.3030 for the calendar year ~~preceding September 29, 2014~~. If, after ~~September 29, 2014~~, the actual mercury emissions from the existing mercury emission source are below the threshold of three pounds per year or more for three consecutive years, then the stationary source is no longer considered a mercury emission source and is not subject to this part. The owner or operator must:

A. retain records of the actual mercury emissions for the qualifying three years on site for five years from the date the determination was made;

B. make the records available for inspection and submit the records, within specified timelines, upon request of the commissioner; and

C. immediately resume compliance with applicable requirements for mercury emission sources if a physical or operational change causes the stationary source to again become a mercury emission source. Owners or operators must resubmit a mercury emissions reduction plan under subpart 3 within 12 months of again becoming a mercury emission source.

[For text of subps 3 to 9, see M.R.]

7007.0600 COMPLETE APPLICATION AND SUPPLEMENTAL INFORMATION REQUIREMENTS.

Subpart 1. **Complete application.** To be deemed complete, an application must provide all information required by part 7007.0500, except that an application for a permit amendment under parts ~~7007.1400, 7007.1450, and 7007.1500~~ need supply only information ~~only if it that~~ is related to the proposed amendment. Information required under part 7007.0500 must be sufficient to evaluate the subject stationary source and its application and to determine all applicable requirements. The application shall also contain a certification from a responsible official consistent with part 7007.0500, subpart 3.

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

7007.0650 ~~WHO RECEIVES AN APPLICATION SUBMITTAL.~~

Subpart 1. ~~Applications submittal~~ **Who receives application.** Permit applicants shall submit two printed copies of the complete application and all supplemental information requested by the ~~agency commissioner to the information coordinator, Air Quality Division, Minnesota Pollution Control Agency at 520 Lafayette Road North, Saint Paul, Minnesota 55155.~~ Upon request of the ~~agency commissioner~~, the applicant shall submit additional copies of the application directly to the administrator, affected states, and other governmental entities with the legal right to review the application, or submit additional copies to the agency to be forwarded to these parties.

Subp. 2. **Computerized Electronic application submittal.** Applicants may ~~in addition~~ submit applications in ~~computer-readable an electronic~~ format specified by the ~~agency, which may be through submission of a floppy disk or through electronic data submittal commissioner.~~ If the information is submitted in ~~computer-readable an electronic~~ format;

A. ~~the agency commissioner may allow the applicant to submit fewer printed copies than required in subpart 1, however at least one copy of;~~ and

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B. the application must include the application certification required by part 7007.0500, subpart 3, either:

(1) shall always be required to be provided on paper with an original signature; or

(2) with an electronic signature if such a method of signature has been approved by the commissioner.

7007.0700 COMPLETENESS REVIEW.

A. Within one week of receipt of an application ~~other than a minor amendment application~~, the agency shall notify the applicant in writing that it has received the application.

B. Within 60 days of receipt of an application ~~other than a minor amendment application~~, the agency shall notify the applicant in writing of whether the application is complete. If the agency fails to make the completeness determination required above within the 60-day period, the application shall be deemed complete. A completeness determination under this subpart triggers timelines for permit issuance under part 7007.0750, retroactive to the date the complete application was received by the agency, but does not limit the agency's ability to request additional information.

C. If an application ~~or a written request for an administrative amendment~~ is incomplete, the agency shall identify the incomplete portions of the application ~~or request~~ and outline the actions needed to complete the application ~~or request~~.

D. If, during processing of a permit application that has been deemed complete, a minor permit amendment application, or a ~~written request for an administrative amendment application~~, the agency determines that additional information is necessary to evaluate or take final action on that application ~~or request~~, it may request such information in writing, and, after consultation with the applicant, set a deadline for a response. In the request for additional information, the agency shall briefly explain why the additional information is needed. If an applicant fails to respond to requests for additional information within the time period requested, the application ~~or request~~ shall be deemed incomplete. Applicants who have already made a change or begun actual construction of a modification at a permitted facility under part 7007.1450, shall provide the additional information within the time period specified by the agency.

E. Items A and B do not apply to ~~written requests applications~~ for minor amendments or administrative amendments.

7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.

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

Subp. 2. Application processing and issuance deadlines.

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

C. The agency shall take final action on applications for permits or permit amendments not governed by items A and B within the period specified in this item. The agency shall take final action on such an application for a permit, permit reissuance, or major permit amendment within 18 months of receiving a complete application. The agency shall take final action on such an application for a minor permit amendment within 90 days of receiving a complete application or for a moderate permit amendment within six months of receiving a complete application, but not before the end of the administrator's 45-day review period in the case of part 70 permits. The agency shall take final action on a ~~written request~~ an application for an administrative amendment within 60 days of receiving the complete ~~request application~~.

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

[For text of subps 3 to 6, see M.R.]

Subp. 7. Two-stage issuance of ~~part 70~~ permits and ~~part 70~~ permit amendments authorizing construction or modification.

A. If a ~~part 70~~ permit or ~~part 70~~ permit amendment ~~authorizing construction or modification~~:

(1) authorizes construction or modification;

(2) includes the requirements of a part 70 permit;

(3) must follow the 45-day EPA review period procedures under part 7007.0950; and

(4) includes either:

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~~(a) is subject to the requirements of a new source review program under part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan Requirements for Nonattainment Areas) of the act; or~~

~~(b) an enforceable limitation assumed to avoid being subject to a new source review program under part C or D of the act,~~

~~(2) would include an enforceable limitation assumed to avoid being subject to a new source review program under part C or D of the act; then the agency shall send the permit to the permittee after all requirements of the applicable new source review program have been satisfied or after all requirements to avoid applicability of a new source review program have been completed including any required notice and comment period. The agency shall at the same time notify the permittee in writing that those permit conditions required by the new source review program or developed to avoid applicability of a new source review program and designated as such by the agency in the permit or amendment, and only those conditions, shall be considered issued.~~

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

~~[For text of subp 8, see M.R.]~~

7007.0800 PERMIT CONTENT.

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

Subp. 2. **Emission limitations and standards.** The permit shall ~~must:~~

~~A. include emissions limitations, operational requirements, and other provisions needed to ensure compliance with all applicable requirements at the time of permit issuance. For part 70 permits, the requirements and limitations must include approved replicable methodologies identified by the source in its permit application if approved by the commissioner, provided that no approved replicable methodologies shall contravene any terms needed to comply with any applicable requirement or requirement of this part or circumvent any applicable requirement that would apply as a result of implementing the approved replicable method;~~

~~B. The permit shall also include any condition the agency commissioner determines to be necessary to protect human health and the environment;~~

~~C. The permit shall state that, where another applicable requirement of the act is more stringent than any applicable requirement of regulations promulgated under title IV of the act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the administrator; and~~

~~D. contain provisions to ensure continuous compliance with applicable emissions limitations during periods of startup and shutdown of an emissions unit, such as operating parameters or best practices to minimize emissions.~~

~~[For text of subps 3 to 10, see M.R.]~~

Subp. 11. **Alternative operating scenarios.** Terms and conditions allowing for reasonably anticipated alternative operating scenarios identified by the stationary source in its application. Such terms and conditions shall:

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

B. ensure that the operation under each such alternative operating scenario complies with all applicable requirements and the requirements of parts 7007.0100 to 7007.1850.

~~[For text of subps 12 to 16, see M.R.]~~

7007.0801 CONDITIONS FOR AIR EMISSION PERMITS FOR WASTE COMBUSTORS.

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

Subp. 2. **Mixed municipal solid waste or refuse-derived fuel waste combustors.** An air emissions permit for a waste combustor combusting mixed municipal solid waste or refuse-derived fuel shall ~~must:~~

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

G. include operating conditions that ensure that the facility will continue to emit mercury emissions less than 50 percent of the applicable standard if the waste combustor elects to conduct mercury emissions testing as allowed in part 7011.1270 and Minnesota Statutes, section 116.85. ~~If the permit must be amended in order to include these conditions, the procedures of part 7007.1400 shall be used.~~

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Subp. 3. **Waste combustors of nonmixed municipal solid waste.** An air emissions permit for a waste combustor which does not combust mixed municipal solid waste or refuse-derived fuel ~~shall~~ must:

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

F. include operating conditions that ensure that the facility will continue to emit mercury emissions less than 50 percent of the applicable standard if the waste combustor elects to conduct annual mercury emissions testing as allowed in part 7011.1270 and Minnesota Statutes, section 116.85. ~~If the permit must be amended in order to include these conditions, the procedures of part 7007.1400 shall be used.~~

7007.0950 EPA REVIEW AND OBJECTION.

Subpart 1. **Review by EPA.**

A. The ~~agency shall~~ commissioner must provide to the administrator a copy of the following documents, unless the administrator agrees to accept a summary of the documents:

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

B. In the case of a part 70 permit, ~~either: the commissioner must provide to the administrator the proposed permit or permit amendment after the draft permit or permit amendment has been subject to public comment.~~

(1) the draft permit or permit amendment must be provided to the administrator at the beginning of the public comment period, and the proposed permit or permit amendment must be provided to the administrator after the conclusion of public comment; or

(2) a permit or permit amendment that is identified as both a draft and a proposed permit or permit amendment may be provided to the administrator at the beginning of the public comment period, subject to the limitations of subpart 2. This document shall be clearly identified as a draft/proposed permit or permit amendment. The public notice for the draft/proposed permit or permit amendment shall state that the agency is seeking concurrent review of the permit or permit amendment, and that the 30-day public review period and the 45-day EPA review period will begin at the same time.

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

Subp. 2. **EPA objection.**

A. In the case of a part 70 permit, ~~and except as provided in item B,~~ the agency shall not issue a permit or permit amendment if the administrator objects to its issuance in writing within 45 days of receipt of the proposed permit or permit amendment and any necessary supporting information.

B. In the case of a part 70 permit, when the administrator is provided with a draft/proposed permit or permit amendment at the beginning of the public comment period, the agency may issue the permit 45 days after the administrator's receipt of the draft/proposed permit or permit amendment and any necessary supporting information except as provided in subitem (1), (2), or (3):

(1) If the agency makes changes to the draft/proposed permit or permit amendment other than modifications that would meet the requirements for an administrative amendment under part 7007.1400, subpart 1, the agency shall provide a revised proposed permit or permit amendment to the administrator. The agency shall not issue the permit or permit amendment if the administrator objects to its issuance in writing within 45 days of receipt of the revised proposed permit or permit amendment and any necessary supporting information:

(2) If, within 45 days of receipt of the draft/proposed permit or permit amendment the administrator notifies the agency in writing that the administrator seeks additional time for review, the agency shall not issue the permit or permit amendment if the administrator objects to its issuance in writing within 45 days of the conclusion of the public comment period.

(3) If the agency receives from the public any adverse comments on any applicable requirement of the permit during the 30-day comment period, the agency shall provide the comments to the administrator. The agency shall not issue the permit or permit amendment if the administrator objects to its issuance in writing within 45 days of receipt of the comments and, if applicable, the revised proposed permit or permit amendment and any necessary supporting information:

~~C. B.~~ In the case of a state permit, the agency shall not issue a permit, or an amendment for which EPA review is provided under subpart 1, if the administrator objects to its issuance in writing within 30 days of receipt of the draft permit or amendment and any necessary supporting information.

[For text of subps 3 and 4, see M.R.]

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7007.1000 PERMIT ISSUANCE AND DENIAL.

Subpart 1. **Preconditions for issuance.** ~~The agency shall issue a permit or permit amendment, or reissue a permit only if it determines that all of the following conditions have been met following conditions must be satisfied for the agency to issue a permit or permit amendment:~~

A. the agency has received a complete application for a permit, permit amendment, or permit reissuance, except that a complete application need not be received before issuance of a general permit under part 7007.1100, subpart 4;

B. the agency has complied with the public participation procedures for permit issuance, if required by part 7007.0850;

C. the agency has complied with the procedures for notifying and responding to affected states, if required by part 7007.0900;

D. if the administrator's review is required by part 7007.0950, the administrator has received a copy of the permit and any notices required and has not objected to issuance of the permit within the time period specified, or the administrator has objected but the objection has been resolved to the administrator's satisfaction;

E. the conditions of the permit provide for compliance with all applicable requirements and the requirements of parts 7007.0100 to 7007.1850, or include a schedule to achieve such compliance;

F. the permit does not reflect a variance from any federally enforceable applicable requirement or requirement of parts 7007.0100 to 7007.1850;

G. the agency anticipates that the applicant will, with respect to the stationary source and activity to be permitted, comply with all conditions of the permit; and

H. all applicable provisions of Minnesota Statutes, chapter 116D, and the rules adopted under Minnesota Statutes, chapter 116D, have been fulfilled.

[For text of subs 2 and 3, see M.R.]

7007.1100 GENERAL PERMITS.

Subpart 1. **Criteria.** If the agency determines that numerous similar stationary sources are subject to the same or substantially similar regulatory requirements, the agency may issue a permit required under parts 7007.0200 and 7007.0250 in the form of a general permit applying to multiple sources following the procedures in subparts 2 to 7. The agency may also issue general permits under this part which apply only to specific portions of stationary sources, including air pollution control equipment, if the specific portions are subject to the same or substantially similar regulatory requirements. The agency shall specify in the notice in subpart 2 whether the general permit applies to an entire stationary source or to specific portions of a stationary source for the purpose of determining applicability under subpart 11. The agency shall not issue general permits for affected sources under the acid rain program unless general permits are authorized by regulations promulgated under title IV of the act (Acid Deposition Control).

[For text of subs 2 to 8, see M.R.]

Subp. 9. Changes or modifications rendering stationary source ineligible for general permit. The owner and operator of a stationary source that operates under an agency-issued general permit must submit a part 70, state, capped, or registration permit application before making a change or modification that results in the stationary source no longer qualifying for the general permit under this part. The owner or operator may not begin actual construction on the modification until the required part 70, state, capped, or registration permit for the stationary source is obtained or an installation and operation permit for the modification is obtained under part 7007.0750, subpart 5.

Subp. 10. Regulatory change rendering stationary source ineligible for general permit.

A. If a stationary source covered by a general permit becomes subject to a new regulatory requirement that results in the stationary source no longer being able to qualify for or meet the requirements of the general permit, then the owners and operators must:

(1) submit written notification to the commissioner within 30 days of the effective date of a new regulation that results in the stationary source no longer being able to qualify for or meet the requirements of the general permit. The notification must include a description of the regulatory change and a statement of what type of permit application the owners and operators will submit under subitem (2); and

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(2) submit either a part 70, state, capped, or registration permit application within 180 days of the effective date of the regulatory change.

B. The owners and operators must submit the required permit application for the appropriate air emission permit within the time limits in item A. If the owners and operators fail to submit the required permit application in the time required, the owners and operators do not hold a valid permit and are in violation of part 7007.0150, subpart 1.

Subp. 11. **Parts that do not apply to certain general permits.** For general permits that cover an entire stationary source, parts 7007.1150 to 7007.1250 and 7007.1350 to 7007.1500 do not apply.

7007.1142 CAPPED PERMIT ISSUANCE AND CHANGE OF PERMIT STATUS.

Subpart 1. Capped permit issuance, denial, and revocation.

A. The following conditions must be satisfied for the commissioner ~~shall~~ to issue a capped permit to the owners and operators of a stationary source if:

(1) the owners and operators have submitted a complete application for a capped permit;

(2) the commissioner determines that the stationary source qualifies for the capped permit option under parts 7007.1140 to 7007.1148 for which the application was submitted; and

(3) the commissioner ~~anticipates~~ has reason to believe that the stationary source will comply with the capped permit.

B. The commissioner shall deny an application for a capped permit if the commissioner determines that the stationary source does not qualify for the capped permit option under parts 7007.1140 to 7007.1148 for which the application was submitted or that the stationary source will not be able to comply with the capped permit. The grounds for permit denial in parts 7007.1000, subpart 1, item H, and part 7007.1000, subpart 2, items B to G, also constitute grounds for the commissioner to deny a capped permit application.

C. The commissioner may revoke a capped permit, if the commissioner finds that any of the grounds under subpart 6 or under part 7007.1700, subpart 1, exist, by following the procedure in part 7007.1700, subpart 2.

Subp. 1a. **Changes that trigger new source performance standards.** If a change or modification made at a stationary source that is operating under a capped permit results in the stationary source being subject to a new source performance standard listed under part 7007.1140, subpart 2, item E, or if the change or modification adds an emissions unit subject to the standards listed in part 7007.0300, the owner or operator must submit to the commissioner:

A. the information required by the standard by the time specified in the standard;

B. written notice that contains a description of the change; and

C. a copy of the applicable new source performance standard part, with the applicable portions of the new source performance standard highlighted, including the applicable parts of Code of Federal Regulations, title 40, part 60, subpart A, as amended, or a new source performance standard form provided by the commissioner that identifies applicable portions of the new source performance standard.

[For text of subs 2 to 7, see M.R.]

7007.1150 WHEN A PERMIT AMENDMENT IS REQUIRED.

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

C. A written notice to the agency shall be sent by any person who, at a permitted stationary source, makes a change that: (i) does not increase emissions of any regulated air pollutant; (ii) does not constitute a title I modification; and (iii) does not constitute any other type of modification, if the change is one of the following:

(1) installing air pollution control equipment;

(2) replacing a unit identified in the permit; ~~and~~ or

(3) replacing air pollution control equipment with listed control equipment, as defined in part 7011.0060, subpart 4, ~~which that~~ meets the control equipment efficiencies for listed control equipment in part 7011.0070 and has an equivalent or better ~~removal~~ control

efficiency of regulated pollutants previously controlled with the control equipment being replaced.

The ~~written~~ notice must be received by the agency at least seven working days prior to the installation or replacement. The permittee must submit the notice in a format specified by the commissioner. The notice must include all information needed to determine the applicability of a requirement or to impose any applicable requirement. The notice must be certified by a responsible official in the manner provided in part 7007.0500, subpart 3. The permittee and the agency shall attach the notice to the stationary source's permit. If the agency finds that the installation or replacement triggers new monitoring, record keeping, or reporting requirements under applicable requirements or parts 7007.0100 to 7007.1850, the agency shall initiate an amendment under part 7007.1400 or 7007.1500 to include the new requirements. If the installation or replacement constitutes a title I modification or other type of modification, this item does not apply, and the permittee shall follow the applicable procedures of part 7007.1250, 7007.1350, 7007.1450, or 7007.1500. If notice is provided as required by this item, the installation and operation of the additional equipment shall not be considered a violation of the permit.

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

7007.1250 INSIGNIFICANT MODIFICATIONS.

Subpart 1. **When an insignificant modification can be made.** The permittee may make a modification described in either item A or B at a permitted stationary source without getting a permit amendment, unless the modification is prohibited by subpart 2. However, if the modification triggers new monitoring, record keeping, or reporting requirements under applicable requirements or parts 7007.0100 to 7007.1850, the permittee shall initiate an administrative amendment under part 7007.1400 to include the new requirements no more than 30 days after making the modification.

A. Construction or operation of any emissions unit, or undertaking any activity, that is on the insignificant activities list in part 7007.1300, subparts 2 and 3, ~~or that is described as and meets the requirements of a conditionally insignificant activity under parts 7008.4000 and 7008.4110.~~

B. Any modification that will:

(1) result in an increase of a regulated air pollutant which is not listed in table 1; or

(2) result in an increase of an air pollutant which is listed in table 1, but in an amount less than the corresponding threshold.

Table 1

Pollutant	Threshold
NO _x	2.28 pounds per hour
SO ₂	2.28 pounds per hour
VOCs	2.28 pounds per hour
PM-10	0.855 pounds per hour
CO	5.70 pounds per hour
Lead	0.025 pounds per hour

For purposes of this subpart, whether or not the modification will cause an increase in emissions shall be calculated as described in part 7007.1200. An owner or operator may not use control equipment efficiencies for listed control equipment determined by part 7011.0070 to qualify for an insignificant modification, unless the specifications for the control equipment are from a control equipment manufacturer, as defined in part 7011.0060, subpart 3. Modifications which would otherwise be insignificant under this part may be title I modifications, for which a major amendment is required, using the methods of calculation required under title I of the act. Permittees are reminded to review the definition of title I modifications and the requirements of title I of the act.

[For text of subps 2 to 6, see M.R.]

7007.1300 INSIGNIFICANT ACTIVITIES LIST.

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

Subp. 2. **Insignificant activities not required to be listed.** The activities described in this subpart are not required to be listed in a permit application under part 7007.0500, subpart 2, item C, subitem (2). Calculation of emissions from these activities must be provided if required by the agency under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed in this subpart (a) are subject to additional requirements under section 114(a)(3) (Monitoring Requirements) or 112 (Hazardous Air Pollutants) of the act; (b) are part of a Title I modification; or (c) if accounted for, make a stationary source subject to a part 70 permit, then emissions from the emissions units must be provided in the permit application.

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

D. Processing operations:

(1) closed tumblers used for cleaning or deburring metal products without abrasive blasting;

(2) equipment for washing or drying fabricated glass or metal products, if no VOCs are used in the process, and no gas, oil, or solid fuel is burned; and

~~(3) equipment venting particulate matter (PM) or particulate matter less than ten microns (PM-10) inside a building (for example: buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning equipment) provided that emissions from the equipment are:~~

~~(a) is vented inside of the building 100 percent of the time; and~~

~~(b) does not use air filtering systems used to control indoor air emissions; and~~

~~(4) (3) blast cleaning operations using suspension of abrasive in water.~~

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

Subp. 3. **Insignificant activities required to be listed.** The activities described in this subpart must be listed in a permit application, and calculation of emissions from these activities shall be provided if required by the agency, under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed in this subpart are subject to additional requirements under section 114(a)(3) of the act (Monitoring Requirements) or section 112 of the act (Hazardous Air Pollutants), or if part of a title I modification, or, if accounted for, make a stationary source subject to a part 70 permit, emissions from the emissions units must be calculated in the permit application.

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

B. ~~Furnaces and boilers~~ Infrared electric ovens and indirect heating equipment:

(1) infrared electric ovens; and

(2) indirect heating equipment as defined in part 7011.0600, subpart 6, with a capacity less than 420,000 Btu per hour, but only if the total combined capacity of all indirect heating equipment at the stationary source with a capacity less than 420,000 Btu per hour is less than or equal to 1,400,000 Btu per hour. For example: Facility A has three furnaces, each with a capacity of 400,000 Btu per hour. The three units are all an insignificant activity to be listed under this subitem, because their combined capacity is less than 1,400,000 Btu per hour. Facility B has six furnaces, each with a capacity of 400,000 Btu per hour. None of the six units is an insignificant activity under this subitem, because their total combined capacity is greater than 1,400,000 Btu per hour. For purposes of this subitem, “indirect heating equipment” has the meaning given under part 7011.0500, subpart 9.

C. Fabrication operations: equipment used exclusively for forging, pressing, drawing, spinning, or extruding hot metals.

D. Processing operations:

(1) open tumblers with a batch capacity of 1,000 pounds or less; and

(2) equipment that vents particulate matter (PM), PM-10, or PM-2.5 inside a building, such as buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning equipment, provided that emissions from the equipment are:

(a) vented inside of the building 100 percent of the time; and

(b) not vented through air filtering systems.

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

G. Emissions from a laboratory, as defined in this item. “Laboratory” means a place or activity devoted to experimental study or teaching in any science, or to the testing and analysis of drugs, chemicals, chemical compounds or other substances, or similar activities, provided that the activities described in this sentence are conducted on a laboratory scale. Activities are conducted on a laboratory scale if the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person. ~~If a~~ an emission facility manufactures or produces products for profit in any quantity, it may not be considered to be a laboratory under this item. Support activities necessary to the operation of the laboratory are considered to be part of the laboratory. Support

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activities do not include the provision of power to the laboratory from sources that provide power to multiple projects or from sources which would otherwise require permitting, such as boilers that provide power to an entire facility.

H. Miscellaneous:

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

(7) cleaning operations: alkaline/phosphate cleaners; ~~and~~ associated cleaners; ~~and associated burners.~~

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

Subp. 4. **Insignificant activities required to be listed in a part 70 application.** If the owners and operators are applying for a ~~the~~ initial part 70 permit for a stationary source, emissions units with emissions less than all the following limits but not included in subpart 2 must be listed in a the part 70 permit application:

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

Subp. 5. Hazardous air pollutant threshold table.

CAS#	Chemical Name	De Minimis Level (tons/year)
57147	1,1-Dimethyl hydrazine	0.008
79005	1,1,2-Trichloroethan	1
79345	1,1,2,2-Tetrachloroethane	0.3
96128	1,2-Dibromo-3-chloropropane	0.01
122667	1,2-Diphenylhydrazine	0.09
106887	1,2-Epoxybutane	1
75558	1,2-Propylenimine (2-Methyl aziridine)	0.003
120821	1,2,4-Trichlorobenzene	10
106990	1,3-Butadiene	0.07
542756	1,3-Dichloropropene	1
1120714	1,3-Propane sultone	0.03
106467	1,4-Dichlorobenzene(p)	3
123911	1,4-Dioxane (1,4-Diethyleneoxide)	6
53963	2-Acetylaminofluorine	0.005
532274	2-Chloroacetophenone	0.06
79469	2-Nitropropane	1
540841	2,2,4-Trimethylpentane	5
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin	6E-07
584849	2,4-Toluene diisocyanate	0.1
51285	2,4-Dinitrophenol	1
121142	2,4-Dinitrotoluene	0.02
94757	2,4-D, salts, esters (2,4-Dichlorophenoxy acetic acid)	10
95807	2,4-Toluene diamine	0.02
95954	2,4,5-Trichlorophenol	1
88062	2,4,6-Trichlorophenol	6
91941	3,3-Dichlorobenzidene	0.2
119904	3,3'-Dimethoxybenzidine	0.1
119937	3,3'-Dimethyl benzidine	0.008
92671	4-Aminobiphenyl	1
92933	4-Nitrobiphenyl	1
100027	4-Nitrophenol	5
101144	4,4-Methylene bis(2-chloroaniline)	0.2
101779	4,4'-Methylenedianiline	1
534521	4,6-Dinitro-o-cresol, and salts	0.1
75070	Acetaldehyde	9
60355	Acetamide	1

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75058	Acetonitrile	4
98862	Acetophenone	1
107028	Acrolein	0.04
79061	Acrylamide	0.02
79107	Acrylic acid	0.6
107131	Acrylonitrile	0.3
107051	Allyl chloride	1
62533	Aniline	1
71432	Benzene	2
92875	Benzidine	0.0003
98077	Benzotrichloride	0.006
100447	Benzyl chloride	0.1
57578	beta-Propiolactone	0.1
92524	Biphenyl	10
117817	Bis(2-ethylhexyl)phthalate(DEHP)	5
542881	Bis(chloromethyl)ether	0.0003
75252	Bromoform	10
156627	Calcium cyanamide	10
133062	Captan	10
63252	Carbaryl	10
75150	Carbon disulfide	1
56235	Carbon tetrachloride	1
463581	Carbonyl sulfide	5
120809	Catechol	5
133904	Chloramben	1
57749	Chlordane	0.01
7782505	Chlorine	0.1
79118	Chloroacetic acid	0.1
108907	Chlorobenzene	10
510156	Chlorobenzilate	0.4
67663	Chloroform	0.9
107302	Chloromethyl methyl ether	0.1
126998	Chloroprene	1
1319773	Cresols/Cresylic acid (isomers and mixture)	1
95487	o-Cresol	1
108394	m-Cresol	1
106445	p-Cresol	1
98828	Cumene	10
334883	Diazomethane	1
132649	Dibenzofuran	5
72559	DDE (p,p'-Dichlorodiphenyldichloroethylene)	0.01
84742	Dibutylphthalate	10
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)	0.06
62737	Dichlorvos	0.2
11422	Diethanolamine	5
64675	Diethyl sulfide	1
60117	Dimethyl aminoazobenzene	1
79447	Dimethyl carbamoyl chloride	0.02
68122	Dimethyl formamide	1
131113	Dimethyl phthalate	10
77781	Dimethyl sulfate	0.1
106898	Epichlorohydrin	2
140885	Ethyl acrylate	1
100414	Ethyl benzene	10

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51796	Ethyl carbamate (Urethane)	0.8
75003	Ethyl chloride	10
106934	Ethylene dibromide (Dibromoethane)	0.1
107062	Ethylene dichloride (1,2-Dichloroethane)	0.8
107211	Ethylene glycol	10
151564	Ethylene imine (Aziridine)	0.003
75218	Ethylene oxide	0.1
96457	Ethylene thiourea	0.6
75343	Ethylidene dichloride (1,1-Dichloroethane)	1
50000	Formaldehyde	2
76448	Heptachlor	0.02
118741	Hexachlorobenzene	0.01
87683	Hexachlorobutadiene	0.9
77474	Hexachlorocyclopentadiene	0.1
67721	Hexachloroethane	5
822060	Hexamethylene,-1,6-diisocyanate	0.02
680319	Hexamethylphosphoramide	0.01
110543	Hexane	10
302012	Hydrazine	0.004
7647010	Hydrochloric acid	10
7664393	Hydrogen fluoride	0.1
123319	Hydroquinone	1
78591	Isophorone	10
58899	Lindane (hexachlorcyclohexane, gamma)	0.01
108316	Maleic anhydride	1
67561	Methanol	10
72435	Methoxychlor	10
74839	Methyl bromide (Bromomethane)	10
74873	Methyl chloride (Chloromethane)	10
71556	Methyl chloroform (1,1,1-Trichloroethane)	10
78933	Methyl ethyl ketone (2-Butanone)	10
60344	Methyl hydrazine	0.06
74884	Methyl iodide (Iodomethane)	1
108101	Methyl isobutyl ketone	10
624839	Methyl isocyanate	0.1
80626	Methyl methacrylate	10
1634044	Methyl tert-butyl ether	10
12108133	Methylcyclopentadienyl manganese	0.1
75092	Methylene chloride (Dichloromethane)	10
101688	Methylene diphenyl diisocyanate	0.1
91203	Naphthalene	10
98953	Nitrobenzene	1
62759	N-Nitrosodimethylamine	0.001
69892	N-Nitrosomorpholine	1
684935	N-Nitroso-N-methylurea	0.0002
121697	N,N-Dimethylaniline	1
90040	o-Anisidine	1
95534	o-Toluidine	4
56382	Parathion	0.1
82688	Pentachloronitrobenzene (Quintobenzene)	0.3
87865	Pentachlorophenol	0.7
108952	Phenol	0.1
75445	Phosgene	0.1
7803512	Phosphine	5

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7723140	Phosphorous	0.1
85449	Phthalic anhydride	5
1336363	Polychlorinated biphenyls (Aroclors)	0.009
106503	p-Phenylenediamine	10
123386	Propionaldehyde	5
114261	Propoxur (Baygone)	10
78875	Propylene dichloride (1,2-Dichloropropane)	1
75569	Propylene oxide	5
91225	Quinoline	0.006
106514	Quinone	5
100425	Styrene	1
96093	Styrene oxide	1
127184	Tetrachloroethylene (Perchloroethylene)	10
7550450	Titanium tetrachloride	0.1
108883	Toluene	10
8001352	Toxaphene (chlorinated camphene)	0.01
79016	Trichloroethylene	10
121448	Triethylamine	10
1582098	Trifluralin	9
108054	Vinyl acetate	1
593602	Vinyl bromide (bromoethene)	0.6
75014	Vinyl chloride	0.2
75354	Vinylidene chloride (1,1-Dichloroethylene)	0.4
1330207	Xylenes (isomers and mixture)	10
108383	m-Xylenes	10
95476	o-Xylenes	10
106423	p-Xylenes	10
-	Arsenic and inorganic arsenic compounds	0.005
7784421	Arsine	0.1
-	Antimony compounds (except those specifically listed)*	5
1309644	Antimony trioxide	1
1345046	Antimony trisulfide	0.1
7783702	Antimony pentafluoride	0.1
28300745	Antimony potassium tartrate	1
-	Beryllium compounds (except Beryllium salts)	0.008
-	Beryllium salts	0.00002
-	Cadmium compounds	0.01
130618	Cadmium oxide	0.01
-	Chromium compounds (except Hexavalent and Trivalent)	5
-	Hexavalent Chromium compounds	0.002
-	Trivalent Chromium compounds	5
10025737	Chromic chloride	0.1
744084	Cobalt metal (and compounds, except those specifically listed)*	0.1
10210681	Cobalt carbonyl	0.1
62207765	Fluomine	0.1
-	Coke oven emissions	0.03
-	Cyanide compounds (except those specifically listed)*	5
143339	Sodium cyanide	0.1
151508	Potassium cyanide	0.1
-	Glycol ethers (except those specifically listed)*	5
110805	2-Ethoxy ethanol	10
111762	Ethylene glycol monobutyl ether	10
108864	2-Methoxy ethanol	10
-	Lead and compounds (except those specifically listed)*	0.01

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75741	Tetramethyl lead	0.01
78002	Tetraethyl lead	0.01
7439965	Manganese and compounds (except those specifically listed)*	0.8
12108133	Methylcyclopentadienyl manganese	0.1
-	Mercury compounds (except those specifically listed)*	0.01
10045940	Mercuric nitrate	0.01
748794	Mercuric chloride	0.01
62384	Phenyl mercuric acetate	0.01
-	Elemental Mercury	0.01
-	Mineral fiber compounds (except those specifically listed)*	a
1332214	Asbestos	a
-	Erionite	a
-	Silica (crystalline)	a
-	Talc (containing asbestos from fibers)	a
-	Glass wool	a
-	Rock wool	a
-	Slag wool	a
-	Ceramic fibers	a
-	Nickel compounds (except those specifically listed)*	1
13463393	Nickel Carbonyl	0.1
12035722	Nickel refinery dust	0.08
-	Nickel subsulfide	0.04
-	Polycyclic organic matter-POM (except those specifically listed)*	0.01
56553	Benz(a)anthracene	0.01
50328	Benzo(a)pyrene	0.01
205992	Benzo(b)fluoranthene	0.01
57976	7,12-Dimethylbenz(a)anthracene	0.01
225514	Benz(c)acridine	0.01
218019	Chrysene	0.01
53703	Dibenz(ah)anthracene	0.01
189559	1,2:7,8-Dibenzopyrene	0.01
193395	Indeno(1,2,3-cd)pyrene	0.01
-	Dioxins & Furans (TCDD equivalent)**	-
7782492	Selenium and compounds (except those specifically listed)*	0.1
7488564	Selenium sulfide (mono and di)	0.1
7783075	Hydrogen selenide	0.1
10102188	Sodium selenite	0.1
13410010	Sodium selenate	0.1
99999918	Radionuclides (including radon)	b

* - For this chemical group, specific compounds or subgroups are named specifically in this table. For the remainder of the chemicals of the chemical group, a single de minimis value is listed, which applies to compounds which are not named specifically.

** - The “toxic equivalent factor” method in EPA/625/3-89-016 (U.S. EPA (1989) Interim procedures for estimating risk associated with exposure to mixtures) should be used for PCDD/PCDF mixtures. A different de minimis level will be determined for each mixture depending on the equivalency factors used which are compound specific. For purposes of this part, the document EPA/625/3-89-016, Interim Procedures for Estimating Risk Associated with Exposure to Mixtures, U.S. EPA (1989), is incorporated by reference. The Environmental Protection Agency is the author and publisher. This document is available at the University of Minnesota through the Minitex interlibrary loan system. This document is subject to frequent change.

a - De minimis values are zero. Currently available data do not support assignment of a “trivial” emission rate; therefore, the value assigned will be policy based.

b - The EPA relies on *Code of Federal Regulations*, title 40, part 61, subparts B and I, and Appendix E, and assigns a de minimis level based

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on an effective dose equivalent of 0.3 millirem per year for a seven-year exposure period that would result in a cancer risk of one per million. The individual radionuclides subject to de minimis levels are contained in *Code of Federal Regulations*, title 40, part 61.

7007.1350 CHANGES WHICH ~~THAT~~ CONTRAVENE CERTAIN PERMIT TERMS.

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

Subp. 2. **Procedure.** Changes authorized under this part may not be made until seven working days after the ~~air quality division of the~~ agency receives written notice of the change. The permittee must submit the notice in a format specified by the commissioner. The notice shall include a certification, consistent with part 7007.0500, subpart 3, by a responsible official describing the change to be made, identifying the term of the permit which is being contravened, stating that the change is authorized under this part, and briefly describing how it qualifies under this part. The permittee and the agency shall attach the notice to the stationary source's permit. If the agency finds that the proposed change is not authorized under this part, the agency shall notify the permittee of that finding and, if the proposed change could be made using other procedures, direct the permittee to those procedures.

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

7007.1400 ADMINISTRATIVE PERMIT AMENDMENTS.

Subpart 1. **Administrative amendments allowed.** The agency may make the permit amendments described in this subpart through the administrative permit amendment process described in this part. An owner or operator of a stationary source ~~shall request~~ must apply for an administrative amendment if changes are to be made under item B or E:

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

D. an amendment to eliminate monitoring, record keeping, or reporting requirements if:

(1) the requirements are rendered meaningless because the only emissions to which the requirements apply will no longer occur;

(2) ~~the change is to eliminate one validated reference test method for a pollutant and source category in order to add another;~~

(3) ~~the requirements are redundant to or less strict than other existing requirements;~~

(4) ~~(2)~~ the requirements are technically incorrect and their elimination does not affect the accuracy of the data generated or of the monitoring information recorded or reported; or

(5) ~~(3)~~ the emission unit to which the monitoring, record keeping, or reporting requirement applies no longer exists or has been permanently disabled from use at the stationary source;

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

F. an amendment to incorporate into a permit the requirements from preconstruction review permits issued by the agency; ~~incorporate into a permit the requirements from standards adopted under Code of Federal Regulations, title 40, part 63, as amended (National Emission Standards for Hazardous Air Pollutants for Source Categories), or to lower the plantwide emission limits in permits with Plantwide Applicability Limits to reflect the impact of standards adopted under Code of Federal Regulations, title 40, part 63, as amended;~~

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

K. an amendment to ~~include operating conditions that ensure that waste combustors emit mercury at less than 50 percent of the applicable standard~~ incorporate the extension of a deadline in a permit for construction authorization established under a new source review program under part C (Prevention of Significant Deterioration of Air Quality) of the act, provided the extension of the deadline for construction authorization has been approved by the commissioner prior to the submittal of the administrative amendment application.

Subp. 2. **Initiating an administrative amendment.** A permittee ~~shall request in writing that the agency make an administrative permit amendment. A formal application complying with the terms of parts 7007.0100 to 7007.1850 is not required~~ must submit an application for an administrative amendment in a format specified by the commissioner. The application must be certified by a responsible official in the manner provided in part 7007.0500, subpart 3. The permittee shall specify the section of the permit that is to be amended, and the reason for the amendment. The agency may also make an administrative amendment upon its own initiative. If an administrative amendment initiated by the agency would impose additional or different requirements on the permittee, the permittee shall be notified of the proposed amendment 30 days prior to its taking effect, unless the permittee consents to less notice. If the permittee objects to the

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amendment, the amendment shall not be made under this part, but the agency may reopen the permit under parts 7007.1500 and 7007.1600.

Subp. 3. **Timeline for final action.** The agency shall take no more than 60 days from receipt of ~~a request~~ an application for an administrative permit amendment to take final action on ~~such request~~ the application. Amendments made by the agency under this part shall be made without public notice or an opportunity for public and affected states comment and hearing.

[For text of subps 4 to 6, see M.R.]

Subp. 7. **When permittee may make change.** Notwithstanding part 7007.0150, subpart 1, the permittee may make the change proposed in the administrative amendment ~~request~~ application immediately after the ~~request~~ application is received by the ~~air quality division~~ of the agency, if the change is described in subpart 1. However, if the change is of ownership or operational control, the new owner's or operator's right to operate the permitted stationary source under the previous sentence is contingent upon the new owner's or operator's compliance with the terms of the stationary source's permit.

7007.1500 MAJOR PERMIT AMENDMENTS.

Subpart 1. **Major permit amendment required.** A "major permit amendment" is required for any change to permit conditions or any modification at a permitted stationary source that is not allowed under parts 7007.1250 and 7007.1350 and for which an amendment cannot be obtained under the administrative permit amendment provisions of part 7007.1400, or the minor or moderate permit amendment provisions of part 7007.1450. The following always require major permit amendments:

A. any significant amendment to existing monitoring, reporting, or record keeping requirements in the permit other than:

(1) adding new requirements;

(2) eliminating the requirements if they are rendered meaningless because the only emissions to which the requirements apply will no longer occur;

~~(3) eliminating one validated reference test method for a pollutant and source category in order to add another;~~

~~(4) eliminating the requirements that are redundant to or less strict than other existing requirements;~~

~~(5)~~ (3) eliminating the requirements that are technically incorrect where the elimination does not affect the accuracy of the data generated or of the monitoring information recorded or reported; or

~~(6)~~ (4) eliminating the requirements for an emission unit that no longer exists or has been permanently disabled from use at the stationary source;

B. any amendment to establish or amend a permit condition that is ~~required to be~~ based on a case-by-case determination of an emission limitation or other standard, on a source-specific determination of ambient impacts, or on a visibility or increment analysis;

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

[For text of subps 2 to 4, see M.R.]

7007.1600 PERMIT REOPENING AND AMENDMENT BY AGENCY.

Subpart 1. **Mandatory reopening.** The agency shall reopen and amend a permit when:

A. Additional federal applicable requirements become applicable to a stationary source with a remaining permit term of three or more years or with a permit which is nonexpiring. Such a reopening and amendment shall be completed not later than 18 months after promulgation of the federal applicable requirement. An affected permittee must submit a permit application as required under part 7007.0400, subpart 3, to provide the information needed to issue the amendment. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire.

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

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

7008.0100 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 2a. **Material usage.** "Material usage" means an activity at a stationary source when a material such as a paint, coating, adhesive,

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or solvent is applied or used in a way that emits only VOC, hazardous air pollutants, particulate matter, PM-10, PM-2.5, or a combination thereof and emissions of these pollutants can be calculated on a mass balance basis as described in part 7008.4100. Material usage does not include material processes such as sanding, milling, materials reacting to form new materials, fuel usage, or grain or other material handling.

Subp. 2b. **Recycling.** “Recycling” means the reclamation or reuse of waste VOC-containing or hazardous air pollutant-containing materials from material usage activities, as defined in part 7045.0020.

Subp. 2c. **Solids.** “Solids” means the nonvolatile portion of the material applied or used in a material usage activity.

[For text of subs 3 and 4, see M.R.]

Subp. 5. **Transfer efficiency.** “Transfer efficiency” means the ratio of the weight of coating solids adhering to an object being coated to the total weight of coating solids used in the application process. Transfer efficiency varies with the type of application method and is obtained from the application equipment manufacturer. If the manufacturer provides a range for the transfer efficiency, the transfer efficiency for calculating particulate matter, PM-10, and PM-2.5 emissions is the minimum specified in the range.

7008.4100 CONDITIONALLY INSIGNIFICANT ~~VOC~~ MATERIAL USAGE.

Subpart 1. **Applicability.** This part applies to ~~any~~ the owner or operator of a stationary source claiming ~~VOC~~ material usage in coating and solvent cleaning operations as a conditionally insignificant activity. ~~To qualify as a conditionally insignificant activity under this part, all material usage activities at the stationary source must be included in the limits under subpart 2. If lead is a component of any material usage activity at the stationary source, this part does not apply.~~

Subp. 2. **~~VOC~~ Material usage limit limits.** ~~The owner or operator must meet the limits in items A to C for material usage at the stationary source to qualify as a conditionally insignificant activity under this part.~~

~~A. The stationary source owner or operator must limit its use of VOC emissions of VOCs from all material usage activities at the stationary source to less than 200 gallons or 2,000 pounds in each calendar year period calculated according to the method in subpart 4. All VOC usage emissions from all emissions units material usage activities at the stationary source must be accounted for in the calculated annual usage calculation. This limit applies regardless of the hazardous air pollutant content of the VOC.~~

~~B. The owner or operator must limit emissions of all hazardous air pollutants from all material usage activities at the stationary source to less than 200 gallons or 2,000 pounds in each calendar year period calculated according to the method in subpart 5. All hazardous air pollutant emissions from all material usage activities at the stationary source must be accounted for in the annual calculation.~~

~~C. The owner or operator must limit emissions of particulate matter, PM-10, and PM-2.5 to less than 2,000 pounds in each calendar year period calculated according to the method in subpart 6. All particulate matter, PM-10, and PM-2.5 emissions from all material usage activities at the stationary source must be accounted for in the annual calculation. This limit applies regardless of the hazardous air pollutant content of the particulate matter.~~

Subp. 3. **Record keeping.** The owner or operator of a stationary source claiming ~~VOC~~ material usage as a conditionally insignificant activity ~~shall~~ must:

A. maintain records for each calendar year of the number of gallons of VOC-containing materials purchased or used and the maximum VOC content of each material;

B. maintain records for each calendar year of the number of gallons of hazardous air pollutant-containing materials purchased or used and the maximum hazardous air pollutant content of each material;

C. maintain records for each calendar year of the number of gallons of solids-containing materials purchased or used and the maximum solids content of each material;

~~B, D.~~ maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum VOC content, ~~the maximum hazardous air pollutant content, and the maximum solids content~~ for each material;

~~C, E.~~ if the owner or operator ships ~~VOCs~~ waste material from material usage activities off-site for recycling, keep records of the amount of material shipped off-site for recycling, ~~the VOC content and hazardous air pollutant content of the waste materials shipped off-site for recycling,~~ and the calculations done to determine the amount of VOC and hazardous air pollutants to subtract. Acceptable records

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include: the material safety data sheets, invoices, shipping papers, and/or hazardous waste manifests;

F. if a material usage activity includes spray application of material and the owner or operator chooses to apply the transfer efficiency in calculations, maintain information on the type of spray application equipment and transfer efficiency; and

~~D; G.~~ if requested by the commissioner, calculate and record for any of the previous five calendar years;

(1) the VOC emissions using the method in subpart 4;

(2) the hazardous air pollutant emissions using the method in subpart 5;

(3) the particulate matter, PM-10, and PM-2.5 emissions using the method in subpart 6;

(4) the sum of the actual number of gallons of VOC purchased or used; the calculation itself; used to arrive at the total for each of subitems (1) to (3); and

(5) a list of the associated emissions units in which it the material was used.

Subp. 4. Calculating VOC usage emissions. An owner or operator claiming ~~VOC material~~ usage as a conditionally insignificant activity must calculate VOC ~~usage emissions~~ using one of the methods in item A or B. If the owner or operator ships ~~spent VOC waste material from material usage activities off-site for recycling, the amount of VOC recycled may be subtracted from the amount of VOC used.~~ "Recycling" means the reclamation or reuse, as defined in part 7045.0020, of a VOC. If the owner or operator ships VOC off-site for recycling, the owner or operator shall keep records of the amount of material shipped off-site for recycling and the calculations done to determine the amount to subtract. calculated in item A or B:

A. gallons of VOC: gallons of VOC used per calendar year equals equal gallons of VOC-containing material multiplied by the volume percentage of VOC multiplied by the gallons of VOC-containing material purchased or used in a calendar year; or

B. pounds of VOC: pounds of VOC used per calendar year equals equal gallons of VOC-containing material purchased or used in a calendar year multiplied by the pounds VOC per gallon; or pounds of VOC-containing material purchased or used in a calendar year multiplied by weight percent of VOC.

Subp. 5. Calculating total hazardous air pollutant emissions. An owner or operator claiming material usage as a conditionally insignificant activity must calculate total hazardous air pollutant emissions using one of the methods in item A or B. If the owner or operator ships waste materials from material usage activities off-site for recycling, the amount of hazardous air pollutants recycled may be subtracted from the amount of total hazardous air pollutant calculated in item A or B:

A. gallons of hazardous air pollutants per calendar year equal gallons of hazardous air pollutant-containing material purchased or used in a calendar year multiplied by the volume percentage of hazardous air pollutants; or

B. pounds of hazardous air pollutants per calendar year equal gallons of hazardous air pollutant-containing material purchased or used in a calendar year multiplied by the pounds of hazardous air pollutants per gallon or pounds of hazardous air pollutant-containing material purchased or used in a calendar year multiplied by the weight percent of hazardous air pollutants.

Subp. 6. Calculating particulate matter, PM-10, and PM-2.5 emissions. An owner or operator claiming material usage as a conditionally insignificant activity must calculate particulate matter, PM-10, and PM-2.5 emissions using one of the methods in item A or B:

A. pounds of particulate matter, PM-10, and PM-2.5 emissions per calendar year equal gallons of solids-containing material purchased or used in a calendar year multiplied by the pounds of solids per gallon; or

B. pounds of particulate matter, PM-10, and PM-2.5 emissions per calendar year equal pounds of solids-containing material purchased or used in a calendar year multiplied by weight percent of solids per gallon.

For material usage activities that involve spray application of materials, the owner or operator may apply a transfer efficiency in the calculation of particulate matter, PM-10, and PM-2.5 emissions by multiplying the result determined by item A or B by (1 - transfer efficiency).

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7008.4110 CONDITIONALLY INSIGNIFICANT PM AND PM10 EMITTING FINISHING OPERATIONS THAT EMIT ONLY PM, PM-10, AND PM-2.5.

Subpart 1. **Applicability.** This part applies to any the owner or operator of a stationary source claiming finishing operations that emit only particulate matter (PM) or particulate matter of less than ten microns (PM10) venting equipment, PM-10, or PM-2.5 as a conditionally insignificant activity and applies to activities that emit only PM, PM-10, or PM-2.5. For purposes of this part, “finishing operations” means buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning ceramic, leather, metal, plastic, masonry, carbon, wood, or glass.

Subp. 2. **Requirements.** Emissions from equipment venting finishing operations that emit PM or PM10, PM-10, or PM-2.5 inside a building, for example: buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning equipment, must be:

- A. filtered through an air cleaning system; and
- B. vented inside of the building 100 percent of the time.

Subp. 3. **Monitoring and record keeping.** An owner or operator of a stationary source claiming finishing operations that emit PM, PM-10, or PM-2.5 as a conditionally insignificant activity must:

- A. operate the air cleaning system as required by the manufacturer’s specification and part 7008.0200, item D;
- B. inspect the air cleaning system as required by the manufacturer’s specification;
- C. maintain the air cleaning system according to the manufacturer’s specification; and
- D. maintain a record of inspection, maintenance, and repair activities for the air cleaning system for at least five years.

7009.0010 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 7009.0010 to 7009.0080, the following terms have the meanings given them.

Subp. 1a. **Averaging time.** “Averaging time” means the time period specified in part 7009.0080 over which air pollution concentration data are averaged in preparation for comparison to the ambient air quality standard. The average is calculated by summing all data points for the time period and dividing by the number of data points.

Subp. 1b. **Form of the standard.** “Form of the standard” means the method used to determine whether ambient air quality pollutant concentrations exceed the numeric level of the applicable primary or secondary ambient air quality standard.

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

Subp. 4. **Total suspended particulate.** “Total suspended particulate” has the meaning given in Code of Federal Regulations, title 40, section 51.100(ss), as amended.

7009.0020 PROHIBITED EMISSIONS.

No person shall emit any pollutant in such an amount or in such a manner as to cause or contribute to a violation of any Minnesota ambient air quality standard under part 7009.0080 beyond ~~such~~ the person’s property line, provided however, that in the event the general public has access to the person’s property or portion thereof, the ambient air quality standards ~~shall~~ apply in those locations. The general public ~~shall~~ does not include employees, ~~trespassers~~, or other categories of people who have been directly authorized by the property owner to enter or remain on the property for a limited period of time and for a specific purpose.

7009.0080 STATE MINNESOTA AMBIENT AIR QUALITY STANDARDS.

The following table contains the state ambient air quality standards.

<u>Air Pollutant/ Air Contaminant</u>	<u>Level of Primary Standard</u>	<u>Level of Secondary Standard</u>	<u>Averaging Time</u>	<u>Form of the Standard</u>	<u>Remarks</u>
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Hydrogen Sulfide	0.05 ppm by volume (70.0 micrograms per cubic meter)		<u>30-minutes</u>	<u>30-minute average not to be exceeded more than two times in a year</u>	<u>1/2-hour average not to be exceeded over 2-times per year</u>
	0.03 ppm by volume (42.0 micrograms per cubic meter)		<u>30-minutes</u>	<u>30-minute average not to be exceeded more than two times in 5 consecutive days</u>	<u>1/2-hour average not to be exceeded over 2-times in any 5 consecutive days</u>
Ozone	0.08 ppm <u>75 ppb</u> by volume (235 <u>150</u> micrograms per cubic meter)	Same as primary standard	<u>8-hour</u>	<u>3-year average of the annual fourth high daily maximum 8-hour concentration does not exceed standard</u>	<u>daily maximum 8-hour average; the standard is attained when the average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to the standard</u>
Carbon Monoxide	9 ppm by volume (10 milligrams per cubic meter)	same as primary standard	<u>8-hour</u>	<u>Annual second-high 8-hour concentration does not exceed standard</u>	<u>maximum 8-hour concentration not to be exceeded more than once per year</u>
	30 <u>35</u> ppm by volume (35 <u>40</u> milligrams per cubic meter)	same as primary standard	<u>1-hour</u>	<u>Annual second-high 1-hour concentration does not exceed standard</u>	<u>maximum 1-hour concentration not to be exceeded more than once per year</u>
Sulfur Dioxide	<u>30 ppb</u> by volume (80 micrograms per cubic meter) (0.03 ppm by volume)	60 micrograms per cubic meter (0.02 ppm by volume)	<u>Annual average</u>	<u>Annual average concentration does not exceed standard</u>	<u>maximum annual arithmetic mean</u>

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140 ppb (365 micrograms per cubic meter (0.14 ppm by volume))	same as primary standard	24-hour	Annual second-high 24-hour concentration does not exceed standard	maximum 24-hour concentration not to be exceeded more than once per year
	915 micrograms per cubic meter (0.35 ppm by volume)			maximum 3-hour concentration not to be exceeded more than once per year in Air Quality Control Regions 127, 129, 130, and 132
	1300 micrograms per cubic meter (0.5 ppm by volume)			maximum 3-hour concentration not to be exceeded more than once per year in Air Quality Control Regions 128, 131, and 133
1300 micrograms per cubic meter (0.5 ppm by volume)	500 ppb by volume (1,300 micrograms per cubic meter)	3-hour	Annual second-high 3-hour concentration does not exceed the standard	maximum 3-hour concentration not to be exceeded more than once per year
1300 micrograms per cubic meter (0.5 ppm by volume)				maximum 1-hour concentration not to be exceeded more than once per year
75 ppb (196 micrograms per cubic meter)		1-hour	3-year average of the annual 99th-percentile of daily maximum	

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				<u>1-hour concentrations does not exceed standard</u>	
<u>Total Suspended Particulate Matter</u>	75 micrograms per cubic meter	60 micrograms per cubic meter	<u>Annual average</u>	<u>Annual average concentration does not exceed standard</u>	<u>maximum annual geometric mean</u>
	260 micrograms per cubic meter	150 micrograms per cubic meter	<u>24-hour</u>	<u>Annual second-high 24-hour concentration does not exceed standard</u>	<u>maximum 24-hour concentration not to be exceeded more than once per year</u>
Nitrogen Dioxide	0.05 ppm <u>53 ppb by volume (100 micrograms per cubic meter)</u>	Same as primary standard	<u>Annual average</u>	<u>Annual average concentration does not exceed standard</u>	<u>maximum annual arithmetic mean</u>
	<u>100 ppb by volume (188 micrograms per cubic meter)</u>		<u>1-hour</u>	<u>3-year average of the annual 98th-percentile of daily maximum 1-hour concentrations does not exceed standard</u>	
Lead	1.5 <u>0.15</u> micrograms per cubic meter	Same as primary standard	<u>Rolling 3-month average</u>	<u>Maximum 3-month rolling average from 3 consecutive years does not exceed the standard</u>	<u>maximum arithmetic mean averaged over a calendar quarter</u>
PM-10	150 micrograms per cubic meter	Same as primary standard	<u>24-hour</u>	<u>3-year average of the annual estimated exceedance days is less than or equal to 1</u>	<u>maximum 24-hour average concentration; the standard is attained when the expected number of days per calendar</u>

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					year exceeding the value of the standard is equal to or less than one
	50 micrograms per cubic meter	same as primary standard			annual arithmetic mean; the standard is attained when the expected annual arithmetic mean concentration is less than or equal to the value of the standard
PM-2.5	65.35 micrograms per cubic meter	Same as primary standard	24-hour	3-year average of the annual 98th-percentile of 24-hour concentrations does not exceed the standard	24-hour average concentration; the standard is attained when the 98th percentile 24-hour concentration is less than or equal to the standard
	15.0 micrograms per cubic meter	same as primary standard 15.0 micrograms per cubic meter	Annual average	3-year average of the annual quarterly- weighted average does not exceed the standard	annual arithmetic mean; the standard is attained when the annual arithmetic mean concentration is less than or equal to the standard

7009.0090 NATIONAL AMBIENT AIR QUALITY STANDARDS.

The following national ambient air quality standards, established pursuant to section 109 of the Clean Air Act, are adopted and incorporated by reference:

A. sulfur dioxide (SO₂), *Code of Federal Regulations*, title 40, sections 50.4(b) and 50.5(a), as amended;

B. PM-10, *Code of Federal Regulations*, title 40, section 50.6(a), as amended;

C. PM-2.5, *Code of Federal Regulations*, title 40, section 50.7(a), as amended;

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D. carbon monoxide (CO), *Code of Federal Regulations*, title 40, section 50.8(a)(1) and (2), as amended;

E. ozone (O₃), *Code of Federal Regulations*, title 40, sections 50.9(a) and 50.10(a), as amended;

F. nitrogen dioxide (NO₂), *Code of Federal Regulations*, title 40, section 50.11(a) and (b), as amended; and

G. lead (Pb), *Code of Federal Regulations*, title 40, section 50.12, as amended.

7009.1060 TABLE 1.

	Alert	Warning	Emergency	Significant Harm
SO ₂ 24 hr. avg.	300 ppb 800 µg/m ³	600 ppb 1600 µg/m ³	800 ppb 2100 µg/m ³	1000 ppb 2620 µg/m ³
Part. PM-10 24 hr. avg.	375 <u>350</u> µg/m ³	625 <u>420</u> µg/m ³	875 <u>500</u> µg/m ³	1000 <u>600</u> µg/m ³
CO 8 hr. avg. <u>4 hr. avg.</u> <u>1 hr. avg.</u>	15 ppm 17 mg/m ³ 3	30 ppm 4 mg/m ³	40 ppm 46 mg/m ³	50 ppm 57.5 mg/m ³ <u>86.3 mg/m³</u> <u>75 ppm</u> <u>144 mg/m³</u> <u>125 ppm</u>
NO ₂ 24 hr. avg.	150 ppb 282 µg/m ³	300 ppb 565 µg/m ³	400 ppb 750 µg/m ³	500 ppb 938 µg/m ³
NO ₂ 1 hr. avg.	600 ppb 1130 µg/m ³	1200 ppb 2260 µg/m ³	1600 ppb 3000 µg/m ³	2000 ppb 3750 µg/m ³
Ozone <u>± 2 hr. avg.</u>	200 ppb 400 µg/m ³	400 ppb 800 µg/m ³	500 ppb 1000 µg/m ³	600 ppb 1200 µg/m ³
SO ₂ x Part. µg/m ³ x µg/m ³ 24 hr. x 24 hr.	65 x 10 ³	261 x 10 ³	393 x 10 ³	490 x 10 ³

7011.0065 APPLICABILITY.

Subpart 1. **Applicability.** The owner or operator of a stationary source shall comply with parts 7011.0060 to 7011.0080 if the owner or operator elected to use the control equipment efficiencies for listed control equipment established pursuant to part 7011.0070 to calculate potential to emit, from emissions units that discharge through the listed control equipment, to:

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

D. qualify for registration permit option D under part 7007.1130; ~~or~~

E. qualify for a capped permit under parts 7007.1140 to 7007.1148; ~~or~~

F. determine that a change triggers the notification requirement under part 7007.1150, item C, subitem (3).

Subp. 2. [Repealed, 32 SR 904]

7011.0070 LISTED CONTROL EQUIPMENT AND CONTROL EQUIPMENT EFFICIENCIES.

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

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Subp. 1a. **Exceptions where control efficiency disallowed.** The owner or operator may not use a control efficiency listed in Table A if:

A. the commissioner determines that the listed efficiency is inapplicable or is not representative of the source due to complexity of the process or source of emissions, lack of reliable data, presence of a pollutant or constituent such as ~~condensable~~ condensable particulate matter or an organic compound significantly more difficult to control than the overall VOC gas stream that makes the categorical efficiency nonrepresentative, or other site-specific conditions; or

B. the commissioner determines that alternate site-specific requirements are necessary to ensure compliance with applicable requirements or to protect human health or the environment.

CONTROLEQUIPMENT EFFICIENCY - TABLE A

ID#	CONTROL EQUIPMENT DESCRIPTION	POLLUTANT	CONTROL EFFICIENCY		
			TOTAL ENCLOSURE	HOOD: CERTIFIED	HOOD: NOT CERTIFIED

Table A - Section 1 - Equipment Designed Primarily for Particulate Matter Control

PM CONTROL
CATEGORY-CYCLONES
means a device where
airflow is forced to spin
in a vortex through a tube

007	Centrifugal Collector (cyclone)-high efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM	90%	72%	54%
		PM-10	78%	62%	46%
008	Centrifugal Collector (cyclone)-medium efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM	80%	64%	48%
		PM-10	60%	48%	36%
009	Centrifugal Collector (cyclone)-low efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM	25%	20%	15%
		PM-10	25%	20%	15%
076	Multiple Cyclone without Fly Ash Reinjection means: a cyclonic device with more than one tube where fly ash is not reinjected	PM	90%	72%	54%
		PM-10	72%	58%	43%
057, 085	Wet Cyclone Separator or Cyclonic Scrubbers means: a cyclonic device that sprays water into a cyclone	PM, PM-10	84%	68%	51%

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010,	PM CONTROL CATEGORY-				
011,	ELECTROSTATIC				
012,	PRECIPITATORS means:				
128,	a control device in which the				
146	incoming particulate matter				
	receives an electrical charge				
	and is then collected on a				
	surface with the opposite				
	electrical charge				
	-assumed efficiency for boiler	PM-10	40%	NA	NA
	fly ash control				
	-assumed efficiency for other	PM	98%	78%	59%
	applications	PM-10	94%	75%	56%
	PM CONTROL CATEGORY				
	- OTHER CONTROLS				
016,	Fabric Filter means: a control	PM	99%	79%	59%
017,	device in which the incoming	PM-10	93%	74%	56%
018	gas stream passes through a				
	porous fabric filter forming a				
	dust cake				
052	Spray Tower means: a control	PM	85%	68%	51%
	device in which the incoming	PM-10	84%	68%	51%
	gas stream passes through a				
	chamber in which it contacts				
	a liquid spray				
053	Venturi Scrubber means: a	PM	94%	76%	57%
	control device in which the	PM-10	84%	68%	51%
	incoming gas stream passes				
	through a venturi into which				
	a low pressure liquid is				
	introduced				
055	Impingement Plate Scrubber	PM	77%	62%	46%
	means: a control device in which	PM-10	77%	62%	46%
	the incoming gas stream passes				
	a liquid spray and is then				
	directed at high velocity into				
	a plate				
056,	Mechanically Aided Separator	PM	64%	52%	39%
113	means: a device that relies on	PM-10	5%	4%	3%
	inertia for separating particles				
	from a gas stream				
058,	Wall or Panel Filter means:	PM	85%	68%	51%
<u>086</u>	a control device in which	PM-10	85%	68%	51%
	the exiting gas stream passes				
	through a panel of coarse				
	fibers. Other Wall Filters				

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means removable panels for cleaning and replacement, or liquid curtains for particulate removal that provide little resistance to air flow

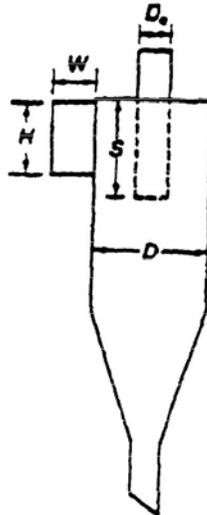
101	HEPA Filter or ULPA Filter means: a high efficiency wall or panel filter designed for collection of submicron particles	PM PM-10	99.98% 99.98%	80% 80%	60% 60%
503	Charged Scrubber means: a control device in which electric power is used to precharge particulate matter in the gas stream as a means of increasing the scrubber's collection efficiency for fine particles	PM PM-10	94% 84%	76% 68%	57% 51%
517	Condensation Scrubber means: a control device in which steam is injected into a wet scrubber to create supersaturated conditions and promote condensation of water on fine particulate matter in the gas stream	PM PM-10	94% 84%	76% 68%	57% 51%

Table A - Section 2 - Equipment Designed for VOC Control (includes efficiencies for pollutants where there is a co-benefit of control)

VOC CONTROL CATEGORY

019,	Catalytic Afterburners				
020,	(catalytic oxidation) means:	VOC	94%	76%	57%
109,	a device used to reduce VOCs	PM	62%	50%	37%
116,	to the products of combustion	PM-10	62%	50%	38%
509	through catalytic (use of a catalyst) oxidation in a combustion chamber	CO	94%	76%	57%
021,	Thermal Afterburners (thermal	VOC	97%	78%	58%
022,	oxidation) means: a device	PM	62%	50%	37%
131,	used to reduce VOCs to the	PM-10	62%	50%	37%
133,	products of combustion	CO	97%	78%	58%
510	through thermal (high temperature) oxidation in a combustion chamber				
023	Flaring or Direct Combustor means: a device in which air, combustible organic waste gases, and supplementary fuel	VOC PM PM-10 CO	98% 61% 61% 98%	79% 50% 50% 79%	59% 37% 37% 59%

(if needed) react in the flame zone (e.g., at the flare tip) to destroy the VOCs



Drawing 1

SOURCE: Lapple, 1951.

Table 1

Ratio Dimensions	Cyclone Type		
	High Efficiency	Medium Efficiency	Low Efficiency
Height of inlet, H/D	≤ 0.44	>0.44 and <0.8	≥ 0.8
Width of inlet, W/D	≤ 0.2	>0.2 and <0.375	≥ 0.375
Diameter of gas exit, D_c/D	≤ 0.4	>0.4 and <0.75	≥ 0.75
Length of vortex finder, S/D	≤ 0.5	>0.5 and <0.875	≥ 0.875

If one or more of the “ratio dimensions,” as listed in table 1, are in a different efficiency category (high, medium, low), then the lowest efficiency category shall be applied.

[For text of subsps 1b to 4, see M.R.]

7011.0080 MONITORING AND RECORD KEEPING FOR LISTED CONTROL EQUIPMENT.

The owner or operator of a stationary source shall comply with the monitoring and record keeping required for listed control equipment by the table in this part. The owner or operator shall maintain the records required by this part for a minimum of five years from the date the record was made. Unless a specific format is required, the records may be maintained in either electronic or paper format. For certified hoods, the owner or operator shall comply with part 7011.0072.

Identification Number(s)	Pollution Control Equipment Type	Monitoring Parameter(s)	Record-keeping Requirement
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A. Equipment designed for particulate matter control

007, 008, 009, 076,	Centrifugal collector (cyclone)	Pressure drop	Record pressure drop every 24 hours if in operation
010, 011, 012, 128 , 146	Electrostatic precipitator	Voltage, secondary current, and, if used, conditioning agent flow rate	Continuous readout of voltage, and secondary current. If used, daily record of conditioning agent flow rate
016, 017	Fabric filter (bag house), high temperature ($T > 250^{\circ}\text{F}$), medium temperature ($180^{\circ}\text{F} > T < 250^{\circ}\text{F}$)	Pressure drop	Record pressure drop every 24 hours if in operation
018	Fabric filter (bag house), low temperature ($T < 180^{\circ}\text{F}$)	Pressure drop or visible emissions observation from filter outlet during an entire cleaning cycle, unless the commissioner specifies pressure drop and/or visible emissions as the indicator(s) of fabric filter performance	Record pressure drop every 24 hours if in operation, or Record whether any visible emissions are observed and the time period of observation every 24 hours if in operation; or record both if the commissioner requires monitoring of both parameters
052	Spray tower	Liquid flow rate and pressure drop	Record each parameter every 24 hours if in operation
053, 055	Venturi scrubber, impingement plate scrubber	Pressure drop and liquid flow rate	Record each parameter every 24 hours if in operation
056, 113	Mechanically aided separator	Pressure drop	Record every 24 hours if in operation
058, 101	HEPA and other wall filters	Condition of the filters, including, but not limited to, alignment, saturation, and tears and holes	Record of filter(s) condition every 24 hours if in operation
057, 085	Wet cyclone separator	Pressure drop; and water pressure	Record each parameter every 24 hours if in operation
503	Charged scrubber	Pressure drop and liquid flow rate	Record each parameter every 24 hours if in operation
517	Condensation scrubber	Pressure drop and either steam supply rate or blowdown rate	Record each parameter every 24 hours if in operation

B. Equipment designed for volatile organic compound control

021, 022, 131,	Thermal afterburner	Combustion temperature	Record temperatures at least
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133,510		or inlet and outlet temperatures	once every 15 minutes
019, 020, 109; 116, 509	Catalytic afterburner	Inlet and outlet temperatures; and catalyst bed reactivity as per manufacturer's specifications	Record temperatures or manual readings at least once every 15 minutes; and record results of catalyst bed reactivity
023	Flaring	Temperature indicating presence of a flame	Record temperatures at least once every 15 minutes

7011.0510 STANDARDS OF PERFORMANCE FOR EXISTING INDIRECT HEATING EQUIPMENT.

Subpart 1. **Particulate matter and sulfur dioxide.** No owner or operator of existing indirect heating equipment shall cause to be discharged into the atmosphere from said equipment any gases ~~which that~~ contain filterable particulate matter or sulfur dioxide in excess of the standards of performance shown in part 7011.0545.

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

7011.0515 STANDARDS OF PERFORMANCE FOR NEW INDIRECT HEATING EQUIPMENT.

Subpart 1. **Particulate matter, sulfur dioxide, and nitrogen oxides.** No owner or operator of new indirect heating equipment shall cause to be discharged into the atmosphere from said equipment any gases ~~which that~~ contain filterable particulate matter, sulfur dioxide, or nitrogen oxides in excess of the standards of performance shown in part 7011.0550.

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

7011.0530 PERFORMANCE TEST METHODS.

Unless another method is approved by the commissioner, any person required to submit performance tests for indirect heating equipment ~~shall utilize~~ must use the following test methods to demonstrate compliance:

- A. Method 1 for selection of sampling site and sample traverses;
- B. Method 3 for gas analysis;
- C. Method 5 for concentration of filterable particulate matter and the associated moisture content;
- D. Method 6 for concentration of SO₂;
- E. Method 7 for concentration of NO_x; and
- F. Method 9 for visual determination of opacity.

7011.0535 PERFORMANCE TEST PROCEDURES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Method 5.** For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf) except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the agency. ~~The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature between 120 degrees Celsius and 160 degrees Celsius (250 degrees Fahrenheit and 320 degrees Fahrenheit).~~

[For text of subps 4 to 9, see M.R.]

7011.0610 STANDARDS OF PERFORMANCE FOR FOSSIL-FUEL-BURNING DIRECT HEATING EQUIPMENT.

Subpart 1. **Particulate matter limitations.** ~~Particulate limitations:~~

A. No owner or operator of any direct heating equipment shall cause to be discharged into the atmosphere from the direct heating equipment any gases ~~which that~~:

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(1) contain the sum of filterable and organic condensable particulate matter in excess of the limits allowed by parts 7011.0700 to 7011.0735; or

[For text of subitem (2), see M.R.]

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

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

7011.0615 PERFORMANCE TEST METHODS.

Unless another method is approved by the agency, any person required to submit performance tests for direct heating equipment ~~shall utilize~~ must use the following test methods to demonstrate compliance:

A. Method 1 for selection of sampling site and sample traverses;

B. Method 3 for gas analysis;

C. Method 5 for concentration of filterable particulate matter and the associated moisture content and Method 202 for concentration of condensable particulate matter;

D. Method 6 for concentration of SO₂; and

E. Method 9 for visual determination of opacity.

7011.0620 PERFORMANCE TEST PROCEDURES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Sampling time for Method Methods 5 and 202.** For ~~Method Methods 5 and 202~~, the sampling time for each run ~~shall~~ must be at least 60 minutes and the minimum sampling volume ~~shall~~ must be 0.85 dscm (30 dscf) except that owners or operators may, prior to testing, request approval from the commissioner for smaller sampling times or volumes, when necessitated by process variables or other factors may be approved by the agency site-specific limitations. ~~The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature between 120 degrees Celsius and 160 degrees Celsius (250 degrees Fahrenheit and 320 degrees Fahrenheit).~~

[For text of subps 4 to 6, see M.R.]

7011.0710 STANDARDS OF PERFORMANCE FOR PRE-1969 INDUSTRIAL PROCESS EQUIPMENT.

Subpart 1. **Prohibited discharge of gases.** No owner or operator of any industrial process equipment ~~which that~~ was in operation before July 9, 1969, shall cause to be discharged into the atmosphere from the industrial process equipment any gases ~~which that~~:

A. in any one hour contain the sum of filterable and organic condensable particulate matter in excess of the amount permitted in part 7011.0730 for the allocated process weight; provided that the owner or operator shall not be required to reduce the particulate matter emission below the concentration permitted in part 7011.0735 for the appropriate source gas volume; provided further that regardless of the mass emission permitted by part 7011.0730, the owner or operator shall not be permitted to emit the sum of filterable and organic condensable particulate matter in a concentration in excess of 0.30 grains per standard cubic foot of exhaust gas; or

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

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

7011.0715 STANDARDS OF PERFORMANCE FOR POST-1969 INDUSTRIAL PROCESS EQUIPMENT.

Subpart 1. **Prohibited discharge of gases.** No owner or operator of any industrial process equipment ~~which that~~ was not in operation before July 9, 1969, shall cause to be discharged into the atmosphere from the industrial process equipment any gases ~~which that~~:

A. in any one hour contain the sum of filterable and organic condensable particulate matter in excess of the amount permitted in part 7011.0730 for the allocated process weight; provided that the owner or operator shall not be required to reduce the particulate matter emission below the concentration permitted in part 7011.0735 for the appropriate source gas volume; provided that regardless of the mass emission permitted by part 7011.0730, the owner or operator shall not be permitted to emit the sum of filterable and organic condensable particulate matter in a concentration in excess of 0.30 grains per standard cubic foot of exhaust gas; or

B. exhibit greater than 20 percent opacity.

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

7011.0720 PERFORMANCE TEST METHODS.

Unless another method is approved by the agency, any owner or operator required to submit performance tests for any industrial process equipment ~~shall utilize~~ **must use** the following test methods to demonstrate compliance:

- A. Method 1 for sample and velocity traverses;
- B. Method 2 for velocity and volumetric flow rate;
- C. Method 3 for gas analysis;
- D. Method 5 for the concentration of filterable particulate matter and associated moisture content and Method 202 for the concentration of organic condensibles; and
- E. Method 9 for visual determination of the opacity of emissions from stationary sources.

7011.0905 STANDARDS OF PERFORMANCE FOR EXISTING HOT MIX ASPHALT PLANTS.

No owner or operator of an existing hot mix asphalt plant shall cause to be discharged into the atmosphere from the hot mix asphalt plant any gases ~~which that~~:

- A. contain the sum of filterable and organic condensable particulate matter in excess of the limits allowed by parts 7011.0700 to 7011.0735; or
- B. exhibit greater than 20 percent opacity.

7011.1105 STANDARDS OF PERFORMANCE FOR CERTAIN COAL HANDLING FACILITIES.

The owner or operator of any new coal handling facility, or an existing coal handling facility located within the Minneapolis-Saint Paul Air Quality Control Region or within the boundaries of the city of Duluth, shall perform the following abatement measures unless otherwise exempt by portions of these parts:

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

F. Stockpiles, stockpile construction, and reclaiming.

(1) Control fugitive particulate emissions by dust suppression methods on such operations so that fugitive particulate emissions are minimized.

(2) In the alternative, use an underground bottom feed (plow) of coal to an underground conveyor system provided the exhaust gases from the enclosed spaces do not contain filterable particulate matter in excess of 0.020 grains per dry standard cubic foot (gr/dscf).

G. Enclosed coal handling facilities or emissions units not specifically covered by any other provision in ~~these~~ parts 7011.1100 to 7011.1140. If exhaust gases from any enclosed coal handling facility exceed 20 percent opacity, then the owner or operator of ~~such the~~ facility ~~shall must~~ select and implement one of the following further controls:

(1) install exhaust air system and control exhaust gases so that filterable particulate emissions in such gases do not exceed 0.020 gr/dscf;

(2) control exhaust gases using dust suppression methods so that particulate emissions do not exhibit greater than 20 percent opacity.

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

7011.1115 STANDARDS OF PERFORMANCE FOR PNEUMATIC COAL-CLEANING EQUIPMENT AND THERMAL DRYERS AT ANY COAL HANDLING FACILITY.

Subpart 1. **Pneumatic coal-cleaning equipment.** The owner or operator of a coal handling facility shall not cause to be discharged into the atmosphere from any pneumatic coal-cleaning equipment any gases ~~which that~~:

- A. contain filterable particulate matter in excess of 0.040 g/dscm (0.018 gr/dscf); or
- B. exhibit ten percent opacity or greater.

Subp. 2. **Thermal dryers.** The owner or operator of a coal handling facility shall not cause to be discharged into the atmosphere from

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any thermal dryer any gases ~~which that~~:

- A. contain filterable particulate matter in excess of 0.070 g/dscm (0.031 gr/dscf); or
- B. exhibit 20 percent opacity or greater.

[For text of subps 3 and 4, see M.R.]

7011.1130 PERFORMANCE TEST METHOD.

Unless another ~~equivalent~~ method is approved by the commissioner, ~~any person required to conduct performance tests for coal handling facilities shall utilize the following test methods, as referenced in Code of Federal Regulations, title 40, part 60, appendix A as in force on November 17, 1980~~ an owner or operator required to submit performance tests for coal handling facilities must use the following test methods to demonstrate compliance:

- A. Method 1 for sample and velocity traverses;
- B. Method 5 for the concentration of filterable particulate material and moisture content;
- C. Method 9 for the visual determination of the opacity of emission from stationary sources.

7011.1135 PERFORMANCE TEST PROCEDURES.

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

Subp. 2. **Special procedures.** For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf) except that owners or operators may, prior to testing, request approval from the commissioner for smaller sampling times or volumes, when necessitated by process variables or other factors, shall be approved by the commissioner site-specific limitations. ~~The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature between 100 degrees Celsius and 120 degrees Celsius (212 degrees Fahrenheit and 250 degrees Fahrenheit).~~ Sampling shall not be started until at least 30 minutes after start up and shall be terminated before shutdown procedures commence. The owner or operator shall eliminate cyclonic flow during performance tests.

7011.1227 TABLE 1.

The table in this part governs emission limitations for Class A and C waste combustor units. For acid gas limitations, either the applicable percent reduction or the parts per million by volume emission limitation, whichever is less stringent, is the emission limitation for the waste combustor.

	Class C	Class A
Particulate Matter		
Front-half <u>Filterable</u>		0.012 <u>0.011</u> gr/dscf
<u>Total The sum of filterable and organic condensable</u>	0.020 gr/dscf	0.020 gr/dscf
PCDD/PCDF		
Total	500 ng/dscm	30 ng/dscm
Acid Gases:		
Hydrogen chloride	NA	95% control or 29 ppm
Sulfur dioxide	NA	75% control or 29 ppm
Carbon Monoxide		
Modular starved air	50 ppm	50 ppm
Modular excess air	50 ppm	50 ppm
Mass burn waterwall	100 ppm	100 ppm
Mass burn refractory	100 ppm	100 ppm
Mass burn rotary refractory	100 ppm	100 ppm
Mass burn rotary waterwall	250 ppm	250 ppm
Bubbling fluidized bed	100 ppm	100 ppm

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Circulating fluidized bed	100 ppm	100 ppm
Pulverized coal/refuse-derived fuel mixed fuel-fired combustor	NA	150 ppm
Spreader stoker coal/refuse-derived fuel mixed fuel-fired combustor	NA	200 ppm
RDF stoker	150 ppm	200 ppm
Opacity	10%	10%
Mercury (short-term)		
Modular with ESP	1,000 µg/dscm	NA
Mass burn	1,000 µg/dscm	NA
Modular, mass burn, or fluidized bed with wet or dry scrubber	100 µg/dscm or 85% removal	NA
For all waste combustors except those combusting RDF in spreader stokers	NA 100 µg/dscm or 85% removal	80 50 µg/dscm or 85% removal
Waste combustor units combusting RDF in spreader stokers (90-day test interval)	NA	50 µg/dscm or 85% removal
Mercury (long-term)		
Modular with ESP	600 µg/dscm	NA
Mass burn	600 µg/dscm	NA
Modular, mass burn, or fluidized bed with wet or dry scrubber	60 µg/dscm or 85% removal	NA
For all waste combustors except those combusting RDF in spreader stokers	NA 60 µg/dscm or 85% removal	60 50 µg/dscm or 85% removal
Waste combustor units combusting RDF in spreader stokers (90-day test interval)	NA	30 µg/dscm or 85% removal
Waste combustor units combusting RDF in spreader stokers (12-month test interval)	NA	30 µg/dscm or 85% removal
Cadmium	NA	40 35 µg/dscm
Lead	NA	440 400 µg/dscm

7011.1229 TABLE 2.

The table in this part governs emission limitations for a Class II waste combustor. For acid gas limitations, either the applicable percent reduction or the parts per million by volume emission limitation, whichever is less stringent, is the emission limitation for the waste combustor.

Size	Class II
Particulate Matter	
Front-half Filterable	0.015 gr/dscf
Total The sum of filterable and organic condensable	0.020 gr/dscf
PCDD/PCDF (total)	30 ng/dscm
Acid Gases	
HCl	90% control or 25 ppm
SO ₂	80% control or 30 ppm

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Carbon monoxide		
Modular		50 ppm
Mass burn or fluidized bed		100 ppm
RDF stoker		150 ppm
Opacity		10%
NO _x		NA
Mercury (short-term)		
Modular		100 µg/dscm or 85% removal
Mass Burn		100 µg/dscm or 85% removal
RDF (90-day test interval)		50 µg/dscm or 85% removal
FBC		100 µg/dscm or 85% removal
Mercury (long-term)		
Modular		60 µg/dscm or 85% removal
Mass burn		60 µg/dscm or 85% removal
RDF (90-day test interval)		30 µg/dscm or 85% removal
FBC		60 µg/dscm or 85% removal
RDF (12-month test interval)		30 µg/dscm or 85% removal

7011.1231 TABLE 3.

The table in this part governs emission limitations for Class III ~~and D~~ waste combustors.

Size	Class III	Class D
Particulate Matter		
Total <u>The sum of filterable and organic condensable</u>	0.020 gr/dscf	0.035 gr/dscf
PCDD/PCDF		
Total	60 ng/dscm	200 ng/dscm
Carbon monoxide		
Modular	50 ppm	50 ppm
RDF	275 ppm	275 ppm
Opacity	10%	20%
Mercury		
Short-term	500 µg/dscm or 85% removal	
Long-term	300 µg/dscm or 85% removal	

7011.1233 TABLE 4.

The table in this part governs emissions from Class IV waste combustors.

Use	Hospital	Metal Recovery
Particulate Matter		
Total <u>The sum of filterable and organic condensable</u>	0.08 gr/dscf	0.035 gr/dscf
Opacity	20%	20%
Carbon Monoxide	50 ppm	50 ppm

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7011.1265 REQUIRED PERFORMANCE TESTS, METHODS, AND PROCEDURES.

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

Subp. 2. **Performance test methods for criteria pollutants.** An owner or operator of a waste combustor required to conduct performance tests for particulate matter, sulfur dioxide, or nitrogen oxides shall use test methods as described in items A to D.

A. ~~Part 7011.0725 shall apply to tests~~ For particulate matter, except that for Class I, II, A, and C waste combustors, the minimum sample volume shall be 1.7 dscm, and the probe and filter holder heating systems in the sample train shall be set to provide a gas temperature no greater than 160 degrees Celsius, plus or minus 14 degrees. For Class III, ~~and IV, and D~~ waste combustors, the minimum sample volume shall be 0.85 dscm. ~~Smaller sampling times or sample volumes shall be approved by the commissioner, when the commissioner determines that they are necessitated by process variables or other factors. Owners or operators may request approval for smaller sampling times or volumes from the commissioner prior to testing, when necessitated by process variables or site-specific limitations.~~ An oxygen or carbon dioxide measurement shall be obtained simultaneously with each Method 5 test run for particulate matter. Particulate matter emissions, expressed in gr/dscf, shall be corrected to seven percent oxygen by using the following formula:

$$c_7 = \frac{14c}{(21 - \%O_2)}$$

where: c_7 is the concentration of particulate matter corrected to seven percent oxygen;

c is the concentration of particulate matter as measured by *Code of Federal Regulations*, title 40, part 60, Appendix ~~A A-3~~, Method 5, ~~as amended, or in part 7011.0725 and~~ *Code of Federal Regulations*, title 40, part 51, Appendix M, Method 202; and

$\%O_2$ is the percentage of oxygen as measured by *Code of Federal Regulations*, title 40, part 60, Appendix ~~A A-2~~, Method 3, as amended.

(1) ~~Front-half Filterable~~ particulate matter emission is the concentration of particulate matter as measured by *Code of Federal Regulations*, title 40, part 60, Appendix ~~A A-3~~, Method 5, as amended.

(2) ~~Total particulate matter emission~~ The sum of filterable and organic condensable particulate matter is the concentration of particulate matter as ~~measured by part 7011.0725 described in part 7017.2060, subpart 3, item B.~~

For each *Code of Federal Regulations*, title 40, part 60, Appendix ~~A A-3~~, Method 5, as amended, run, the emission rate shall be determined using:

(a) oxygen or carbon dioxide measurements;

(b) dry basis F factor; and

(c) dry basis emission rate calculation procedures in *Code of Federal Regulations*, title 40, part 60, Appendix ~~A A-7~~, Method 19, as amended.

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

[For text of subps 3 to 11, see M.R.]

7011.1280 OPERATOR CERTIFICATION.

[For text of subps 1 to 4, see M.R.]

Subp. 5. Examinations.

A. The commissioner ~~shall~~ must approve an examination for the different classes of waste combustors and must not delegate this responsibility. The examination ~~shall~~ must be administered as a written closed book examination.

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

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

Subp. 7. Renewal.

A. A certified individual shall apply for certificate renewal no later than 30 days prior to certificate expiration. ~~Renewal certificates shall be issued by the commissioner when the commissioner receives the application, along with~~ The application for renewal must include evidence that the person has, during the preceding three years, earned credit for attending training courses ~~offered by the agency or other~~

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training courses approved by the commissioner as described in subpart 8 in the direct operation and maintenance of and environmental compliance for a waste combustor, including personnel training described in part 7011.1275, for the number of hours as identified as follows:

- (1) Class I, II, III, A, C, or D, 24 hours; and
- (2) Class IV, eight hours.

An individual whose certificate has expired must comply with item B or C.

B. If an individual applies for certificate renewal within one year following the expiration of the certificate, the commissioner may renew the certificate without examination. To be recertified without an examination, the individual must meet the training requirements of item A at the time of application before the certificate will be renewed. If the individual does not have training to meet the requirements of item A, the individual must comply with subpart 3.

C. If an individual applies for certificate renewal more than one year following the expiration of the certificate, the commissioner may renew the certificate individual is eligible for recertification when the individual complies with the requirements of subpart 3.

Subp. 8. [See repealer.]

[For text of subps 9 and 10, see M.R.]

Subp. 11. **Record keeping.** A waste combustor owner or operator shall maintain a record of personnel who complete either the Environmental Protection Agency municipal waste combustor operator training course, or an equivalent course approved by the Minnesota Pollution Control Agency under subpart 8. The record shall include documentation of training completion.

7011.1282 CERTIFIED MUNICIPAL WASTE COMBUSTOR EXAMINER CERTIFICATE.

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

Subp. 2. **Certification process for a certified municipal waste combustor examiner.**

A. The commissioner shall review the application for certified municipal waste combustor examiner and determine the adequacy of information included in the application. If the commissioner determines that additional information or documentation is necessary to assess the eligibility of the applicant, the commissioner shall notify the applicant. The application shall be considered incomplete until the applicant provides the required information. When the commissioner determines that the applicant has submitted a complete application, and has determined that the applicant has demonstrated a satisfactory compliance history as an operator at a municipal waste combustor, the commissioner shall schedule an oral examination of the applicant.

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

Subp. 3. **Examination for certified municipal waste combustor examiner.**

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

C. The board of examiners shall consist of at least consists of three members. The three members shall be a member of the Pollution Control Agency, are a member of the municipal waste combustor industry, and a member who is or has been employed at a power operation facility using combustion and/or air pollution control technologies comparable to the facility where the applicant is employed, and a member able to discharge the functions of the board of examiners, under the conditions specified by the commissioner.

The commissioner may appoint additional board members if the facility for which the applicant seeks certification is complex and the commissioner determines that additional examiners will help the board determine the applicant's technical knowledge, problem-solving ability, and understanding of plant operations.

Additional Pollution Control Agency representatives, a representative from the facility, a representative of an industry trade group, and or a member of the public shall be allowed by the commissioner to observe the examination.

[For text of subps 4 and 5, see M.R.]

7011.1305 STANDARDS OF PERFORMANCE FOR EXISTING SEWAGE SLUDGE INCINERATORS.

No owner or operator of an existing sewage sludge incinerator shall cause allow to be discharged into the atmosphere from the sewage

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sludge incinerator any gases ~~which that~~:

A. contain filterable particulate matter in excess of 0.3 gr/dscf corrected to 12 percent CO₂ if the incinerator has a burning capacity of less than 200 pounds per hour;

B. contain filterable particulate matter in excess of 0.2 gr/dscf corrected to 12 percent CO₂ if the incinerator has a burning capacity of 200 to 2,000 pounds per hour;

C. contain filterable particulate matter in excess of 0.1 gr/dscf corrected to 12 percent CO₂ if the incinerator has a burning capacity of greater than 2,000 pounds per hour.

No owner or operator of an existing sewage sludge incinerator shall cause to be discharged into the atmosphere from the incinerator any gases ~~which that~~ exhibit greater than 20 percent opacity, except for one six-minute period per hour of not more than 33 percent opacity. An exceedance of this opacity standard occurs whenever any one-hour period contains two or more six-minute periods during which the average opacity exceeds 20 percent or whenever any one-hour period contains one or more six-minute periods during which the average opacity exceeds 33 percent.

No owner or operator of an existing sewage sludge incinerator shall operate ~~such the~~ incinerator unless ~~such the~~ incinerator ~~utilizes uses~~ auxiliary fuel burners that maintain a minimum temperature of 1,200 degrees Fahrenheit for a minimum retention time of 0.3 second or other method of odor control as approved by the commissioner.

For the purposes of this part, "existing sewage sludge incinerator" means a sewage sludge incinerator on which construction, modification, or reconstruction did not commence after June 11, 1973.

7011.1310 STANDARDS OF PERFORMANCE FOR NEW SEWAGE SLUDGE INCINERATORS.

No owner or operator of a new sewage sludge incinerator shall ~~cause allow~~ be discharged into the atmosphere from the incinerator any gases ~~which that~~:

A. contain filterable particulate matter in excess of 0.65 g/kg dry sludge input (1.30 lb/ton dry sludge input); or

B. exhibit 20 percent opacity or greater.

No owner or operator of a new sewage sludge incinerator shall operate ~~such the~~ incinerator unless ~~such the~~ incinerator ~~utilizes uses~~ auxiliary fuel burners that maintain a minimum temperature of ~~1200~~ 1,200 degrees Fahrenheit for a minimum retention time of 0.3 second or other method of odor control as approved by the commissioner.

For the purposes of this part, "new sewage sludge incinerator" means a sewage sludge incinerator on which construction, modification, or reconstruction commenced after June 11, 1973.

7011.1320 PERFORMANCE TEST METHODS.

Unless another method is approved by the agency, ~~any an~~ owner or operator required to submit performance tests for a sewage sludge incinerator ~~shall utilize must use~~ the following test methods to demonstrate compliance:

A. Method 1 for sample and velocity traverses;

B. Method 2 for volumetric flow rate;

C. Method 3 for gas analysis; and

D. Method 5 for concentration of filterable particulate matter and associated moisture content.

7011.1400 DEFINITIONS.

[For text of subps 1 to 10, see M.R.]

Subp. 11. **Process gas.** "Process gas" means any gas generated by a petroleum refinery process unit, except fuel gas ~~and process upset gas as defined in this part~~.

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Subp. 12. [See repealer.]

[For text of subps 13 and 14, see M.R.]

7011.1405 STANDARDS OF PERFORMANCE FOR EXISTING AFFECTED FACILITIES AT PETROLEUM REFINERIES.

Subpart 1. **Fluid catalytic cracking unit catalyst regenerator and incinerator-waste heat boiler.** No owner or operator of an existing fluid catalytic cracking unit catalyst regenerator or its incinerator-waste heat boiler at a petroleum refinery shall ~~cause~~ allow to be discharged into the atmosphere from ~~such the~~ regenerator or its incinerator-waste heat boiler any gases ~~which that~~:

A. contain filterable particulate matter in excess of 10.0 lb/1000 lb (10.0 kg/1000 kg) of coke burn-off in the catalyst regenerator; or

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

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

Subp. 3. **Indirect heating equipment.** The standards of performance in parts 7011.0500 to 7011.0530 for indirect heating equipment do not apply to indirect heating equipment at a petroleum refinery. Only the standards of performance for indirect heating equipment in this part apply to indirect heating equipment. No owner or operator of existing indirect heating equipment at a petroleum refinery shall ~~cause~~ allow to be discharged into the atmosphere from ~~such the~~ equipment any gases ~~which that~~:

A. contain filterable particulate matter in excess of 0.4 pounds per million Btu (0.72 grams per million cal) heat input; or

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

[For text of subp 4, see M.R.]

7011.1410 STANDARDS OF PERFORMANCE FOR NEW AFFECTED FACILITIES AT PETROLEUM REFINERIES.

Subpart 1. **Fluid catalytic cracking unit catalyst regenerator and incinerator-waste heat boiler.** No owner or operator of a new fluid catalytic cracking unit catalyst regenerator or its incinerator-waste heat boiler at a petroleum refinery shall ~~cause~~ allow to be discharged into the atmosphere from ~~such the~~ regenerator or incinerator-waste heat boiler any gases ~~which that~~:

A. contain filterable particulate matter in excess of 1.0 lb/1000 lb (1.0 kg/1000 kg) of coke burn-off in the catalyst regenerator; or

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

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

Subp. 3. **Indirect heating equipment.** The standards of performance in parts 7011.0500 to 7011.0530 for indirect heating equipment do not apply to indirect heating equipment at a petroleum refinery. Only the standards of performance for indirect heating equipment in this subpart apply to indirect heating equipment.

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

B. No owner or operator of new indirect heating equipment at a petroleum refinery shall ~~cause~~ allow to be discharged into the atmosphere from ~~such the~~ equipment any gases ~~which that~~:

(1) contain filterable particulate matter in excess of 0.4 pounds per million Btu (0.72 grams per million cal) heat input; or

[For text of subitem (2), see M.R.]

C. The owner or operator of a new steam generating unit of more than 250 million Btu per hour (63 million cal per hour) heat input at a petroleum refinery shall comply with the following requirements:

(1) No gases shall be discharged from the steam generating unit ~~which that~~ contain filterable particulate matter in excess of 0.1 pounds per million Btu (0.18 grams per million cal) heat input.

[For text of subitems (2) and (3), see M.R.]

[For text of subp 4, see M.R.]

7011.1425 PERFORMANCE TEST METHODS.

Subpart 1. **In general.** Unless another method is approved by the commissioner, ~~any a~~ person required to submit performance tests for a petroleum refinery ~~shall utilize~~ must use the following test methods in this part to demonstrate compliance.

Subp. 2. **Gases released to atmosphere from fluid catalytic cracking unit catalyst regenerator.** For gases released to the atmosphere from the fluid catalytic cracking unit catalyst regenerator:

A. Method 1 for sample and velocity traverses;

B. Method 2 for velocity and volumetric flow rate;

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- C. Method 5 for the concentration of filterable particulate matter and moisture content;
- D. Method 9 for visual determination of the opacity of emissions from stationary sources;
- E. Method 10 for carbon monoxide.

[For text of subps 3 and 4, see M.R.]

Subp. 5. **Gases to atmosphere from combustion.** For gases released to the atmosphere from the combustion of fuel gas, fossil fuel, and the combination of fuel gas and fossil fuel:

- A. Method 1 for sample and velocity traverses;
- B. Method 2 for velocity and volumetric flow rate;
- C. Method 5 for the concentration of filterable particulate matter and moisture content;
- D. Method 6 for concentration of SO₂;
- E. Method 9 for visual determination of the opacity of emissions from stationary sources.

7011.1905 STANDARDS OF PERFORMANCE FOR SECONDARY BRASS AND BRONZE INGOT PRODUCTION PLANTS.

No owner or operator of a secondary brass or bronze ingot production plant shall ~~cause~~ allow to be discharged into the atmosphere from a reverberatory furnace any gases ~~which that~~:

- A. contain filterable particulate matter in excess of 50 mg/dscm (0.022 gr/dscf);

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

7011.1910 PERFORMANCE TEST METHODS.

Unless another method is approved by the agency, ~~any an~~ owner or operator required to submit performance tests for a brass or bronze ingot production plant shall ~~utilize~~ must use the following test methods to demonstrate compliance:

- A. Method 1 for sample and velocity traverses;
- B. Method 2 for velocity and volumetric flow rate;
- C. Method 3 for gas analysis;
- D. Method 5 for the concentration of filterable particulate matter and the associated moisture content.

7011.2005 STANDARDS OF PERFORMANCE FOR IRON AND STEEL PLANTS.

No owner or operator of an iron and steel plant shall ~~cause~~ allow to be discharged into the atmosphere from any basic oxygen process furnace any gases ~~which that~~ contain filterable particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).

7011.2010 PERFORMANCE TEST METHODS.

Unless another method is approved by the agency, ~~any an~~ owner or operator required to submit performance tests for an iron and steel plant shall ~~utilize~~ must use the following test methods to demonstrate compliance:

- A. Method 1 for sample and velocity traverses;
- B. Method 2 for volumetric flow rate;
- C. Method 3 for gas analysis;
- D. Method 5 for concentration of filterable particulate matter and associated moisture content.

7011.2300 STANDARDS OF PERFORMANCE FOR STATIONARY INTERNAL COMBUSTION ENGINES.

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

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Subp. 2. **Sulfur dioxide.**

A. No owner or operator of any a stationary internal combustion engine shall ~~cause~~ allow to be discharged into the atmosphere from the engine any gases which that contain sulfur dioxide in excess of 0.5 pounds per million Btu actual heat input unless an alternative limit is established in an air emission permit after demonstration through modeling of compliance with the sulfur dioxide standards in part 7009.0080.

B. No later than January 31, 2018, owners or operators of a stationary internal combustion engine must not allow any gases that contain sulfur dioxide in excess of 0.0015 pounds per million Btu actual heat input to be discharged into the atmosphere from the engine unless the agency establishes an alternative sulfur dioxide emission limit in an air emission permit that includes a demonstration through modeling of compliance with the sulfur dioxide standards in part 7009.0080.

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

7011.2375 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARD FOR STATIONARY COMBUSTION TURBINES.

Code of Federal Regulations, title 40, part 60, subpart KKKK, as amended, entitled “Standards of Performance for Stationary Combustion Turbines,” is adopted and incorporated by reference.

7011.2450 STANDARDS OF PERFORMANCE FOR NEW KRAFT PULP MILLS.

A. Code of Federal Regulations, title 40, part 60, subpart BB, as amended, entitled “Standards of Performance for Kraft Pulp Mills,” is adopted and incorporated by reference.

B. Code of Federal Regulations, title 40, part 60, subpart BBa, as amended, entitled “Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013,” is adopted and incorporated by reference.

7011.7185 GASOLINE DISPENSING FACILITIES.

Code of Federal Regulations, title 40, part 63, subpart CCCCC, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities,” is adopted and incorporated by reference, except that the authorities identified in Code of Federal Regulations, title 40, part 63.11131(c), are not delegated to the commissioner and are retained by the administrator.

7011.7630 PORTLAND CEMENT KILNS.

Code of Federal Regulations, title 40, part 63, subpart LLL, as amended, entitled “National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry,” is adopted and incorporated by reference, except that the decisions made by the administrator under Code of Federal Regulations, title 40, section 63.1358(c), are not delegated to the commissioner and must be made by the administrator.

7017.1002 DEFINITIONS.

[For text of subs 1 to 7, see M.R.]

Subp. 7a. **Grace period.** “Grace period” applies to monitor quality control audits and means a period of unit or stack operating hours beginning with the first unit or stack operating hour following the calendar quarter in which an audit was due. All operating hours apply toward the grace period regardless of whether the hours are consecutive.

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

Subp. 11a. **Quality assurance operating quarter.** “Quality assurance operating quarter” or “QA operating quarter” means a calendar quarter in which there are at least 168 unit operating hours.

[For text of subp 12, see M.R.]

Subp. 13. **Stack operating hour.** “Stack operating hour” means a clock hour during which flue gases flow through a particular stack or duct for the entire hour or for any part of the hour. Clock hour has the meaning given in Code of Federal Regulations, title 40, section 60.13(h)(2)(i), as amended.

Subp. 14. **Unit operating hour.** “Unit operating hour” means a clock hour during which an emission unit operates for the entire hour

or for any part of the hour. Clock hour has the meaning given in *Code of Federal Regulations*, title 40, section 60.13(h)(2)(i), as amended.

7017.1080 CERTIFICATION TEST REPORT REQUIREMENTS.

Subpart 1. **Report required.** The owner or operator of the emission facility ~~shall~~ must prepare and submit a certification test report ~~to in a format specified by~~ the commissioner. A report must be submitted for any certification test that was required, whether or not the test data indicate compliance with the appropriate performance specifications, and whether or not the test was completed according to the approved test plan.

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

Subp. 3. [See repealer.]

[For text of subp 4, see M.R.]

7017.1110 EXCESS EMISSIONS REPORTS.

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

Subp. 2. **Contents of excess emissions report.** The excess emissions report ~~shall~~ must contain the information in items A to ~~E~~.

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

D. Summary of the cylinder gas audit and relative accuracy test audit required by parts 7017.1180 and 7017.1220 if the audits were completed in the previous quarter.

E. If applicable, notifications of exceptions of applicability from audit frequencies as allowed in parts 7017.1170, subparts 4a and 5a, and 7017.1215.

7017.1120 SUBMITTALS.

Subpart 1. **Address.** ~~All~~ The owner or operator of the facility must send all submittals required under parts 7017.1002 to 7017.1220 ~~shall be sent to: Continuous Emissions Monitoring System Specialist, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155-4194 to the agency in a physical or electronic format as specified by the commissioner and to the address identified on the required form or as provided by the agency.~~

Subp. 2. [See repealer.]

Subp. 3. **Date.** Submittals must be postmarked or received by the date specified in the applicable regulation or compliance document.

Subp. 4. **Certification.** All submittals, except for certification test-plans and relative accuracy test audits notifications, must be accompanied by a certification statement in a format specified by the commissioner and signed by a responsible official, pursuant to part 7007.0500, subpart 3. ~~When a submittal required to be certified has been made by electronic mail or facsimile, a signed certification clearly indicating the submittal to which it applies shall be mailed or delivered to the agency, postmarked, or received within five days of the electronic mail or facsimile. When a submittal required to be certified is made by CD-ROM or computer disk, it shall be accompanied by a signed certification clearly indicating the submittal to which it applies.~~

7017.1170 QUALITY ASSURANCE AND CONTROL REQUIREMENTS FOR CEMS.

Subpart 1. [See repealer.]

Subp. 1a. **Applicability.** The quality assurance and control requirements in this part apply to each CEMS unless otherwise specified by another applicable standard. If multiple CEMS standards apply to a single CEMS unit, the requirements of all applicable standards must be met.

Subp. 2. **Quality assurance plan required.** The owner or operator of the facility ~~shall~~ must develop and implement a written quality assurance plan that covers each CEMS. The plan ~~shall~~ must be on site and available for inspection ~~within 60 days after March 8, 1999, or within 30 days after monitor certification, whichever is later.~~ The plan ~~shall~~ must be revised as needed ~~in order to keep it the plan~~ up to date with the facility's current policies and procedures. The plan ~~shall~~ must contain all of the information required by *Code of Federal Regulations*, title 40, part 60, appendix F, section 3. The plan ~~shall~~ must include the manufacturer's spare parts list for each CEMS and require that those parts be kept at the facility unless the commissioner gives written approval to exclude specific spare parts from the list.

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The commissioner may approve requested exclusions if the commissioner determines that it is not reasonable to keep a specific part on site after consideration of the consequences of a malfunction of the part, the likelihood of a malfunction, the time required to obtain the part, and other pertinent factors.

Subp. 3. **Daily calibration drift assessment and adjustment.** The facility owner or operator ~~shall~~ must conduct daily calibration drift assessments and make adjustments as needed according to the procedure listed in items A and B ~~and~~, *Code of Federal Regulations*, title 40, section 60.13(d)(1), or *Code of Federal Regulations*, title 40, part 75, Appendix B, section 2.1, as amended, as applicable, for each pollutant concentration and diluent monitor. The calibration drift assessment ~~shall~~ must be conducted on each monitor range. The span value specified in the applicable requirement or compliance document ~~shall~~ must be used to determine the zero and span calibration points. If no span value is specified in the applicable requirement or compliance document, the owner or operator ~~shall~~ must use a span value equivalent to 1.5 times the emission limit.

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

Subp. 4. [See repealer.]

Subp. 4a. Cylinder gas audit.

A. The owner or operator must complete the initial cylinder gas audit (CGA) within 180 days following certification of the CEMS. The owner or operator must conduct subsequent CGAs on each concentration and diluent monitor on each CEMS no later than the end of every other QA operating quarter, regardless of whether the quarters are consecutive calendar quarters. The audit must be performed according to Code of Federal Regulations, title 40, part 60, Appendix F, section 5.1.2, as amended. As part of each quarterly excess emission report, the owner or operator must submit notification of any exception to CGA frequency that it used during the reporting period. A CGA is not required during any calendar half year in which a relative accuracy test audit was performed on the CEMS.

B. If the unit being monitored by the CEMS is not in operation on the CGA due date, the owner or operator has a grace period of 168 operating hours in which to perform a CGA on that monitor. If, at the end of the 168-operating-hour grace period, the CGA has not been completed, data from the CEMS is invalid beginning with the first unit operating hour following expiration of the grace period. Nothing in this subpart relieves the owners' or operators' obligation to comply with quality assurance provisions imposed by other applicable standards or compliance documents.

C. The audit frequency in Code of Federal Regulations, title 40, part 60, Appendix F, as amended, applies only if the unit is subject to Code of Federal Regulations, title 40, part 60.

Subp. 5. [See repealer.]

Subp. 5a. **Relative accuracy test audits.** The owner or operator must complete relative accuracy test audits (RATAs) as required by this subpart.

A. RATAs must be conducted using the applicable procedures in Code of Federal Regulations, title 40, part 60, Appendix B, or Code of Federal Regulations, title 40, part 75, Appendix A, sections 6.5 to 6.5.2.2, and Appendix B, sections 2.3.1.3 and 2.3.1.4, as amended, as applicable.

B. The owner or operator must complete a RATA on each CEMS within 365 days following certification of the CEMS. Subsequent RATAs must be conducted on each monitor range of a CEMS no later than the end of every fourth QA operating quarter, regardless of whether the operating quarters are consecutive calendar quarters.

C. The owner or operator may conduct less frequent RATAs as described in subitems (1) and (2). The owner or operator must include notification of the reduced frequency or delay in performing a RATA to the commissioner in each quarterly excess emission report during which a RATA would have been due. Nothing in this subpart relieves the owners' or operators' obligation to comply with quality assurance provisions imposed by other applicable requirements or compliance documents.

(1) If a RATA demonstrates less than 75 percent of the performance specification under the applicable performance standard of Code of Federal Regulations, title 40, part 60, Appendix B, as amended, the next RATA is due before the end of the sixth subsequent QA operating quarter.

(2) If the unit is not in operation at the RATA due date, the owner or operator has a grace period of 720 operating hours in which to perform a RATA on that monitor. If, at the end of the 720-operating-hour grace period, the RATA has not been completed, data from

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the CEMS is invalid beginning with the first unit operating hour following expiration of the grace period.

Subp. 6. **Criteria for excessive CEMS audit inaccuracy.** The criteria for excessive inaccuracy are:

A. for RATAs, the relative accuracy value specified in the appropriate Performance Specification of *Code of Federal Regulations*, title 40, part 60, Appendix B, and *Code of Federal Regulations*, title 40, part 75, Appendix A, section 3.3, as amended, as applicable; and

B. for CGAs, the average audit value must be within 15 percent of the cylinder gas value or five ppm, whichever is greater.

Subp. 7. **Calibration gases.** Gas mixtures must not be used after the manufacturer's certification expiration data. The expiration date must be clearly labeled on the container of each gas.

Subp. 8. **Out of control periods.** Data is not considered valid and may not be used for emissions calculations during out of control periods as defined in part 7017.1002. The out of control period is considered downtime and the owner or operator must follow the requirements of *Code of Federal Regulations*, title 40, part 60, Appendix F, sections 4.3.2 and 5.2.2, as amended. An owner or operator may not apply the data substitution procedures in *Code of Federal Regulations*, title 40, part 75, as amended, to comply with this part.

7017.1215 QUALITY ASSURANCE AND CONTROL REQUIREMENTS FOR COMS.

For quality assurance and control requirements for COMS, the facility owner or operator must conduct quality assurance and quality control as specified in Procedure 3 - Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources, *Code of Federal Regulations*, title 40, part 60, Appendix F, as amended, which is adopted and incorporated by reference.

7017.2015 INCORPORATION OF FEDERAL TESTING REQUIREMENTS BY REFERENCE.

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

Subp. 4. **Document submission.** All requests, reports, applications, submittals, and other communications to the administrator pursuant to subparts 2 and 3 must be submitted to the person identified in part ~~7017.2018~~ 7017.2017, except that for those sections identified in this part as not delegated to the commissioner, the request, report, application, or submittal must be submitted to the EPA administrator.

7017.2017 SUBMITTALS.

All submittals required under parts 7017.2015 to 7017.2060 must be submitted in a physical or electronic format as specified by the commissioner and sent to the address identified on the required form or provided by the commissioner.

7017.2025 OPERATIONAL REQUIREMENTS AND LIMITATIONS.

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

Subp. 3a. **Compliance with new operating limits.** If a new operating limit is imposed pursuant to subpart 3, it shall be implemented according to items A to C, unless otherwise defined in an applicable requirement or compliance document.

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

C. For new operating limits ~~other than operating rate limits and pollution control equipment limits not specified in item A or B~~, the averaging time and any extension of the range of values ~~shall~~ must be defined in the test plan ~~based upon the type of emissions unit or air pollution control equipment affected, the parameter being monitored, the accuracy of the monitoring equipment, the frequency and method of monitoring, and any specific requirements defined in an applicable requirement or compliance document approved under part 7017.2030, subpart 2.~~

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

Subp. 4. **Failure to demonstrate compliance.**

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

B. The owner or operator may receive an extension to the schedule in item A if the owner or operator demonstrates in writing to the commissioner that one of the following special circumstances applies:

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

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(6) the owner or operator ~~accepts that the retest would not demonstrate compliance and submits a compliance plan to the commissioner on or before the deadline for conducting the retest and the commissioner gives written approval of the compliance plan needs additional time to complete corrective actions or procedural changes to the affected emission unit or units before retesting.~~

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

Subp. 5. **Failure of retest.** ~~If the owner or operator has conducted a retest has been conducted~~ under subpart 4 and the commissioner provides written notice to the owner or operator of the emission facility that the retest provides a second demonstration of noncompliance with an applicable emission limit, the owner or operator ~~shall shut down the affected emissions units unless items A to C of~~ must comply with this subpart ~~apply.~~

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

(1) ~~If the owner or operator identifies such corrective actions or procedural changes and receives the commissioner's written approval of the required demonstration, the owner or operator may continue to operate the affected emissions units, provided the owner or operator continues to implement the approved actions or changes. If required by parts 7007.1150 to 7007.1500, the owner or operator must apply for a permit amendment to incorporate the approved actions or changes into the facility permit.~~

(2) ~~If the owner or operator cannot identify such corrective actions or procedural changes, the owner or operator must comply with item B.~~

B. ~~The owner or operator has received the commissioner's written acceptance of demonstrating the conditions in item A. This written acceptance may be given at the same time as the notification of noncompliance if a compliance plan has already been submitted under subpart 4 or otherwise and it satisfies the requirements of item A. If the owner or operator cannot first make the demonstration specified in item A and does not receive written approval to operate according to item A, the owner or operator must propose terms and conditions to the commissioner, in writing, that will ensure compliance with all conditions or requirements underlying each limit that the owner or operator failed.~~

(1) ~~If the commissioner determines that the terms and conditions will ensure compliance at all times with the conditions or requirements underlying each limit that the owner or operator failed, the owner or operator must apply for the appropriate permit amendment to incorporate the terms and conditions into the facility permit.~~

(2) ~~If the commissioner determines that the terms and conditions will not ensure compliance with the conditions or requirements underlying each limit that the owner or operator failed, the owner or operator must shut down the affected emission unit or units and must not restart the unit or units until the owner or operator corrects all deficiencies in the proposal and the commissioner approves the proposal.~~

C. ~~Upon receipt of the commissioner's approval to operate the affected emissions units, the owner or operator complies with any new operating limits arising from the demonstration in item A.~~

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

7017.2035 PERFORMANCE TEST REPORTING REQUIREMENTS.

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

Subp. 2. **Submittal schedule.** The performance test report ~~shall~~ must be postmarked or received within 45 days following completion of the performance test unless an alternate schedule is given in the applicable compliance document. The owner or operator of the emission facility may request in the test plan that the submittal deadline be extended by up to 15 days if the complexity of the test schedule or the laboratory analysis is such that submittal within 45 days is impractical.

The owner or operator of the emission facility shall provide to the commissioner a microfiche copy of the performance test report to be postmarked or received within 60 days of the deadline for submittal of the test report. The complete permit file number, complete emission facility name, and exact date of testing shall be provided.

Subp. 3. **Complete report.** The report ~~shall~~ must include the following elements:

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

D. Summary of results:

(1) emission results, expressed in the same units as the emission limits or in units prescribed in any applicable compliance document as defined in part 7017.2005, subpart 2;

[For text of subitems (2) to (6), see M.R.]

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

7017.2050 PERFORMANCE TEST METHODS.

Subpart 1. **Test methods.** Unless a different method is given in an applicable requirement or compliance document, the owner or operator of an emission facility shall conduct performance tests using the methods incorporated by reference in part 7017.2010 and following the requirements in part 7017.2060, unless an alternative or equivalent method is approved or required by the commissioner in accordance with subpart 2. If the methods incorporated by reference include exemptions and exclusions that do not meet the requirements of parts 7017.2001 to 7017.2060, the exemptions and exclusions do not apply.

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

7017.2060 PERFORMANCE TEST PROCEDURES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Total Particulate matter determination.** The owner or operator must conduct particulate matter emission tests as required in this subpart.

A. For Method 5, the sampling time for each test run shall be at least 60 minutes and the minimum sampling volume will be 32 dscf (0.9 dsem) Unless the commissioner has approved an equivalent method, the owner or operator must use Method 5, Code of Federal Regulations, title 40, part 60, Appendix A-3, as amended, and Method 202, Code of Federal Regulations, title 40, part 51, Appendix M, as amended.

B. For particulate matter determination where the applicable emission limit includes organic condensibles, results for particulate matter emissions shall include organic condensible particulate matter emissions as determined by the amendment to Method 5 given in part 7011.0725. The results shall be reported as both total particulate matter including organic condensibles and as particulate matter excluding organic condensibles. The owner or operator must report:

(1) the results for filterable, organic condensable, and inorganic condensable particulate matter separately; and

(2) the sum of filterable and organic condensable particulate matter.

C. An emission facility's compliance status is based on a comparison of the sum of filterable and organic condensable particulate matter to the applicable limit, unless otherwise required under chapter 7011.

D. the determination of condensible When submitting a proposed test plan, an owner or operator may apply to the commissioner to exclude condensable particulate matter may be waived from a performance test for particulate matter. The commissioner shall approve the exclusion if the owner or operator demonstrates:

(1) if it can be demonstrated to the commissioner through mass balance calculations or previous performance test results that the emissions unit is not a source of organic condensible condensable particulate matter emissions; or

(2) that an exception in Method 202, section 1.4(h), as amended, applies.

Subp. 4. **PM-10 determination.** The owner or operator must conduct PM-10 emission tests as required in this subpart.

A. Unless the commissioner has approved an equivalent method, the owner or operator must use Method 201 or 201A shall be used unless the commissioner has approved an alternate or equivalent method. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume will be 32 dscf (0.9 dsem);, Code of Federal Regulations, title 40, part 51, Appendix M, as amended, and Method 202, Code of Federal Regulations, title 40, part 51, Appendix M, as amended.

B. Results for PM-10 emissions shall include condensible particulate matter emissions as determined by Method 202. The results shall be reported as both total PM-10 including condensibles and as PM-10 excluding condensibles.

B. The owner or operator must report:

(1) the results for filterable, organic condensable, and inorganic condensable PM-10 separately; and

Proposed Rules

(2) the sum of filterable, organic condensable, and inorganic condensable PM-10.

C. The An emission facility's compliance status of the emission facility shall be based on the result for total PM-10 including condensable particulate matter is based on a comparison of the sum of filterable, organic condensable, and inorganic condensable PM-10 to the applicable PM-10 limit, unless otherwise required under chapter 7011.

D. the determination of condensable particulate matter may be waived When submitting a proposed test plan, an owner or operator may apply to the commissioner to exclude condensable particulate matter from a performance test for PM-10. The commissioner shall approve the exclusion if the owner or operator demonstrates:

(1) if it can be demonstrated to the commissioner through mass balance calculations or previous performance test results that the emissions unit is not a source of condensable condensable particulate matter emissions; or

(2) that an exception in Method 202, section 1.4(h), as amended, applies.

Subp. 4a. **PM-2.5 determination.** The owner or operator must conduct PM-2.5 emission tests as required in this subpart.

A. Unless the commissioner has approved an equivalent method, the owner or operator must use Method 201A, *Code of Federal Regulations*, title 40, part 51, Appendix M, as amended, and Method 202, *Code of Federal Regulations*, title 40, part 51, Appendix M, as amended.

B. The owner or operator must report:

(1) the results for filterable, organic condensable, and inorganic condensable PM-2.5 separately; and

(2) the sum of filterable, organic condensable, and inorganic condensable PM-2.5.

C. An emission facility's compliance status is based on a comparison of the sum of filterable, organic condensable, and inorganic condensable to the applicable PM-2.5 limit, unless otherwise required under chapter 7011.

D. When submitting a proposed test plan, an owner or operator may apply to the commissioner to exclude organic condensable particulate matter from a performance test for PM-2.5. The commissioner shall approve the exclusion if the owner or operator demonstrates:

(1) through previous performance test results that the emissions unit is not a source of condensable particulate matter emissions; or

(2) that an exception in Method 202, section 1.4(h), as amended, applies.

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

7019.3020 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

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

C. Owners or operators of emission reporting facilities that hold an air emission permit under part 7007.1115, registration permit option A, must report actual emissions calculated for the calendar year for which emissions are being reported in a format specified by the commissioner.

D. All owners or operators of emission reporting facilities which have obtained an air emission permit under part 7007.1125, registration permit option C, shall report the quantity of each fuel purchased or used (whichever was stated in the facility's registration permit application) in the year for which emissions are being calculated. The report shall apportion the quantity of fuel burned with the type of combustion unit (indirect heating units or internal combustion engines) in which it was burned. The owner or operator shall report the quantity of VOC-containing materials purchased or used (whichever is stated in the facility's registration permit application) in the year for which emissions are being calculated. The owners or operators reporting VOC-containing materials purchases or usage shall also report the weight factor (WF) of the VOC in the materials (weight of VOC per weight of VOC-containing materials) and the density of the materials. The actual emissions shall be calculated by the commissioner.

D. E. All owners or operators of emission reporting facilities which have obtained an air emission permit under part 7007.1130, registration permit option D, shall report the actual emissions calculated for purposes of compliance demonstration required in part

Proposed Rules

7007.1130, subpart 3, item E, for the calendar year for which emissions are being reported in a format specified by the commissioner.

~~E.F.~~ All owners or operators of emission reporting facilities which have obtained an air emission permit under parts 7007.1140 to 7007.1148, capped permit, shall report the actual emissions calculated for purposes of compliance demonstration required in part 7007.1146, subpart 2, item H, for the calendar year for which emissions are being reported for all emission units in a format specified by the commissioner.

~~F.G.~~ All owners or operators of an emission reporting facility submitting an emission inventory based in whole, or in part, on a material balance calculation shall submit a sample material balance calculation with the emission inventory. Such facilities shall also maintain a record of the material safety data sheets or vendor certification of the VOC, mercury, or sulfur content of the material for each material or fuel used and the material balance calculations for a period of five years after the date of submittal of the emission inventory.

~~G.H.~~ The emission inventory may be based on the use of control equipment only if the use of the specific control equipment is required under conditions of a permit or applicable requirement as defined in part 7007.0100, subpart 7.6b, or is included in a notification received by the agency under part 7007.1150, item C. This item applies upon issuance under chapter 7007 of a registration, state, capped, general, or part 70 permit to a stationary source but no earlier than the date three years after EPA grants full program approval of the agency's permit program under title 5 of the Clean Air Act.

7030.0010 INCORPORATION BY REFERENCE.

For the purpose of chapter 7030, American National Standards Institute, Specification for Sound Level Meters, S1.4-1983 is incorporated by reference. This publication is available from the American National Standards Institute, 1430 Broadway, New York, N.Y. 10018 and can be found at: the offices of the Minnesota Pollution Control Agency, ~~1935 West County Road B-2, Roseville~~ 520 Lafayette Road North, Saint Paul, Minnesota ~~55113~~ 55155; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155. This document is not subject to frequent change.

The Federal Highway Administration publication, Sound Procedures for Measuring Highway Noise: Final Report, FHWA-DP-45-1R (August 1981) is incorporated by reference. This publication is available from the United States Department of Transportation, Federal Highway Administration, 1000 North Globe Road, Arlington, Virginia 22201 and can be found at: the offices of the Minnesota Pollution Control Agency, ~~1935 West County Road B-2, Roseville~~ 520 Lafayette Road North, Saint Paul, Minnesota ~~55113~~ 55155; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155. This document is not subject to frequent change.

7030.0050 NOISE AREA CLASSIFICATION.

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

Subp. 2. **Noise area classifications.** The noise area classifications and the activities included in each classification are listed below:

Noise Area Classification	Land Use Activities
1	Household Units (includes farm houses) Group quarters <u>Residential Hotels, motels, or other overnight lodging</u> Mobile home parks or courts Transient lodging Other residential <u>units</u> Motion picture production Medical and other health services Correctional institutions Educational services Religious activities Cultural activities and nature exhibitions

Proposed Rules

Entertainment assembly
Camping and picnicking areas (designated)
Resorts and group camps
Other cultural, entertainment, and recreational activities.

2

~~Railroad terminals (passenger)~~
Railroad terminals (passenger and freight)
Rapid rail transit and street railway passenger terminals
~~Bus passenger terminals (intercity)~~
Bus passenger terminals (local)
Bus passenger terminals (intercity and local)
Other motor vehicle transportation
~~Airport and flying field terminals (passenger)~~
Airport and flying field terminals (passenger and freight)
~~Marine terminals (passenger)~~
Marine terminals (passenger and freight)
Automobile parking
~~Telegraph message centers~~
Transportation services and arrangements
Wholesale trade
Retail trade — ~~building materials, hardware, and farm equipment including restaurants and bars~~
~~Retail trade — general merchandise~~
Retail trade — food
Retail trade — automotive, marine craft, aircraft, and accessories
Retail trade — apparel and accessories
Retail trade — furniture, home furnishings, and equipment
Retail trade — eating and drinking
Other retail trade
Finance, insurance, and real estate services
Personal services
Business, legal, or other professional services
~~Repair services~~
~~Legal services~~
Other professional services
Contract construction services
Governmental services (except correctional institutions)
Miscellaneous services (except religious activities)
Public assembly (except entertainment assembly and race tracks)
Amusements (except fairgrounds and amusement parks)
Recreational activities (except designated camping and picnicking areas) Parks.

3

~~Food and kindred products — Manufacturing~~
~~Textile mill products — manufacturing~~
Apparel and other finished products made from fabrics, leather, and similar materials — manufacturing
Lumber and wood products (except furniture) — manufacturing
Furniture and fixtures — manufacturing
Paper and allied products — manufacturing
Printing, publishing, and allied industries
Chemicals and allied products — manufacturing
Petroleum refining and related industries
Rubber and miscellaneous plastic products — manufacturing
Stone, clay, and glass products — manufacturing
Primary metal industries
Fabricated metal products — manufacturing

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Executive Order 16-01: Establishing the Diversity and Inclusion Council; Rescinding Executive Order 15-02

I, MARK DAYTON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, the State of Minnesota must be a leader in its commitment to equal employment opportunities, equal contracting opportunities and full participation in civic life for all Minnesotans;

WHEREAS, the State of Minnesota has a responsibility to ensure that all Minnesotans have an opportunity to work for the State of Minnesota, to do business with the State of Minnesota and have the opportunity to fully participate in the development of policy within our vibrant democracy;

WHEREAS, diversity and inclusion are core values of the State of Minnesota and a priority of the Dayton Administration;

WHEREAS, the State of Minnesota can only fully recognize its potential when all Minnesotans are provided the opportunity to realize their full potential; and

WHEREAS, the State of Minnesota is committed to being a leader across the United States on issues of diversity and inclusion.

NOW, THEREFORE, I order that:

1. The Diversity and Inclusion Council (“Council”) be established.
2. The Governor shall serve as the Chair of the Council.
3. The Governor’s Director of Diversity will serve as the Chair of the Council on behalf of the Governor.
4. The Commissioner of the Department of Human Rights shall serve as the Vice-Chair of the Council.
5. The Council shall include the other following members:
 - a. Commissioner of Administration;
 - b. Commissioner of Employment and Economic Development;
 - c. Commissioner of Education;
 - d. Commissioner of Health;
 - e. Commissioner of Higher Education;
 - f. Commissioner of Human Services;

- g. Commissioner of Management and Budget;
- h. Chair of the Metropolitan Council;
- i. Commissioner of Minnesota Housing;
- j. Commissioner of Transportation;
- k. Chancellor of the Minnesota State Colleges and Universities;
- l. President of the University of Minnesota;
- m. Secretary of State, by invitation.

6. The Council should involve all of the Commissioners that comprise the Governor's Cabinet in their work, as their visible strong leadership is critical to improving diversity in recruiting, retaining, and promoting state employees, in state contracting, and civic engagement in the State of Minnesota.

7. The Council will work to study, educate, and develop recommendations for best practices in the area of diversity and inclusion in recruiting, retaining, and promoting state employees, in state contracting, and civic engagement for administrative agencies that comprise the Governor's Cabinet.

8. The Council shall work in consultation with the agencies' Affirmative Action Officers, Minnesota Council on Latino Affairs, Council on Asian-Pacific Minnesotans, Council for Minnesotans of African Heritage, Minnesota Indian Affairs Council, Minnesota State Council on Disability, the office on the Economic Status of Women and other legislative commissions, joint agencies or boards deemed appropriate.

9. The Council shall consult with and solicit advice from private businesses, governmental entities, and nonprofits regarding best practices in the area of diversity and inclusion in recruiting and retaining employees and in contracting.

10. The Council shall have the following duties:

- a. The Council will recommend best practices in the area of diversity and inclusion in recruiting, retaining, and promoting state employees, in state contracting, and civic engagement.
- b. The Council will develop a long range plan that will identify barriers to success, metrics for measuring progress, and recommendations for agencies to achieve their goals in the area of diversity and inclusion in employment, state contracting and civic engagement.
- c. The Council will prepare a report to the Governor and the Legislature by July 1 of 2015, and by January 1 of each year thereafter. The report shall identify specific recommendations and changes, if appropriate, in law or administrative rules.

11. The Council's duties will support the state's affirmative action program and its implementation throughout the state's agencies.

12. The following committees will report to the Council:

- a. Employment Practices Committee chaired by the Commissioner of Minnesota Management and Budget;
- b. Contracting Practices Committee chaired by the Commissioner of Administration; and
- c. Civic Engagement Practices Committee chaired by the Commissioner of Human Rights.

Executive Orders

This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State, and shall remain in effect until rescinded by proper authority or until it expires in accordance with *Minnesota Statute*, section 4.035, subdivision 3.

In Testimony Whereof, I have set my hand on this 24th day of February, 2016.

Signed: Mark Dayton
Governor

Filed According to Law:

Signed: **Steve Simon**
Secretary of State

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 State Forest Roads #0687, #1693, and #1677

Date: March 1, 2016

Statutory authority: *Minnesota Statutes*, section 89.71, subd.1

Supersedes

&h-ê Supplements Aitkin County Forest Road and Trail Designation Plan and Forest Classification & Road/Trail Designations for the East Central Forests (November, 2008)

BACKGROUND

Minnesota Statutes, Section 89.002, subdivision 3, directs the Commissioner of Natural Resources to provide a system of state forest roads for access to state forest land and other forest land under the Commissioner's authority. This statute allows the Commissioner to manage, protect, and develop those lands and their resources consistent with the forest resource management policy.

Minnesota Statutes, Section 89.71, subdivision 1, provides that the commissioner must designate and undesignate state forest roads by written order published in the State Register.

All notice and procedural requirements outlined in Minnesota Statutes, and other applicable rules and law, have been complied with.

This Commissioner's order will designate three routes. The route identified in *Exhibit A-1 (#0687)*, was originally a designated ATV trail, and will now be designated as a minimum maintenance road (MMR). The route is sustainable, and provides access to both state lands and a county land memorial forest. Aitkin County intends to maintain the road to MMR standards.

The route identified in *Exhibit A-2 (#1693)* was overlooked during the original designation process. The road is sand-based, requires little maintenance, and has a history of motor vehicle use.

Exhibit A-3 (#1677) is a resource management route that has been upgraded to MMR standards. It provides forest access to loggers and recreationists on state lands.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including *Minnesota Statutes*, section 89.71, subdivision 1, that the designation of state forest roads identified in *Exhibit A-1, A-2, and A-3* shall become effective on March 1, 2016.

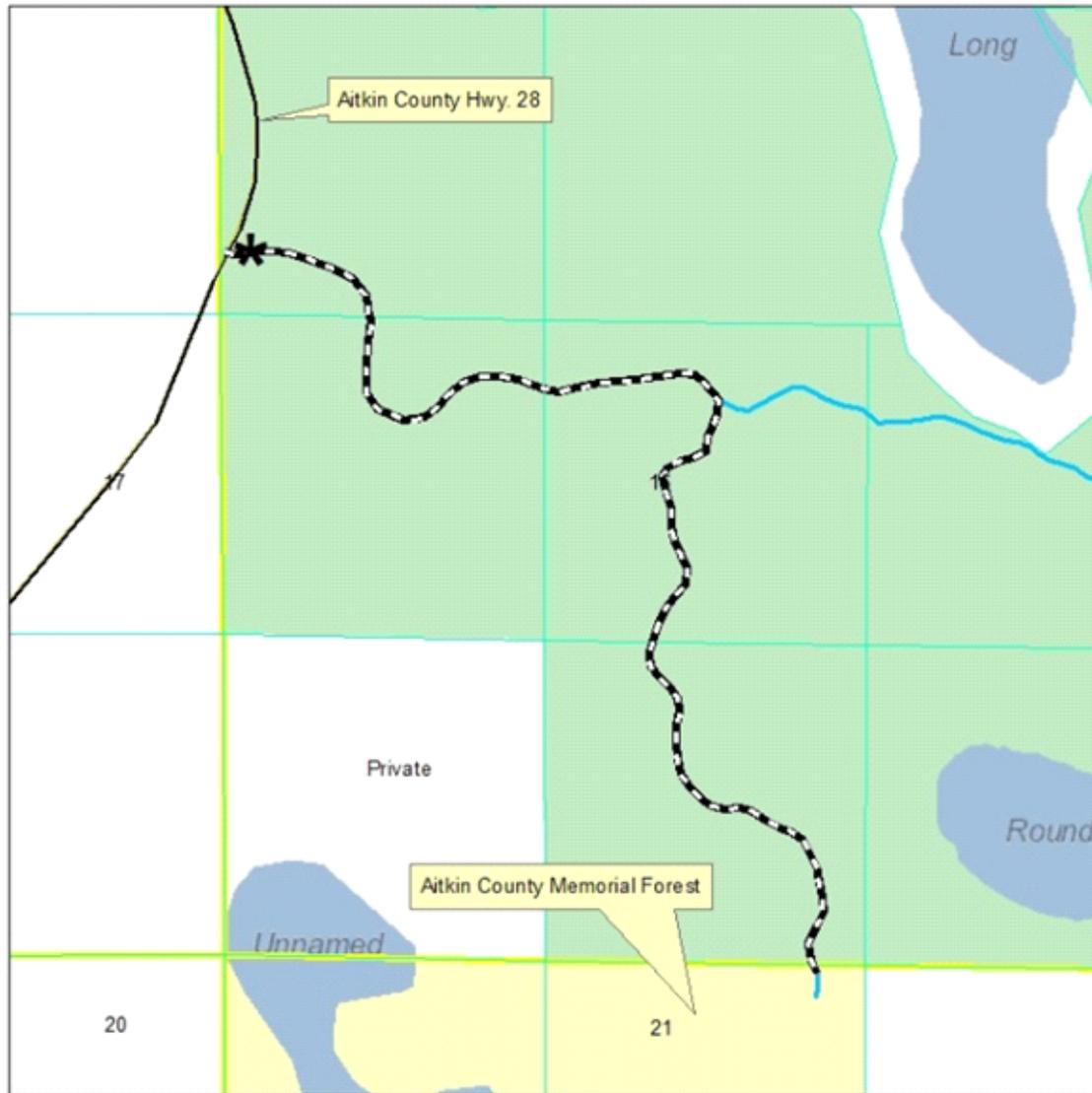
Dated: 18 February 2016

Forrest Boe, Director
Division of Forestry
Department of Natural Resources

Commissioner's Orders

Exhibit A-1

Resource Access Route 0687 (Farm Island) Sec. 16 T46N R27W



* GPS Point
46° 28.140'
93° 46.174'

--- Proposed Designation

□ 40 lines

— System Road

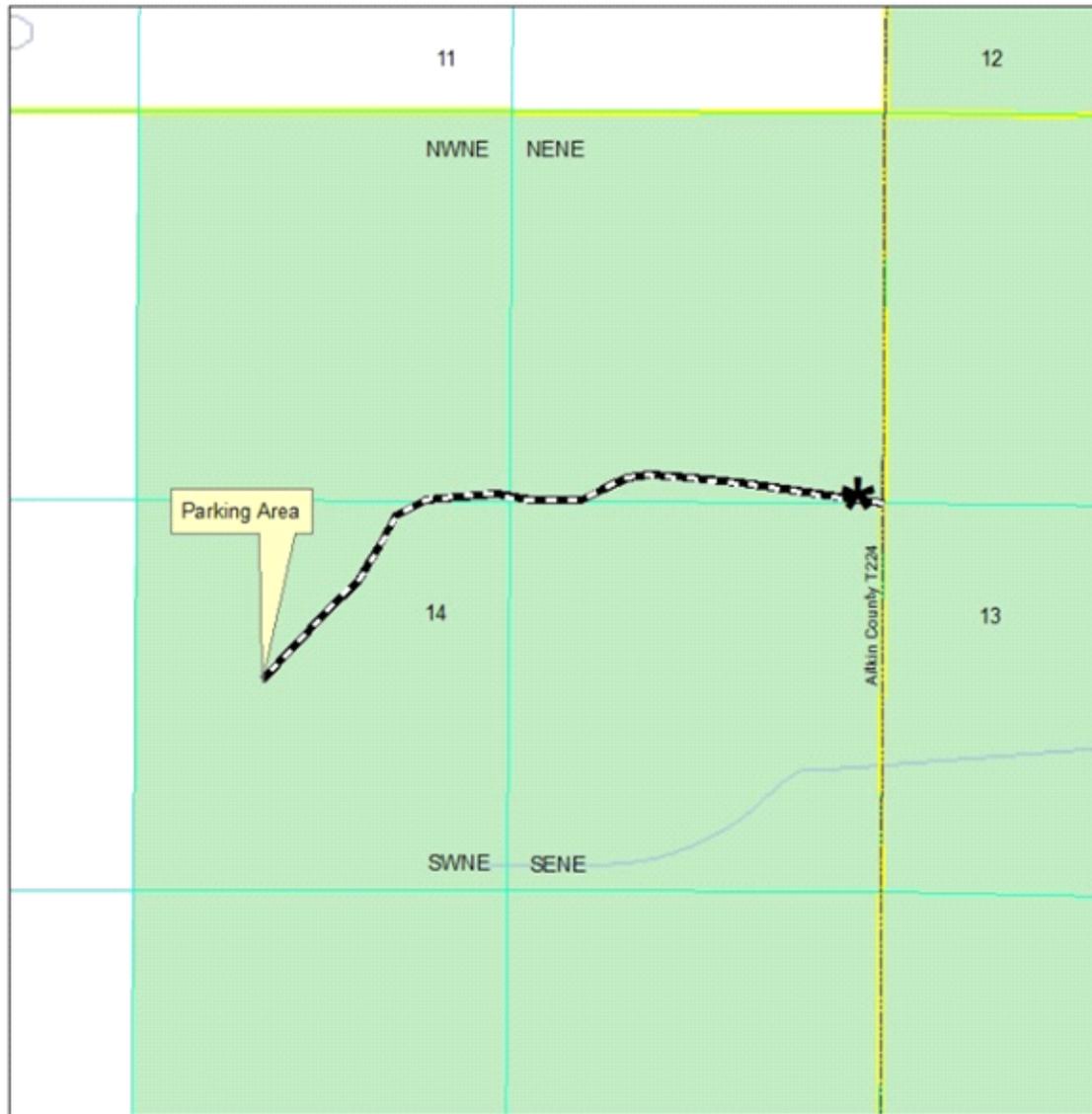
— MMR

— Resource Access Route



EXHIBIT A-2

Sec. 14 T51N R26W



* GPS Point
46° 54.642'
93° 35.603'

--- Proposed Designation
□ 40 lines

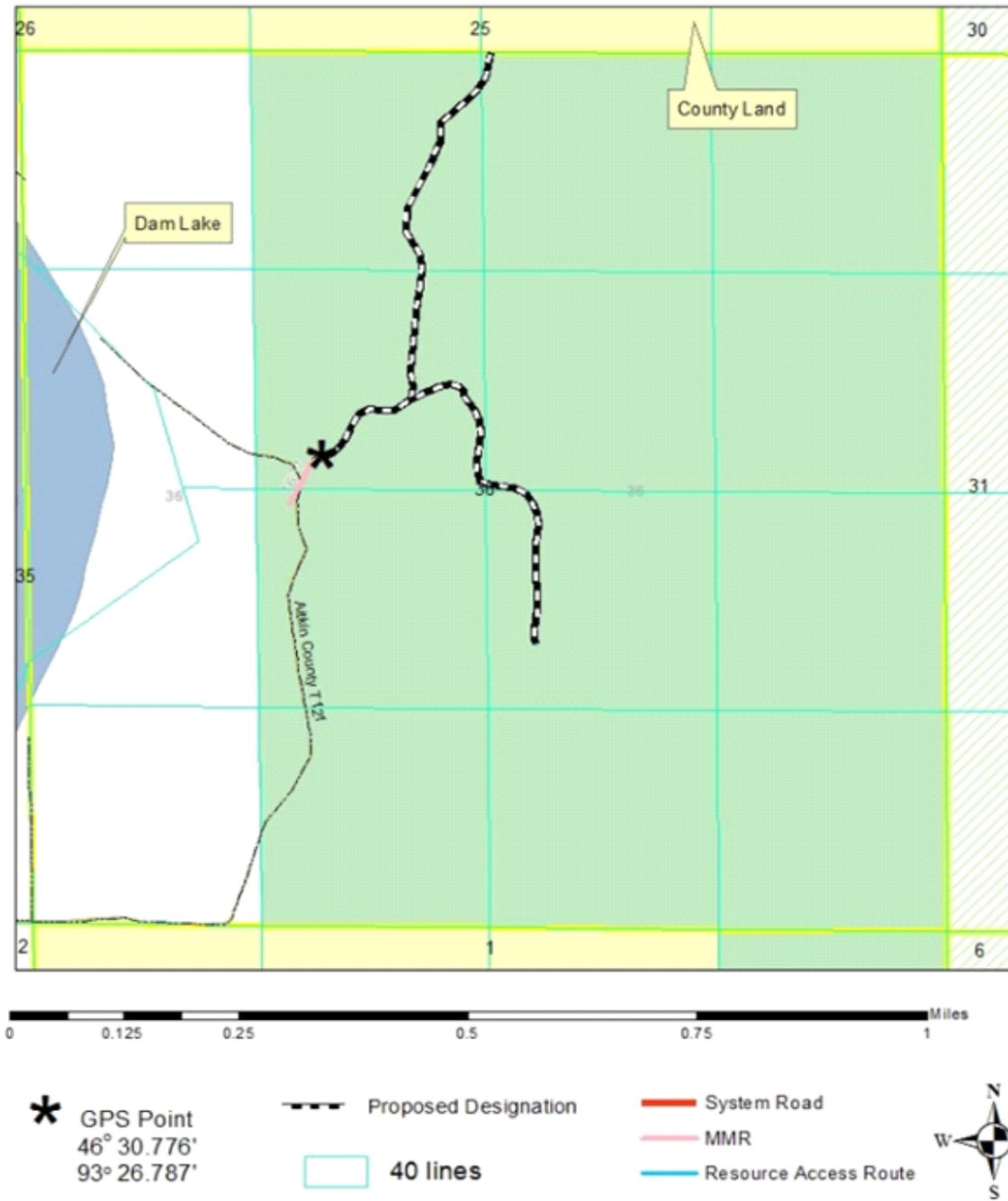
— MN Trunk Highway
— County Highway
— Municipal Road
— Township or Other Road



Commissioner's Orders

EXHIBIT A-3

Sec. 36 T47N R25W



Commissioner's Orders

Minnesota Department of Natural Resources (DNR)

Commissioner's Order: Undesignation of Portions of State Forest Road #1839

Date: March 1, 2016

Statutory authority: *Minnesota Statutes*, section 89.71, subd.1

-&"h-ç Supersedes

&"h-ç Supplements Aitkin County Forest Road and Trail Designation Plan and Forest Classification & Road/Trail Designations for the East Central Forests (November, 2008).

BACKGROUND

Minnesota Statutes, Section 89.002, subdivision 3, directs the Commissioner of Natural Resources to provide a system of state forest roads for access to state forest land and other forest land under the Commissioner's authority. This statute allows the Commissioner to manage, protect, and develop those lands and their resources consistent with the forest resource management policy.

Minnesota Statutes, Section 89.71, subdivision 1, provides that the commissioner must designate and undesignate state forest roads by written order published in the State Register.

All notice and procedural requirements outlined in *Minnesota Statutes*, and other applicable rules and law have been complied with. *Exhibit B-1*:

The portions of the road to undesignate are the southern spur in Township 50N Range 23 West in the SWNE ¼ of section 19 and the last 380 feet of road in the SENE ¼ in section 19. Both portions are spurs serving as private driveways, contrary to policy which states that designations should not be made for the purpose of providing access to private property. By undesignating the spurs all landowners at the end of State Forest Road #1839 will be treated equally and required to obtain a lease or easement for access, or petition the township to take over the road.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including *Minnesota Statutes*, section 89.71, subdivision 1, that the undesignation of State Forest Road #1839, identified in *EXHIBIT B-1* shall become effective on March 1, 2016.

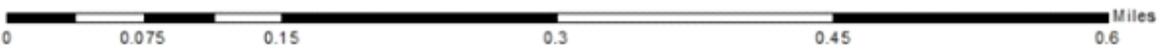
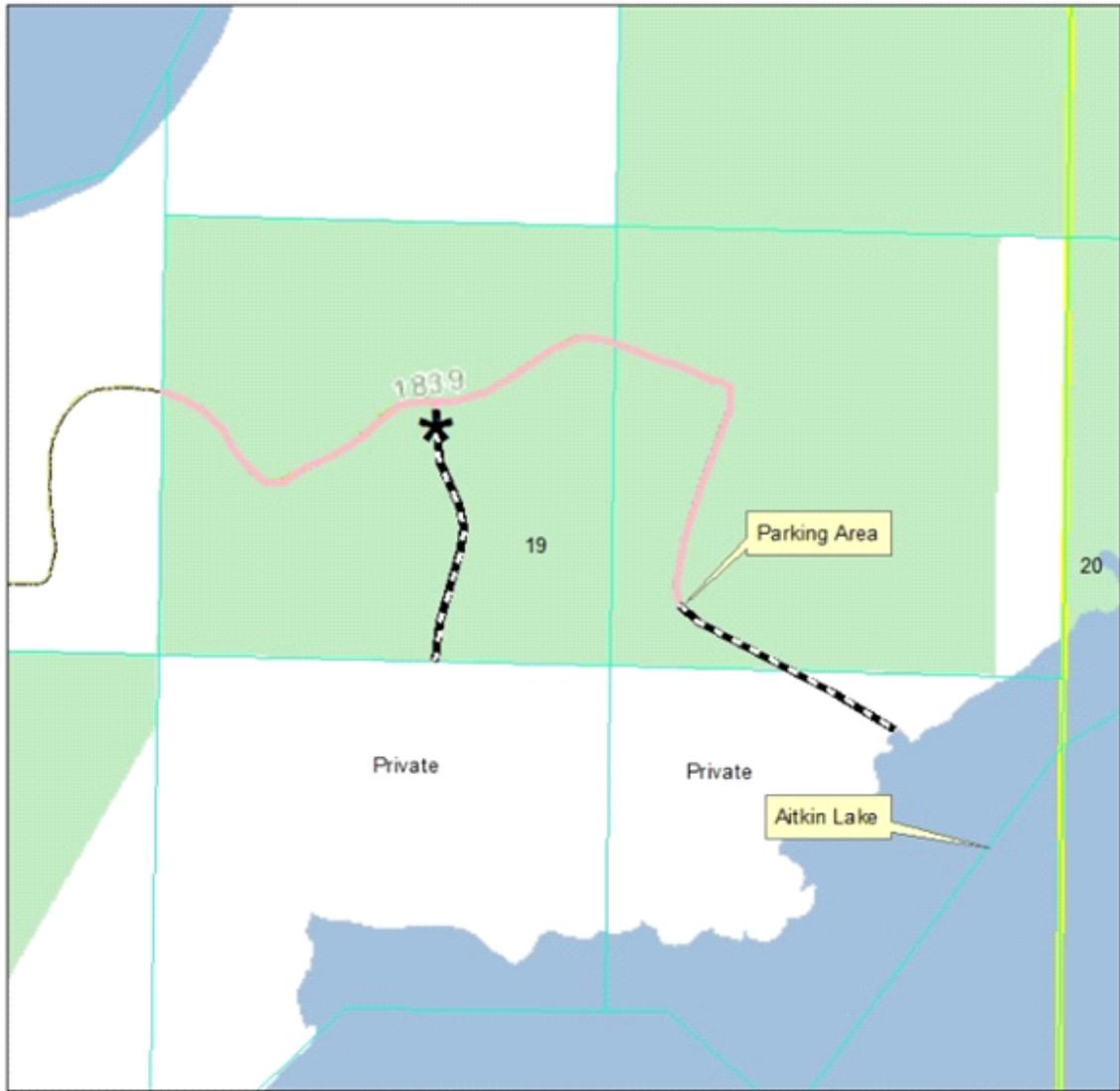
Dated: 18 February 2016

Tom Landwehr, Commissioner
Department of Natural Resources

Commissioner's Orders

EXHIBIT B-1

MMR 1839 Sec. 19 T50N R23W



* GPS Point
46° 21.847'
93° 15.617'

--- Proposed Un-Designation
□ 40 lines

— System Road
— MMR
— Resource Access Route



Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270C.07.

KEY: Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

Minnesota Department of Revenue (DOR)

Revenue Notice # 16-02: Sales and Use Tax – Admissions – Features of Admission

Introduction

The sale of the privilege of admission to places of amusement, recreation areas, and athletic events is taxable under *Minnesota Statutes*, section 297A.61, subdivision 3(g)(1). This includes the privilege of admission to places like theaters, performance halls, and stadiums. The amount subject to sales tax is measured by sales price. *Minnesota Statutes*, section 297A.61, subdivision 7. Sales price includes the total amount of consideration required by the seller to purchase the privilege of admission.

The sales price to purchase a privilege of admission may vary for the same amusement, recreation area, or athletic event depending on which features of admission the seller requires a customer to purchase. Features of admission required by the seller can be sold itemized separately or for a single non-itemized price. Features of admission may include but are not limited to:

- viewing locations
- exclusive entrances, restrooms, restaurants, lounges, clubs, or other areas
- interactive experiences with performers or players
- food or beverage
- parking services
- will call desk services
- concierge services
- other promotional offers
- other amenities

Features of admission are not required by the seller when the buyer (1) can purchase a privilege of admission for a particular seat or location and (2) add or decline any feature or features to that admission at the buyer's choice.

Department Position

Whether sold itemized separately or for a single non-itemized price, all charges required by the seller to purchase the privilege of admission are included in sales price and subject to sales tax, including all amounts paid to obtain any feature of that admission.

Features of admission sold itemized separately and not required by the seller to purchase the privilege of admission are not included in the sales price for that privilege of admission.

If a purchaser later resells the privilege of admission and that purchaser is not in the business of making retail sales of the privilege of admission, the resale is exempt from sales tax as an isolated and occasional sale under *Minnesota Statutes*, section 297A.67, subdivision 23. If the purchaser is in the business of making retail sales of the privilege of admission and later resells the privilege, the provisions of *Minnesota Statutes*, section 297A.68, subdivision 43 regarding ticket resellers apply.

This Revenue Notice does not apply to sales of the privilege of admission to which an exemption for nonprofit organizations applies under *Minnesota Statutes*, section 297A.70 and does not address the sales tax treatment of purchasing a personal seat license, seat guarantee, or renting, or leasing a box seat, skybox, or suite.

Publication Date: February 29, 2016

Ryan Church, Deputy Commissioner
Department of Revenue

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 Gambling Control Board REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Lawful Gambling, *Minnesota Rules*, Chapters 7861, 7863, 7864, and 7865; Revisor ID #R-04389

Subject of Rules. The Minnesota Gambling Control Board requests comments on its possible amendment to rules governing lawful gambling. The board is considering rule amendments governing lawful gambling based on 2015 changes to *Minnesota Statutes*, Chapter 349. The possible amendments primarily concern raffle boards, bingo boards, multiple chance games, and other lawful gambling provisions; and other changes that may come up that the board decides to address as time allows.

Persons Affected. The amendment to the rules would likely affect licensed lawful gambling organizations, distributors of lawful gambling equipment, linked bingo game providers, and manufacturers of gambling equipment. Local units of government would most likely not be affected, and no ordinances will have to be adopted or amended to comply with the proposed rules.

Statutory Authority. *Minnesota Statutes*, section 349.151, subdivision 4, paragraph (a), item (5), authorizes the board to make rules authorized by Chapter 349; *Minnesota Statutes*, section 349.151, subdivision 4, paragraph (a), item (20), authorizes the board to take all necessary steps to insure the integrity of and public confidence in lawful gambling; and *Minnesota Statutes*, section 349.151, subdivision 13, authorizes the board to adopt rules when necessary or proper in discharging the board's powers and duties.

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 board intends to adopt or to withdraw the rules. The board 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. A Public Advisory Committee (PAC), consisting of representatives of licensed organizations, manufacturers, distributors, and other industry representatives, the Department of Public Safety, and the Department of Revenue, has met on three occasions to arrive at the draft rules amendments.

Rules Drafts. The board has drafted the possible rules amendments, which is available through the board's website at www.mn.gov/gcb or by contacting the board's contact person listed below.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Peggy Mancuso, Minnesota Gambling Control Board, 1711 West County Road B, Suite 300 South, Roseville MN 55113, peggy.mancuso@gcb.state.mn.us, office: (651) 539-1951, or fax: (651) 639-4032. TTY users may call the board at (651) 539-1950.

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 board 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. You may submit comments to the agency contact person or the Office of Administrative Hearings (OAH) at <https://minnesotaoah.granicusideas.com> .

Dated: February 18, 2016

Tom Barrett, Executive Director
Minnesota Gambling Control Board

Minnesota Housing Finance Agency (MHFA) Notice of Public Hearing on 2018 Housing Tax Credit Allocation Plan

The Minnesota Housing Finance Agency (Minnesota Housing) will hold a public hearing pursuant to Section 42 of the Internal Revenue Code of 1986, the 2018 Housing Tax Credit Qualified Allocation Plan. The public hearing will be held at the time and place listed below:

Thursday, March 24, 2016
1:00 P.M. to 3:00 P.M. – Jelatis Conference Room, Third Floor
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN

The Omnibus Budget Reconciliation Act of 1989 (OBRA) requires that Housing Tax Credit Allocating Agencies develop a plan for allocating tax credits within their jurisdiction, setting forth criteria to determine priorities for selection of developments to receive tax credits. The OBRA also requires Tax Credit Agencies to hold a public hearing to receive public comment on the Allocation Plan.

The above public hearing is for the 2018 Allocation Plan developed by Minnesota Housing, in cooperation with local government representatives, for use within the Tax Credit Allocation jurisdiction of Minnesota Housing. Other Tax Credit Suballocating Agencies in Minnesota will be holding public hearings for their areas of jurisdiction. Currently, the following cities and counties are eligible to be Suballocating Agencies in Minnesota: Duluth, St. Cloud, Rochester, Minneapolis, St. Paul, Washington County and Dakota County.

All persons interested will be given an opportunity to express their views. In order to more effectively plan for the conduct of the hearings, persons desiring to speak at the hearing must so request in writing at least 24 hours before the hearing. Oral remarks by any person will be limited to 10 minutes. Written comments may also be submitted to the undersigned, and will be considered at the hearing. Note that this public hearing is not a workshop or training session, but is intended to solicit the comments of the public.

Copies of summaries of the proposed changes to the Housing Tax Credit Procedural Manual and Qualified Allocation Plan are available at the address listed below, by written or phone request or by checking the Minnesota Housing web site.

Minnesota Housing Finance Agency
Multifamily Underwriting
Housing Tax Credit Program
400 Sibley Street, Suite 300
St. Paul, MN 55101-1998
Phone: (651) 296-4451
Website: www.mnhousing.gov

Teachers Retirement Association (TRA) Notice of Meeting of Actuarial RFP Subcommittee Wednesday 9 March 2016

The Minnesota Teachers Retirement Association Actuarial RFP Subcommittee will hold a meeting on Wednesday March 9, 2016 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN. The Subcommittee will review specifications and requirements toward the solicitation of actuarial services beginning July 1, 2016. Subcommittee members may participate by telephone.

Official Notices

Minnesota Department of Transportation (Mn/DOT) Notice to Bidders: Suspensions/Debarments as of January 14, 2016

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be suspended for a period of six (6) months, effective January 14, 2016 until July 14, 2016:

- Jeffrey and Laurie Plzak doing business as Fibertech Incorporated¹, and its affiliates, Loretto, MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that 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

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective September 17, 2014 until September 17, 2017:

- Jeffrey Plzak and his affiliates, Loretto, MN
- Laurie Plzak and her affiliates, Loretto, MN
- Honda Electric Incorporated and its affiliates, Loretto, MN
- Jeffrey and Laurie Plzak doing business as Honda Electric Logistics, and its affiliates, Loretto, MN

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective January 12, 2015 until January 12, 2018:

- Marlin Dahl, Granada, MN
- Dahl Trucking, Elmore, MN
- Elmore Truck and Trailer, Inc., Elmore, 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.

(Footnotes)

¹ This notice refers only to Fibertech Incorporated of Loretto, Minnesota and is not to be confused with any other businesses not controlled by Jeffrey and Laurie Plzak, including: FiberTech of Parkers Prairie, Minnesota; Fiber Tech Productions of Nisswa, Minnesota; Fiber Technologies Solutions of Georgia; or Fiber-Tech Industries of Cadillac, Michigan.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Minnesota Department of Human Services (DHS)

Purchasing and Service Delivery Division

Notice of Request for Proposals for a Qualified Contractor to Conduct Level of Service Assessments for Non-Emergency Medical Transportation

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals for a contractor to conduct Level of Service Assessments for non-emergency medical transportation.

Work is proposed to start June 1, 2016. For more information, or to obtain a copy of the Request for Proposal, contact:

Camille Miller
Department of Human Services
Purchasing and Service Delivery Division
P.O. Box 64984
444 Lafayette Road North
St. Paul, MN 55155
Phone: (651) 431-4866
E-mail: Camille.Miller@state.mn.us

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, March 25, 2016. Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

http://www.dhs.state.mn.us/id_000102

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.

State Grants & Loans

MNsure (Minnesota's Health Insurance Marketplace) Request for Proposals: Navigator Outreach and Enrollment Grants

MNsure is requesting proposals from eligible entities to: build an infrastructure of expert navigator networks to reach the uninsured and enroll and renew Minnesotans in health insurance coverage; assist populations facing barriers to coverage with enrollment and renewal through MNsure; find, connect with and educate uninsured Minnesotans about the importance of having health care insurance and their options for obtaining coverage through MNsure; and help consumers take advantage of financial help, including tax credits. A complete copy of the Request for Proposals will be available by 4:00 p.m. on February 29, 2016 on MNsure's website at:

<https://www.mnsure.org/assisters/funding-ops.jsp>

Proposals are due April 1, 2016 by 1:00 p.m. Applications must be completed using the online submission process described in the RFP and on the Navigator Outreach and Enrollment Grant webpage. Questions regarding the RFP may be e-mailed to

navigatorgrants@mnsure.org.

Please see MNsure's website for more information.

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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 SWIFT system.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

\$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600

\$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days.

\$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days.

Anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Minnesota Department of Administration (Admin)

State Designer Selection Board Project No. 16-02

Notice of Availability of Request for Proposal (RFP) for Designer Selection for End of Life Replacement of Electrical Equipment - Phase II, Camp Ripley, Little Falls, MN (DMA Project No. 16125)

The State of Minnesota, Department of Administration is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota Department of Administration's website at <http://mn.gov/admin/government/construction-projects/sdsb/sdsb-projects.jsp> (click 16-02).

A **MANDATORY** informational meeting is scheduled for **Tuesday, March 1, 2016, 2:00 PM. at the Facilities Management Office, Camp Ripley, 15000 Highway 115, Little Falls, MN 56345.** All firms interested in this meeting should contact Mr. Russell Ekholm at russell.a.ekholm.nfg@mail.mil to sign up to attend the meeting.

Any questions should be directed to Mr. Russell Ekholm at russell.a.ekholm.nfg@mail.mil. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **Thursday, March 3, 2016 no later than 5:00 PM** Central Time.

Proposals must be delivered to Charlye McMillan, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 not later than **12:00 noon on Monday, March 14, 2016.** Late responses will not be considered.

The Minnesota National Guard 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.

Capitol Area Architectural and Planning Board (CAAPB) Notice of Request for Qualifications from Design Professionals to Design the Minnesota Medal of Honor Memorial

The Capital Area Architectural and Planning Board (CAAPB) is seeking teams of individuals such as landscape architects, architects, artists, engineers, and planners to design a new Minnesota Medal of Honor memorial. Teams will design a memorial within the existing location and infrastructure of the Court of Honor pool located in the lower mall of the Minnesota State Capitol at the Veteran's Services (Cite 38 SR 1157)

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building. At least one team member must be a Minnesota licensed design professional. The focus of the work is to redesign the existing Court of Honor pool while maintaining the existing sculpture located within the pool known as the “The Promise of Youth” creating a new memorial honoring Minnesota Medal of Honor recipients. The redesign will need to feature a water element.

All costs, including prizes, design fees, site work, construction and a maintenance reserve equal to 20% of the construction, will be in the range of \$750,000. Design is anticipated in 2017, dependent on funding raising efforts.

Interested teams must submit:

- A letter of interest,
- Identification and background of all team members, as well as an explanation of how the team will work together and who will be the lead,
- A description of relevant qualifications and experience,
- A collection of no more than ten (10) photographic images on a flash drive representing past work, and
- A list of three (3) professional references

Once all responses to the RFQ have been reviewed, the CAAPB, client group, and others including design professional and representatives from various disciplines will select three (3) to six (6) teams who will be sent an RFP and invited to develop a design concept. The jury will select a first, second and third place from among these competing designs, with cash awards and, for the winner, a contract once funding has been entirely secured.

All responses must be received by 12:00 Noon (CDT) on Friday, March 25, 2016.

Contact person: Doug Borglund
Capitol Area Architectural and Planning Board
204 Administration Building
50 Sherburne Avenue
Saint Paul, MN 55155
Phone: (651) 757 1501
Fax: 651-296-6718

Dated: March 1, 2016

Paul Mandell, Executive Secretary
Capitol Area Architectural and Planning Board

Minnesota State Colleges and Universities (MnSCU) Board of Trustees Notice of Request for Qualifications (RFQ) for Architectural, Owner’s Representative, Real Estate and Other Related Professional and Technical Services for a Master List of Consultants

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities (“MnSCU”), requests information of Minnesota registered consultants, as appropriate, to assist MnSCU in providing Architectural/Engineering, Owner Representative, Real Estate and other related Professional and Technical services as needed for up to a five-year period. Projects will vary in scope and may involve professional services for design, new construction, remodeling, commissioning, site and utility work, facilities, roads and grounds, and land development.

The Request for Qualifications (RFQ) documents can be found online at: <http://www.finance.mnscu.edu/facilities/index.html> under “Solicitations”. This RFQ is to permit a consultant to be added to the MnSCU Master List of Consultants. The consultants currently on the Master List DO NOT need to respond to this RFQ. The current Master List can be viewed at

http://www.finance.mnscu.edu/facilities/design-construction/pm_emanual/index.html

click on “4. Designers & Consultants Selection & Contracts” then click on “Facilities/Professional/Technical Services Consultants (FTP)” then click on “FPT.20 Facilities P/T Master Contract List – List 12/31/15”

**Minnesota State Colleges and Universities (MnSCU)
Dakota County Technical College
Notice of Request for Proposals (RFP) for Air-Handling Units**

NOTICE IS HEREBY GIVEN that Dakota County Technical College (DCTC) is soliciting proposals from qualified vendors for the Procurement (Pre-Purchase) of Air Handling Units No. 17, 18 and 19 for the Transportation and Emerging Technologies Renovation, Phase 2 project.

The full Request for Proposal (RFP) will be available *Monday February 22nd, 2016* at:
<http://www.finance.mnscu.edu/facilities/index.html> under "Announcements" then click on "Solicitations".

All requirements and information, as well as proposal delivery instructions will be contained in the RFP.

Proposals must be delivered to: Paul DeMuth, Director of Operations
Dakota County Technical College
1300 145th Street East
Rosemount, Minnesota 55068

Proposals must be received NO later than *Thursday March 3, 2016 at 2:00 pm*; late responses will not be considered.

Dakota County Technical College reserves the right to reject any or all proposals, to waive any irregularities or informalities in proposals received, and to cancel the solicitation if it is considered to be its own best interest. This Request for Proposal does not obligate DCTC to award a contract.

**Minnesota State Colleges and Universities (MnSCU)
Winona State University
Notice of Request for Proposals for PEST CONTROL SERVICES**

NOTICE IS HEREBY GIVEN that Winona State University is seeking proposals for a three (3) year contract with two (2) optional one-year extensions for **PEST CONTROL SERVICES**

Proposal specifications are available by contacting Laura Mann, Purchasing Director, PO Box 5838, 106 Somsen Hall, Winona, MN 55987 or via e-mail to lmann@winona.edu .

Sealed proposals must be received by Laura Mann, Purchasing Director, at Winona State University, PO Box 5838 or 175 West Mark Street, Business Office, Somsen Hall 106, Winona, MN 55987, by Thursday, March 24, 2016, at 3:00pm CT.

Winona State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

**Minnesota Department of Health (MDH) in collaboration with the
Minnesota Department of Public Safety (DPS), Minnesota Department of Human
Services (DHS), and the Council on Asian Pacific Minnesotans (CAPM)
Notice of Creation of a Multidisciplinary Working Group to Address Violence Against
Asian Women and Children**

The Minnesota Department of Health (MDH) in collaboration with the Minnesota Department of Public Safety (DPS), Minnesota Department of Human Services (DHS), and the Council on Asian Pacific Minnesotans (CAPM) are creating a multidisciplinary working

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group to address violence against Asian women and children. 15 members will be appointed to represent the following groups: advocates, survivors, service providers, community leaders, city and county attorneys, city officials, law enforcement, and health professionals. The working group is charged to study the nature, scope, and prevalence of violence against Asian women and children in Minnesota, including domestic violence, trafficking, international abusive marriage, stalking, sexual assault and other forms of violence.

As a lead agency, MDH is hiring a contractor who will work with MDH to serve as the main coordinator to be responsible for the working group activities and submitting a final report that meets the requirements written in the Statute Article 8, Section 58.

The contractor will be tasked to work closely with MDH to support the working group members to conduct research on the prevalence and the impact of violence against Asian women and children in Minnesota through qualitative and quantitative data gathering and analysis. In addition, the contractor, with guidance of the Working Group will produce a report with recommendations on how to address violence against Asian women and children in the Asian American and Pacific Islander (AAPI) community in Minnesota.

Available Funding and Timeline

Up to \$150,000 is available to be awarded to one contractor to provide requested services.

Timeline

RFP issued.....	February 22, 2016
Application period begins.....	February 22, 2016
All written questions due to MDH.....	March 23, 2016
Applications due.....	April 4, 2016
Notice to applicants.....	April 22, 2016
Estimated contract start date.....	May 1, 2016
Contract end date.....	December 31 st , 2016
Contract end date.....	December 31 st , 2016

Contract

The professional and technical contract will begin on the date stated in the contract or upon full execution of the contract, whichever is later. Execution of the contract is dependent on the Minnesota Department Administration's approval of the contractor and contractor's budget.

Please note: this request for proposal does not obligate the state to award a contract or complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Delivery Address

Attention: Center for Health Equity
Minnesota Department of Health
625 Robert St. N.
St. Paul, MN 55155

Mailing Address

Attention: Center for Health Equity
Minnesota Department of Health
P.O. Box 64975
St. Paul, MN 55164-0975

Deliveries must be taken to the loading dock on the west side of the building, between Robert Street and Central Park East.

MDH RFP Contact Person

Prospective responders who have any questions regarding this request for proposal may contact in writing to:

Xiaoying Chen
Minnesota Department of Health Center for Health Equity
625 North Robert Street, POB 64975
St. Paul, MN 55164-0975
E-mail: Xiaoying.chen@state.mn.us

Other personnel are **NOT authorized** to discuss this request for proposal with responders, before the proposal submission deadline. Contact regarding this RFP with any personnel not listed above could result in disqualification.

Written Questions

Questions regarding this RFP must be submitted no later than March 23, 2016 and directed to Xiaoying Chen at Xiaoying.chen@state.mn.us. No additional questions will be addressed by MDH after this date.

Minnesota Department of Public Safety (DPS) Driver and Vehicle Services Notice of Request for Submissions for 2016 Ignition Interlock Device Program Certification Process

The Minnesota Department of Public Safety, Driver & Vehicle Services Division is requesting submissions from qualified ignition interlock device (IID) manufacturers for the purpose of certification in the Minnesota Ignition Interlock Device Program beginning July 1, 2016 and ending June 30, 2017.

All requirements and information, as well as submission delivery instructions will be contained in a certification packet which may be obtained by contacting:

Amanda Spuckler
Department of Public Safety
Driver & Vehicle Services
445 Minnesota Street, Suite 183
St. Paul, MN 55101
E-mail: dvs.admin@state.mn.us
Fax: (651) 797-1142

Deadline for submission is 2:30 pm Central Time Friday, April 1, 2016.

This request for submission does not obligate the State to certify any ignition interlock device manufacturers. 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 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

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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

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/>.

Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Notice of Call for Bids for 2016 C-G Connector Improvements

MAC Contract No: 106-2-762
Bids Close At: 2:00 p.m. on March 15, 2016

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The work of this project is to include the removal and replacement of metal soffit panels and metal framing substructure at the underside of the C-G Connector at Terminal 1-Lindbergh.

Non-State Public Bids, Contracts & Grants

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to: https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 6%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Alliance; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; phone: (763) 503-3401; fax: (763) 503-3409. Make checks payable to: Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on February 22, 2016, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Notice of Call for Bids for 2016 E85 Tank & Dispenser Modifications

MAC Contract No.:

106-3-542

Bids Close At:

2:00 PM on March 15, 2016

Notice to Contractors: Sealed Bid Proposals for this project will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for fuel system upgrades at the North and South Fueling Islands. Improvements at the North Fueling Island include a new 6,000 gallon above-ground E85 fuel storage tank, dual sided dispenser, and iX Fleet controller system upgrades. Improvements at the South Fueling island include removal of the existing E85 dispenser, modifications to the existing E85 tank, installation of a new dual sided E85 dispenser, installation of two new dual-sided diesel dispensers, underground piping, and iX Fleet controller system upgrades.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp=CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 9%.

Bid Security: Each bid shall be accompanied by a "Bid-Security" in the form of a certified check made payable to MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of TKDA, the Minnesota Builders Exchange, Dodge Data and Analytics, and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: TKDA; 444 Cedar Street, Suite 1500; St. Paul, MN 55101; **phone:** (651) 292-4400; **fax:** (651) 292-0083. Make checks payable to: TKDA. Deposit per set (refundable): \$100.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on

Non-State Public Bids, Contracts & Grants

February 29, 2016, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Notice of Call for Bids for 2016 GSE Power Charger Stations

MAC Contract No.: 106-3-541
Bids Close At: 2:00 PM on March 15, 2016

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for the installation of battery charging equipment for Ground Service Equipment (GSE) in the FIS Pier Building and Gate G14 Delta Garage.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?qsp=CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 3%.

Bid Security: Each bid shall be accompanied by a "Bid-Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of TKDA, the Minnesota Builders Exchange, Dodge Data and Analytics, and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: TKDA; 444 Cedar Street, Suite 1500; St. Paul, MN 55101; **phone:** (651) 292-4400; **fax:** (651) 292-0083. Make checks payable to: TKDA. Deposit per set (refundable): \$50.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on February 29, 2016, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Notice of Call for Bids for 2016 Parking Lot Reconstruction and 2016 Landside Pavement Rehabilitation

MAC Contract No.: 106-3-540 and 106-3-547
Bids Close At: 2:00 p.m. on Tuesday, March 15, 2016

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for rehabilitation of asphalt roadway and parking lot pavements at Minneapolis Saint Paul International Airport. Major work includes: milling of asphalt pavement, 1 1/2" bituminous pavement overlay, concrete curb and gutter repairs, bituminous pavement removal, bituminous pavement paving, concrete sidewalk repairs and traffic control.

Non-State Public Bids, Contracts & Grants

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 2%.

Bid Security: Each bid shall be accompanied by a “Bid Security” in the form of a certified check made payable to MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidders desiring bidding documents may secure a complete digital set at the <http://www.questcdn.com>.

Bidders may download the complete set of digital bidding documents for \$50 by entering eBidDocTM 4296726, in the “Search Projects” page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy drawings and specifications will not be made available to bidders.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on February 29, 2016, at MAC’s web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Notice of Call for Bids for 2016 Pavement Joint Sealing

MAC Contract No.: 106-1-279
Bids Close At: 2:00 PM on March 15, 2016

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for bituminous and concrete surface repairs and re-sealing of pavement joints and random cracks in concrete pavements at the Minneapolis-St. Paul International Airport.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?qsp=CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 14%.

Bid Security: Each bid shall be accompanied by a “Bid-Security” in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of TKDA, the Minnesota Builders Exchange, Dodge Data and Analytics, and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: TKDA; 444 Cedar Street, Suite 1500; St. Paul, MN 55101; **phone:** (651) 292-4400; **fax:** (651) 292-0083. Make checks payable to: TKDA. Deposit per set (refundable): \$50.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on February 29, 2016, at MAC’s web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Minneapolis-St. Paul International Airport

Notice of Call for Bids for 2016 Terminal 1-Lindbergh GTC Leaks Mitigation

MAC Contract No:

106-2-760

Bids Close At:

2:00 pm on Tuesday, March 15, 2016

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated: This work includes, but is not limited to the following: sitework excavation, disposal of impacted or contaminated soil and groundwater, concrete work, granular fill, metal flashing, waterproofing, painting, electrical and plumbing.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to: https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 7%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Alliance; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; phone: (763) 503-3401; fax: (763) 503-3409. Make checks payable to: Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on February 22, 2016, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

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