

## CHAPTER 7680

### DEPARTMENT OF PUBLIC SERVICE

### BUILDING ENERGY AUDITS

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### ENERGY AUDITS OF PUBLIC SCHOOL DISTRICTS, CITIES, COUNTIES, AND TOWNS

#### 7680.0100 PURPOSE.

Parts 7680.0100 to 7680.0200 are adopted under the authority of Minnesota Statutes, section 216C.02, subdivision 3, to establish criteria and procedures for granting financial assistance to Minnesota public school districts, cities, counties, and towns for conducting building energy audits under the state's cost-share maxi-audit program.

**Statutory Authority:** *MS s 116J.035 subd 2*

**History:** *12 SR 1065*

#### 7680.0110 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7680.0100 to 7680.0200, the following terms have the meanings given them.

Subp. 2. **Authorized cost-share maxi-auditor.** "Authorized cost-share maxi-auditor" is a person who has met the requirements of part 7680.0140.

Subp. 3. **Building.** "Building" means any existing, separate, enclosed, heated structure owned and operated by a municipality.

Subp. 4. **Cost-share maxi-audit.** "Cost-share maxi-audit" means a detailed engineering analysis of a building and its energy using systems, including the plumbing, lighting, heating, ventilating, and air conditioning systems. The primary objective of a cost-share maxi-audit is to identify and quantify the economic and engineering feasibility of energy conservation measures for a building and its energy using systems.

Subp. 5. **Cost-share maxi-audit manual or manual.** "Cost-share maxi-audit manual" or "manual" means the manual incorporated by reference in part 7680.0200.

Subp. 6. **Cost-share maxi-audit report.** "Cost-share maxi-audit report" means a written document prepared according to the cost-share maxi-audit manual as the result of a cost-share maxi-audit of a building.

Subp. 7. **Department.** "Department" means the Minnesota Department of Public Service.

Subp. 8. **Municipality.** "Municipality" means a public school district, statutory or home rule charter city, county, or town in Minnesota, or joint power of these.

**Statutory Authority:** *MS s 116J.035 subd 2*

**History:** *12 SR 1065*

#### 7680.0120 ELIGIBILITY.

All municipalities are eligible for cost-share maxi-audit grants for buildings which they own and operate. A building for which a municipality has received cost-share maxi-audit funds is not eligible for another cost-share maxi-audit grant until five years after the date of the previous cost-share maxi-audit grant payment.

**Statutory Authority:** *MS s 116J.035 subd 2*

**History:** *12 SR 1065*

**7680.0130 COST-SHARE MAXI-AUDIT REQUIREMENTS.**

Cost-share maxi-audit reports shall be prepared in accordance with the manual incorporated by reference in part 7680.0200.

**Statutory Authority:** *MS s 116J.035 subd 2*

**History:** *12 SR 1065*

**7680.0140 COST-SHARE MAXI-AUDITOR AUTHORIZATION.**

An authorized cost-share maxi-auditor is a person who is a professional electrical or mechanical engineer or architect registered in Minnesota and who has:

A. agreed to abide by the requirements of this part when conducting cost-share maxi-audits;

B. agreed to attend mandatory cost-share maxi-audit information and training sessions conducted by the department;

C. signed and submitted to the department, upon completion of the mandatory cost-share maxi-audit training, the Authorization Agreement for Cost-Share Maxi-Auditors which is provided in the manual and is available upon request from the department; and

D. agreed to make appropriate changes and additions to a cost-share maxi-audit report within 30 days after being sent written notification from the department of the required changes and additions.

These requirements must be adhered to in order for a person to maintain authorized cost-share maxi-auditor status.

**Statutory Authority:** *MS s 116J.035 subd 2*

**History:** *12 SR 1065*

**7680.0150 APPLICATION.**

Subpart 1. **Process.** The municipality must submit to the department an application for cost-share maxi-audit funds on a form provided by the department. This application must include the following:

A. the municipality's name and address;

B. the name and address of the building;

C. the area of the building in square feet;

D. the building audit status: previously maxi-audited or unaudited;

E. the date of the application; and

F. a contact person's name, title, and telephone number.

Subp. 2. **Application period.** The department will process applications in accordance with part 7680.0190, subpart 1, until all funds have been encumbered.

**Statutory Authority:** *MS s 116J.035 subd 2*

**History:** *12 SR 1065*

**7680.0160 CONTRACT PROCESS.**

Subpart 1. **Application review.** Upon receipt of an eligible application from a municipality, the department will determine the funding limits for each building according to part 7680.0190, subpart 2, and will prepare a cost-share maxi-audit grant contract for each building.

Subp. 2. **General.** The department will send the prepared contract to the applicant for signatures by two of the applicant's officials authorized to sign contracts. Grant contracts must be signed and returned to the department within 45 days of the department's mailing date to the applicant. If the grant contract has not been returned within 45 days, the funds may be redistributed to other applicants. After complete execution of the grant contract by the state of Minnesota, the department will send the municipality a copy of the fully executed contract, required scope of work, and a list of authorized cost-share maxi-auditors.

**Statutory Authority:** *MS s 116J.035 subd 2*

**History:** *12 SR 1065*

**7680.0170 COST-SHARE MAXI-AUDIT REPORT REVIEW.**

The department will review cost-share maxi-audit reports to verify that all requirements of the manual have been fulfilled. If the department review identifies any requirements that have not been fulfilled, the department will notify both the grantee and the authorized cost-share maxi-auditor of the necessary changes and additions. The department may conduct an on-site verification of the data contained in the cost-share maxi-audit report. When the cost-share maxi-audit report has been determined to fulfill all requirements, notice of acceptance will be sent to the grantee.

**Statutory Authority:** *MS s 116J.035 subd 2*

**History:** *12 SR 1065*

**7680.0180 REIMBURSEMENT.**

To be reimbursed for the funds approved in part 7680.0190, subpart 2, the following conditions must be met:

A. The municipality must not have contracted for or begun work before the fully executed grant contract was received by the municipality.

B. The cost-share maxi-audit must have been conducted by an authorized cost-share maxi-auditor.

C. The municipality must have submitted to the department no later than 90 days before the expiration date of the contract, the following:

(1) one copy of the cost-share maxi-audit report signed by an authorized cost-share maxi-auditor for each building that was awarded a cost-share maxi-audit grant; and

(2) one copy of the invoice for the cost-share maxi-audit work, itemized by building.

D. The cost-share maxi-audit report must have met the requirements of the manual.

**Statutory Authority:** *MS s 116J.035 subd 2*

**History:** *12 SR 1065*

**7680.0190 FUNDING.**

Subpart 1. **Priorities.** The department will process grant applications that comply with parts 7680.0100 to 7680.0190 on a first come, first served basis, based on the day an eligible and complete application is received by the department. If eligible and complete applications received on the same day cannot all be funded due to lack of available funds, the department will first process applications for previously unaudited buildings. If funds are not available for all eligible applications for previously unaudited buildings, the department will process grants so that each affected application receives an equal percentage of the eligible grant amount. If funds are available after processing all eligible applications for previously unaudited buildings, the department will process eligible grant applications for previously audited buildings. If funds are not available for all eligible applications for previously audited buildings, the department will process grants so that each affected application receives an equal percentage of the eligible grant amount. When all available funds have been encumbered, the department will not process any further applications, and affected applicants will be notified.

Subp. 2. **Limits.** Grants will be issued by the department for eligible applications up to the funding limits, based on building size, as shown in the following table. The department will reimburse grantees for 50 percent of the actual cost of a cost-share maxi-audit or the approved grant amount, whichever is less, when the requirements of part 7680.0180 have been met.

## Funding Limits for Cost-Share Maxi-Audits

Building Size in Square Feet	Formula	Funding Limits
0 - 5,000	—	\$500
5,001 - 25,000	—	\$1,000
25,001 - 50,000	(Area)(\$.04/sq.ft.)	\$1,000 - \$2,000
50,001 - 100,000	(Area)(\$.024/sq.ft.) + \$800	\$2,000 - \$3,200
100,001 - 150,000	(Area)(\$.016/sq.ft.) + \$1,600	\$3,200 - \$4,000
150,001 - 200,000	(Area)(\$.012/sq.ft.) + \$2,200	\$4,000 - \$4,600
200,001 - 250,000	(Area)(\$.008/sq.ft.) + \$3,000	\$4,600 - \$5,000
250,001 and up	—	\$5,000

Subp. 3. **Restrictions.** Municipalities awarded cost-share maxi-audit grants with money from alleged violations of federal petroleum pricing regulations cannot use funding from this program for the applicant's share of the cost of their cost-share maxi-audit.

**Statutory Authority:** *MS s 116J.035 subd 2*

**History:** *12 SR 1065*

**7680.0200 INCORPORATION BY REFERENCE.**

The Cost-Share Maxi-Audit Manual (1987), written and published by the Energy Division of the Department of Public Service, is incorporated by reference. The manual is not subject to frequent change and is available from the Department of Public Service, 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, MN 55101, and on the Minitex interlibrary loan system from the Minnesota State Law Library, 25 Constitution Avenue, Saint Paul, MN 55155.

**Statutory Authority:** *MS s 116J.035 subd 2*

**History:** *12 SR 1065*