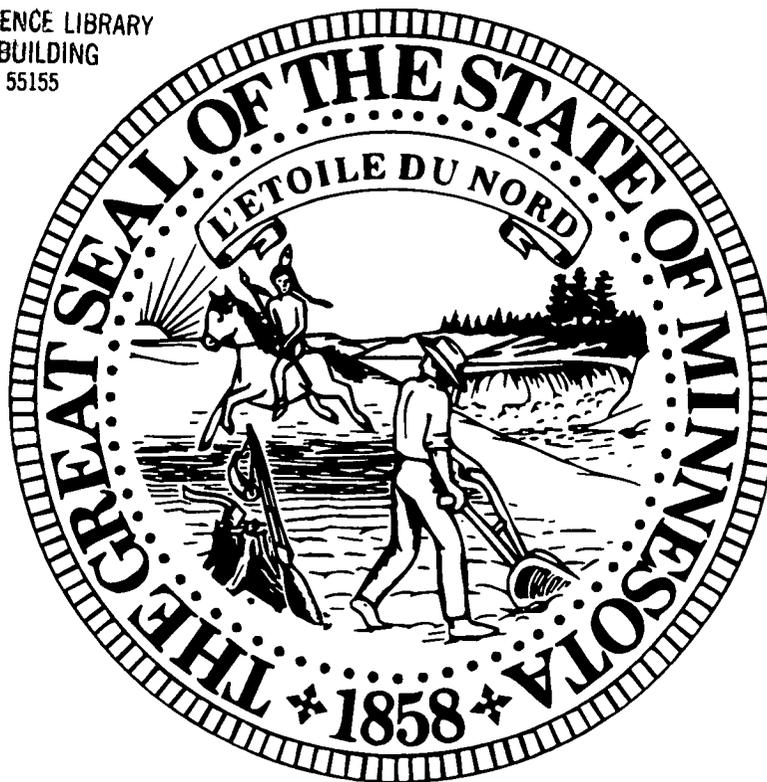


# The Minnesota State Register

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## Rules and Official Notices Edition

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# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

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

### Printing Schedule and Submission Deadlines

| Vol. 20<br>Issue<br>Number | PUBLISH<br>DATE | Deadline for both<br>Adopted and Proposed<br>RULES | Deadline for: Emergency Rules, Executive and<br>Commissioner's Orders, Revenue and Official Notices,<br>State Grants, Professional-Technical-Consulting<br>Contracts, Non-State Bids and Public Contracts |
|----------------------------|-----------------|--|---|
| # 43                       | Monday 22 April | Monday 8 April                                     | Monday 15 April   |
| # 44                       | Monday 29 April | Monday 15 April                                    | Monday 22 April   |
| # 45                       | Monday 6 May    | Monday 22 April                                    | Monday 29 April   |
| # 46                       | Monday 13 May   | Monday 29 April                                    | Monday 6 May  |

|   |   |  |
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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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## Proposed Rules

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

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

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

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

## Pollution Control Agency

### Proposed Permanent Rules Relating to Composting

#### Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Pollution Control Agency (MPCA) intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a public hearing be held on the rule.

Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Roberta Wirth  
Ground Water and Solid Waste Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: (612) 296-7384  
Facsimile: (612) 296-9707

**Subject of Rule and Statutory Authority.** The proposed rule is about yard waste and solid waste compost standards. The statutory authority to adopt this rule is contained in *Minnesota Statutes* section 116.07, subdivision 4. A copy of the proposed rule is published immediately after this notice.

**Comments.** You have until 4:30 p.m., May 22, 1996, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m. on May 22, 1996. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Modifications.** The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the MPCA and may not result in a substantial change in the proposed rule as printed immediately after this notice. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the MPCA contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

**Economic Factors.** *Minnesota Statutes*, section 116.07, subdivision 6, requires the MPCA to give due consideration to economic factors in exercising its powers. The compost facility rules do not have a significant economic impact on municipalities, businesses, or organizations.

**Farming Operations.** *Minnesota Statutes* section 116.07, subdivision 4, requires the MPCA to hold public meetings in agricultural areas of the state if a proposed rule affects farming operations. The MPCA has determined that this rule does not affect farming operations.

**Transportation.** *Minnesota Statutes* section 174.05 requires the MPCA to notify the Commissioner of Transportation of all rules that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. The amendments to the compost facility rules do not impact transportation in Minnesota.

**Adoption and Review of Rule.** If no hearing is required, after the end of the comment period, the MPCA may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the MPCA contact person listed above.

Charles W. Williams  
Commissioner

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

#### **7035.2836 COMPOST FACILITIES.**

Subpart 1. **Scope.** The requirements of subparts 4 to 7 apply to the owners and operators of facilities used to compost solid waste, including source separated compostables except as provided in part 7035.2525, subpart 2. The owner or operator of a yard waste compost facility must comply with subparts 2 and 3 only.

Subp. 2. **Notification.** The owner or operator of a yard waste compost facility shall submit a notification form to the commissioner on a form prescribed by the commissioner before beginning facility operations. The notification must include the facility location; the name, telephone number, and address of the contact person; the facility design capacity; the type of yard waste to be received; and the intended distribution of the finished product.

Subp. 3. **Operation requirements for yard waste compost facility.**

A. Odors emitted from the facility shall comply with the applicable provisions of chapter 7029 as proposed at *State Register*, volume 20, pages 1795 to 1807.

B. Composted yard waste offered for use must be produced by a process that includes turning of the yard waste on a periodic basis to aerate the yard waste, maintain temperatures, and reduce pathogens.

C. Compost will not contain > three percent inert materials (dry weight) that are  $\geq$  four millimeters as determined by the testing procedure under subpart 5, item J, subitem (3).

D. By-products, including residuals and recyclables, must be stored in a manner that prevents vector problems and aesthetic degradation. Materials that are not composted must be stored and removed at least weekly.

E. Surface water drainage must be controlled to prevent leachate runoff. Surface water drainage must be diverted from the compost and storage areas.

F. The facility shall be constructed and operated to prevent discharge into state waters of yard waste, leachate, residuals, and the final product.

G. The facility operator shall submit an annual report to the commissioner by March 1 of each year that includes the type and quantity, by weight or volume, of yard waste received at the compost facility; the quantity, by weight or volume, of compost produced; an average of the inert test results; the quantity, by weight or volume, of compost removed from the facility; and a market description.

Subp. 4. **Design requirements for solid waste compost facility.** The owner or operator of a compost facility shall submit an engineering design report to the commissioner for approval with the facility permit application. The engineering report must comply with the design requirements in items A to G.

A. Specifications for site preparation must be included in the report. Site preparations include clearing and grubbing for the compost operating and storage areas, building locations, topsoil stripping, excavations, berm construction, drainage control structures, leachate collection system, access roads, screening, fencing, and other special design features.

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## Proposed Rules

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B. Access to the facility must be controlled by a perimeter fence and gate or enclosed structures.

C. Surface water drainage must be diverted around and away from the site operating area. A drainage control system, including changes in the site topography, ditches, berms, sedimentation ponds, culverts, energy breaks, and erosion control measures, must be designed, constructed, operated, and maintained according to part 7035.2855, subpart 3, items C to E.

D. The composting, curing, and storage areas for immature compost must be located on a liner capable of minimizing migration of waste or leachate into the subsurface soil, groundwater, and surface water. The liner must have a permeability no greater than  $1 \times 10^{-7}$  centimeters per second and, if constructed of natural soils, be at least two feet thick. The liner must be designed, constructed, operated, and maintained according to part 7035.2855, subparts 3, item A; 4; and 5.

E. Liquid in contact with waste, immature compost, and residuals must be diverted to a leachate collection and treatment system. The leachate collection and treatment system must be designed, constructed, operated, and maintained according to part 7035.2855, subpart 3, item B, and the applicable portions of part 7035.2815, subpart 9, items B to K. The commissioner may require the facility owner or operator to monitor the collected leachate.

F. The facility must be designed for collection of residuals and must provide for the final transportation and proper disposal of residuals.

G. The facility must be designed and operated to control odors in compliance with the applicable provisions of chapter 7029 as proposed at *State Register*, volume 20, pages 1795 to 1807.

**Subp. 5. Operation requirements for solid waste compost facility.** The owner or operator of a compost facility shall submit an operation and maintenance manual to the commissioner for approval with the facility permit application. The manual must include a personnel training program plan, a leachate management plan, and a compost sampling plan and must comply with the operation requirements in items A to L.

A. All access points must be secured when the facility is not open for business or when no authorized personnel are on site.

B. The personnel training program plan must be submitted with the manual. The plan must address the requirements of part 7035.2545, subparts 3 and 4, and the specific training needed to operate a compost facility in compliance with this subpart and subparts 6 and 7.

C. All wastes delivered to the facility must be confined to a designated delivery area and processed or removed at least once a week to prevent nuisances such as odors, vector intrusion, and aesthetic degradation.

D. All salvageable and recyclable materials must be containerized or stored and removed from the facility in a manner that prevents nuisances such as odors, vector intrusion, and aesthetic degradation.

E. All compost residuals must be stored to prevent nuisances such as odors, vector intrusion, and aesthetic degradation. The residuals must be removed and properly disposed of at least once a week.

F. The leachate management plan must describe how the facility will store, reuse, or dispose of collected leachate. If leachate is to be recirculated into the compost, it must be added prior to initiating the PFRP process described in item I.

G. Odors emitted by the facility must comply with the applicable provisions of chapter 7029 as proposed at *State Register*, volume 20, pages 1795 to 1807.

H. If the storage area contains any particulate matter that may be the subject of wind dispersion, the owner or operator must cover or otherwise manage the waste to control wind dispersion.

I. Compost must be produced by a process to further reduce pathogens (PFRP). The temperature and retention time for the material being composted must be monitored and recorded each working day. Three acceptable methods of a PFRP are described in subitems (1) to (3).

(1) The windrow method for reducing pathogens consists of an unconfined composting process involving periodic aeration and mixing. Aerobic conditions must be maintained during the compost process. A temperature of 55 degrees Celsius must be maintained in the windrow for at least three weeks. The windrow must be turned at least once every three to five days.

(2) The static aerated pile method for reducing pathogens consists of an unconfined composting process involving mechanical aeration of insulated compost piles. Aerobic conditions must be maintained during the compost process. The temperature of the compost pile must be maintained at 55 degrees Celsius for at least seven days.

(3) The enclosed vessel method for reducing pathogens consists of a confined compost process involving mechanical mixing of compost under controlled environmental conditions. The retention time in the vessel must be at least 24 hours with the temperature maintained at 55 degrees Celsius. A stabilization period of at least seven days must follow the enclosed vessel retention period. Temperature in the compost pile must be maintained at least at 55 degrees Celsius for three days during the stabilization period.

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## Proposed Rules

J. The owner or operator must perform compost sampling according to the compost sampling and testing plan approved by the commissioner. Proposed changes to sampling equipment or procedures must be submitted to the commissioner for review and approval. Testing must be conducted as frequently as each batch of compost matures. The commissioner may decrease or increase the parameters to be analyzed for or the frequency of analysis based on monitoring data and changes in the waste stream or processing by the facility. The plan must comply with the sampling and testing requirements in subitems (1) to (6).

(1) The compost maturity must be determined using testing protocol described in the sampling plan. "Mature" means more than 60 percent decomposition has been achieved as determined by an ignition-loss analysis and one test method approved by the commissioner including, but not limited to, the following:

| Test Method   | Maturity Standard  |
|---|--|
| (a) Carbon/nitrogen ratio -<br>U.S. EPA Method 9060A:<br>Total Organic Carbon and<br>Dumas  | In the range of 10:1 to 20:1   |
| (b) Dewar Self-Heating<br>Method  | Temperature rise above<br>ambient in C°, range of<br>0° - 20° Celsius  |
| (c) Respiration Rate,<br>CO <sub>2</sub> Analysis   | <2-5 (mg. CO <sub>2</sub> -C/g<br>compost carbon-day)  |
| (d) U of M Z-test -<br>Soil and Crop Research<br>on Municipal Solid Waste<br>Class I Compost<br>Utilization in Minnesota,<br>April 10, 1994 | The weight of the worms<br>in the cellulose treatment<br>increases and that of the<br>worms in the noncellulose<br>treatment remains the<br>same |
| (e) Cress Seed Germination -<br>Recommended Test Methods,<br>The Composting Council   | Germination index in the<br>range of 1.0 - 0.8   |

(2) Once each batch of compost has been determined to be mature, the metal contaminants listed in subpart 6, item A, subitem (1), must be analyzed for using the U.S. EPA test methods in EPA SW-846. The level of PCBs in the compost must be determined. PCBs must be extracted using either method 3540 or 3550 and analyzed with method 8080 or another method approved by the commissioner.

(3) Once each batch of compost has been determined to be mature, the inert content shall be determined using testing protocol described in the sampling plan. Inert content greater than four millimeters shall be determined by passing four replicates of 250 cc oven-dried (70 degrees Celsius) samples of compost through a four millimeter sieve. Material remaining on the sieve shall be visually inspected and inerts, including glass, metal, and plastic, shall be separated and weighed. The weight of the separated foreign matter divided by the weight of the total sample, multiplied by 100, shall be the percent dry weight of the foreign matter content.

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## Proposed Rules

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(4) The mature compost must be analyzed for the following parameters using the testing protocol described in the sampling plan:

- (a) pH;
- (b) moisture content;
- (c) particle size;
- (d) NPK ratio; and
- (e) soluble salt content.

(5) The sampling plan must contain techniques for collecting and processing the samples required in subitems (1) to (4), including:

- (a) specifications of the training and experience qualifications of persons who collect samples;
- (b) a description of equipment used to collect, process, and store samples;
- (c) identification of sampling equipment cleaning procedures and other actions taken to prevent sample contamination;
- (d) identification of the location or locations where samples are collected;
- (e) a description of procedures used to collect grab samples;
- (f) a description of procedures used to process grab samples to form composite samples;
- (g) a description of chain-of-custody and sample storage procedures; and
- (h) identification of compost sampling quality assurance and quality control measures.

(6) The sampling plan must describe how the test results from the samples required in subitems (1) to (4) will be utilized to define the compost at distribution, and must include:

(a) a description of the batch process, statistical average, or other method used to classify the compost, and assign it physical and chemical properties; and

(b) a description of the method used to calculate the cumulative and annual pollutant loading rates for Class II compost.

K. An annual report in accordance with part 7035.2585 must be submitted to the commissioner by March 1 of each year. A record of the following information must be maintained at the facility and reported in the annual report:

- (1) the quantity of source-separated compostables or solid waste delivered to the facility;
- (2) the quantity and general material breakdown of recyclables and rejects removed from the waste;
- (3) the sources and quantities of other materials used in the compost process, such as nutrient or bulking agents;
- (4) a summary of temperature and retention time for all compost produced verifying that the process to further reduce pathogens is being met according to item I;
- (5) the quantity and classification of all compost produced;
- (6) a summary of all lab analysis conducted according to the approved sampling plan under item J;
- (7) a record of each Class II compost distribution, including the following:
  - (a) a copy of the information sheet or label accompanying all Class II compost distributions according to subpart 7;
  - (b) the name of the compost user and a legal description of the application site location, including the quantity of compost and acreage over which it was distributed;
  - (c) copies of the letters of notification to the local governments; and
  - (d) a copy of the United States Geological Survey map of the application site and the surrounding areas showing contours and surface waters.

L. If, for any reason, the facility becomes inoperable, the owner or operator of the facility must notify the commissioner within 48 hours and implement the contingency action plan developed under part 7035.2615.

Subp. 6. **Compost classification.** Compost produced at a solid waste compost facility must be classified as Class I or Class II compost based on the criteria outlined in items A and B. Compost test results shall be used to classify the compost according to the approved sampling plan under subpart 5, item J, the maturity standard in subpart 5, item J, subitem (1), and the PFRP requirement in subpart 5, item I.

A. Class I compost must meet the following criteria:

(1) Class I compost cannot exceed the contaminant concentrations in milligram per kilogram on a dry weight basis as listed in the following table or *Code of Federal Regulations*, title 40, sections 503.10 to 503.18, as amended, with the exception of mercury, which cannot exceed contaminant concentrations of five milligrams per kilogram.

| Contaminant     | Concentration (mg/kg) |
|-----------------|-----------------------|
| Arsenic (As)    | 41                    |
| Cadmium (Cd)    | 39                    |
| Copper (Cu)     | 1,500                 |
| Lead (Pb)       | 300                   |
| Mercury (Hg)    | 5                     |
| Molybdenum (Mo) | 18                    |
| Nickel (Ni)     | 420                   |
| Selenium (Se)   | 100                   |
| PCB             | 6                     |
| Zinc (Zn)       | 2,800                 |

(2) Class I compost must not contain > three percent inert materials (dry weight)  $\geq$  four millimeters as determined by tests according to the approved sampling plan under subpart 5, item J, subitems (1) to (5).

B. Class II compost consists of any compost that fails to meet the Class I standards and meets the criteria in subitems (1) and (2):

(1) Class II compost must meet the following pollutant loading rates and have a PCB concentration that does not exceed six milligrams per kilogram.

| Pollutant  | Cumulative Pollutant Loading Rate |              |
|------------|-----------------------------------|--------------|
|            | (lbs/acre)                        | (kg/hectare) |
| Arsenic    | 37                                | 41           |
| Cadmium    | 34                                | 39           |
| Copper     | 1,338                             | 1,500        |
| Lead       | 267                               | 300          |
| Mercury    | 5                                 | 5            |
| Molybdenum | 16                                | 18           |
| Nickel     | 374                               | 420          |
| Selenium   | 89                                | 100          |
| Zinc       | 2,497                             | 2,800        |

| Pollutant  | Annual Pollutant Loading Rate<br>(for a containerized compost) |              |
|------------|--|--------------|
|            | (lbs/acre)   | (kg/hectare) |
| Arsenic    | 1.8  | 2            |
| Cadmium    | 1.7  | 1.9          |
| Copper     | 66.8   | 75           |
| Lead       | 13.3   | 15           |
| Mercury    | 0.25   | 0.25         |
| Molybdenum | 0.5  | 0.5          |
| Nickel     | 18.7   | 21           |
| Selenium   | 4.5  | 5            |
| Zinc       | 124.6  | 140          |

(2) Class II compost must not contain > four percent inert materials (dry weight)  $\geq$  four millimeters as determined by tests according to the approved sampling plan under subpart 5, item J, subitems (3) and (5).

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## Proposed Rules

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Subp. 7. **Compost distribution and end use.** The owner or operator of a solid waste compost facility shall submit a compost distribution plan to the commissioner for approval with the facility permit application. The plan must comply with the distribution requirements in items A to C.

A. Compost distributed or marketed as a fertilizer, specialty fertilizer, soil amendment, or plant amendment, as defined in *Minnesota Statutes*, section 18C.005, must be registered with the Minnesota Department of Agriculture.

B. The allowable end uses for the compost must be listed and described in the plan.

C. Class I compost may be distributed for unrestricted use. Class II compost may be distributed on a restricted basis. The commissioner or a compost operator trained as required in subpart 5, item B, shall determine the appropriate distribution for a Class II compost used in land application. Compost proposed to be distributed for end uses other than land application may be distributed with the commissioner's approval or as part of the approved facility compost distribution plan under this subpart. All Class II compost distributed must be accompanied by an information sheet or label describing the compost product and its physical and chemical quality, including at least the following information:

(1) the name and address of the generator;

(2) a statement from the generator certifying that the compost meets the Class II classification standards under subpart 6, item B, and providing the standards;

(3) a list of best management practices to use when applying the compost;

(4) the annual or cumulative application rate calculated according to the testing and reporting methods approved under subpart 5, item J, subitem (6);

(5) the compost maturity tested and reported according to subpart 5, item J, subitem (1);

(6) the compost inert content tested and reported according to subpart 5, item J, subitem (3); and

(7) a statement of the compost parameter values tested and reported according to subpart 5.

**INSTRUCTION TO REVISOR.** The revisor shall change references in *Minnesota Rules* from part 7035.2835 to part 7035.2836.

**REPEALER.** *Minnesota Rules*, part 7035.2835, is repealed.

## Department of Revenue

### Proposed Repeal of Rule Relating to Constitutional Exemptions

**Public Hearing.** The Minnesota Department of Revenue intends to repeal a permanent rule after a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-entitled rule at the Minnesota Department of Revenue, Skjeggstad Room, 8th Floor, 10 River Park Plaza, St. Paul, Minnesota 55146, starting at 9:00 a.m. on May 23, 1996, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** The hearing will be conducted by Administrative Law Judge George A. Beck, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401; telephone: 341-7601; fax: 349-2665. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

**Subject of Rule, Statutory Authority, and Agency Contact Person.** The subject of the hearing will be the repeal of *Minnesota Rules*, part 8130.4900. The commissioner of revenue has general rulemaking authority under *Minnesota Statutes*, section 270.06 (14). In addition, *Minnesota Statutes*, section 14.05, subd. 1, grants the Department of Revenue the authority to adopt, suspend, or repeal its rules in accordance with the procedures specified in sections 14.131 to 14.20. A copy of the proposed repealer is published in the *State Register* and attached to this notice as mailed. The agency contact person is:

Michael P. Haag  
Minnesota Department of Revenue  
Appeals and Legal Services Division  
10 River Park Plaza, 8th Floor  
St. Paul, Minnesota 55146-2220  
telephone: (612) 282-5581  
fax: (612) 296-8229

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## Proposed Rules

**Statement Of Need And Reasonableness.** A Statement Of Need And Reasonableness is now available for review at the agency offices and at the Office of Administrative Hearings. This statement contains a summary of the justification for the proposed repealer, including a description of who will be affected by the proposed repealer and an estimate of the probable cost of the proposed repealer. The statement may be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed repealer. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All Comments or responses received will be available for review at the Office of Administrative Hearings.

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

**Agency Rulemaking Mailing List.** If you would like to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Accommodation.** 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 proposed repeal of the rule may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted repealer may not be substantially different than this proposed repealer. If the proposed repealer affects you in any way, you are encouraged to participate.

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

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to Jeanne Olson, Executive Director, Ethical Practices Board, First Floor South, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155; telephone (612) 296-1721.

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

Dated: 29 March 1996

Matthew G. Smith  
Commissioner  
Minnesota Department of Revenue

### Rules as Proposed

**REPEALER.** Minnesota Rules, part 8130.4900, is repealed.

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## Adopted Rules

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

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

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

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

## Department of Administration

### Adopted Permanent Rules Relating to Prefabricated Buildings

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1514-1520, December 26, 1995 (20 SR 1514) and Volume 20, Number 29, page 2015, January 16, 1996 (20 SR 2015), are adopted as proposed.

## Department of Administration

### Adopted Permanent Rules Relating to Industrialized/Modular Buildings

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1514-1520, December 26, 1995 (20 SR 1514) and Volume 20, Number 29, page 2015, January 16, 1996 (20 SR 2015), are adopted as proposed.

## Department of Administration

### Adopted Permanent Rules Relating to Building Code Changes

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1509-1514, December 26, 1995 (20 SR 1509), are adopted with the following modifications:

#### 1325.1100 SOLAR ENERGY.

Subp. 2. **Scope.** This part applies to solar energy systems which are used to satisfy space heating and/or space cooling and/or domestic or service hot water demands of buildings, and shall be used for all solar energy systems as defined in *Minnesota Statutes*, section 216C.06, subdivision 8; however, this part does not apply to solar energy systems whose primary purpose is to produce generated electric power. This part is to be used in conjunction with existing building codes and standards and does not replace existing building codes.

## Department of Agriculture

### Adopted Permanent Rules Relating to RFA Value-Added Agricultural Product Loans

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1580-1584, December 26, 1995 (20 SR 1580), are adopted with the following modifications:

#### Rules as Adopted

#### 1656.0051 APPLICATION PROCESS AND OFFER OF PARTICIPATION.

~~Subp. 4. **Fee.** The nonrefundable application fee as established in *Minnesota Statutes*, section 41B.046, subdivision 5, paragraph (e), must be submitted with each application.~~

Subp. ~~5.~~ **4. Loan participation.** The maximum RFA participation is 45 percent of the loan principal or \$24,000, whichever is less. The interest rate on the loan participation must be 4.0 percent or one-half of the lender's effective rate (APR), rounded down to the nearest one-tenth of one percent, at the time of loan closing, whichever rate is lower. This rate shall remain the fixed rate for the duration of the loan participation.

Subp. 6. 5. Terms of loan. The maximum term of the loan is eight years. Loan payments of interest only are permitted for up to two years, with a fully amortized repayment schedule of interest and principal calculated for the remaining years. The loan may not have a balloon. The lender may, for its portion of the loan, use a variable interest rate correlated to a specific index.

Subp. 7. 6. Misrepresentation in application. If a change occurs in the information provided by the lender to the RFA prior to the closing of a loan, the lender shall immediately update and correct that information. Misrepresentation in the application or failure to update any required information is grounds to reject an application, revoke a notice of approval, or refuse to close the loan.

## Department of Natural Resources

### Adopted Permanent Rules Relating to Wildlife Rehabilitation Permits

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1768-1780, December 26, 1995 (20 SR 1768), are adopted with the following modifications:

#### Rules as Adopted

##### 6244.0200 SCOPE.

This chapter applies to rehabilitation of any orphaned, sick, or injured wild animal carried out by individuals or individuals in the name of institutions, except that the portions of this chapter pertaining to qualification testing and continuing education and training requirements shall not apply to the Raptor Center and the Wildlife Rehabilitation Clinic at the University of Minnesota, Saint Paul. This chapter is not intended to prohibit any person from transporting an orphaned, sick, or injured wild animal to a rehabilitation facility.

##### 6244.0410 PERMIT CLASSES.

###### Subp. 2. Novice class.

###### B. Privileges:

(1) may possess an orphaned, sick, or injured ~~bird or mammal~~ wild animal up to 48 hours for transport to a ~~another novice, general, or master class permittee~~ authorized to possess for rehabilitation the particular animal, or to a licensed veterinarian;

(2) may provide emergency care for a sick or injured ~~bird or mammal~~ wild animal designated on the permit and transport within 48 hours to a general or master class permittee authorized to possess for rehabilitation the particular animal, or to a licensed veterinarian;

(3) may possess for rehabilitation only healthy orphaned ~~birds and mammals~~ wild animals subject to the following restrictions:

(a) no possession for rehabilitation is allowed of any species of endangered or threatened ~~bird or mammal~~ wild animal other than for transport or emergency care as described in subitems (1) and (2);

###### Subp. 3. General class.

###### B. Privileges:

(1) may possess an orphaned, sick, or injured ~~bird or mammal~~ wild animal up to 48 hours for transport to ~~another a novice, general, or to a master class permittee~~ authorized to possess for rehabilitation the particular animal, or to a licensed veterinarian;

(2) may provide emergency care for a sick or injured ~~bird or mammal~~ wild animal designated on the permit and transport within 48 hours to another general or ~~to a master class permittee~~ authorized to possess for rehabilitation the particular animal, or to a licensed veterinarian;

(3) may possess for rehabilitation healthy orphaned, sick, or injured ~~birds and mammals~~ wild animals, subject to the following restrictions:

(a) no possession is allowed of any species of endangered or threatened ~~bird or mammal~~ wild animal other than for transport or emergency care as described in this subitem and subitem (2);

###### Subp. 4. Master class.

###### B. Privileges:

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## Adopted Rules

(1) may possess an orphaned, sick, or injured ~~bird or mammal~~ wild animal up to 48 hours for transport to a novice, general, or master class permittee authorized to possess for rehabilitation the particular animal, or to a licensed veterinarian;

(2) may provide emergency care for a sick or injured ~~bird or mammal~~ wild animal and transport within 48 hours to a general or master class permittee authorized to possess for rehabilitation the particular ~~bird or mammal~~ animal, or to a licensed veterinarian;

(3) may possess for rehabilitation healthy orphaned, sick, or injured ~~birds and mammals~~ wild animals, subject to the following restrictions:

(a) except as may be specifically authorized in the permit, no possession is allowed of any species of endangered or threatened ~~bird or mammal~~ wild animal other than for transport or emergency care as described in subitems (1) and (2); and

### 6244.0800 GENERAL PROVISIONS GOVERNING WILDLIFE REHABILITATION.

#### Subp. 2. Rehabilitation care.

B. ~~Animals~~ Mammals being rehabilitated may be housed only with others of the same species.

D. Transfers of animals being rehabilitated may be made to the same level or to higher level permit holders and, in the case of master permit holders, to lower level permit holders, when:

(1) in the judgment of the permittee after discussion with the permittee's master class advisor or veterinarian consultant, it is determined that a transfer would result in improved care of the animal; and

#### Subp. 3. Release of animals.

A. When, in the judgment of the permittee, after discussion with the permittee's master class advisor or veterinarian consultant, an injured or sick animal has sufficiently recovered, or an orphaned animal is matured to the point where it has a reasonable chance to survive in the wild, the animal shall be released immediately in suitable habitat as near to the point where the animal was captured as practical.

#### Subp. 4. Disposition of nonreleasable animals.

A. When, in the judgment of the permittee, and on advice of the permittee's master class advisor or veterinarian consultant, an injured, sick, or orphaned animal is incapable of surviving if released to the wild, the animal must be:

C. Euthanizing shall be done by the most humane means possible by either the permittee or veterinarian consultant and only by methods specifically prescribed by the veterinarian consultant according to criteria established by the American ~~Veterinarian Medicine~~ Veterinary Medical Association or the National Wildlife ~~Rehabilitation~~ Rehabilitators Association.

## Department of Natural Resources

### Adopted Permanent Rules Relating to Ecologically Harmful Exotic Species

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1764-1768, December 26, 1995 (20 SR 1764), are adopted with the following modifications:

#### Rules as Adopted

#### 6216.0250 UNDESIRABLE EXOTIC SPECIES.

Subpart 1. **Designation.** The species in subparts 2 to ~~6~~ 5 are undesirable exotic species because they pose a substantial threat to native species in the state.

Subp. 3. ~~Birds.~~ Mute swan (*Cygnus olor*)

~~Subp. 4.~~ Fish.

~~Subp. 5.~~ 4. Invertebrates.

~~Subp. 6.~~ 5. Mammals.

#### 6216.0500 TRANSPORTATION AND APPROPRIATION OF WATER FROM INFESTED WATERS.

Subp. 4. **Diversion, appropriation, and transportation of infested waters.** Infested waters may not be transported on a public road or off property riparian to infested waters except:

B. as specified in a water appropriation or public ~~works~~ waters work permit issued by the commissioner pursuant to *Minnesota Statutes*, chapter 103G; or

Pursuant to the provisions of Minnesota Statutes §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

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## Department of Administration

### Building Codes and Standards Division Advisory Committee Membership

#### The 1995 Minnesota State Building Code Advisory Committee Members and their Representative Organizations are as Follows:

- Wilt Berger of Miller Hanson Westerbeck Berger, Inc. representing the Minnesota Multi-Housing Association and Multi-Family Building Owners;
- Beth F. Diem of the Minnesota Building Code and Standards Division representing State Facility building code compliance;
- Constance Forsythe of the Isanti County Zoning Department representing County Building Officials;
- Al Gerhardt of Kraus Anderson Construction Company representing Commercial General Contractors;
- Robert Imholte of the Minnesota State Fire Marshall Division representing Minnesota Fire Officials;
- David Krings of the Lakeville Building Inspection Department representing Greater Metropolitan Building Officials;
- Merwyn Larson of the Minneapolis Inspections Division representing Large City Building Officials;
- Roy Lund of Lund Builders, Inc. representing the Builders Association of Minnesota and Residential General Contractors;
- Scott McLellan of the Minnesota Building Codes and Standards Division representing the Division;
- Kevin Mealhouse of Diversified Inspection Services representing Small Jurisdiction Building Officials;
- Michael A. O'Hara P.E. of Mountain Star Enterprises, Ltd. representing Minnesota Fire Protection Engineers;
- William V. Snyder of ATS&R Architects, Inc. representing the Minnesota Society of the American Institute of Architects;
- Brion P. Szwed P.E. of Dunham Associates representing the Council of American Structural Engineers/Minnesota;
- Kent D. Warden of Minneapolis Building Owners and Managers Association representing Commercial Building Owners.

Thomas R. Joachim  
State Building Official

## Department of Employee Relations

### Two Vacancies on *Minnesota Public Employees Insurance Program* Labor Management Committee

The Minnesota Department of Employees Relations is seeking Minnesotans interested in serving on the *Minnesota Public Employees Insurance Program* (PEIP) Labor Management Committee. The purpose of the committee is to advise the commissioner of employee relations on issues related to policy and administration of the program. PEIP provides employers with the advantages of large group purchasing of health insurance for their employees, including greater health plan choice, lower costs, and stable premiums.

The ten-member committee is composed of members who represent eligible employers. Eligible employers are public entities, including school districts, townships, and cities. Enrollment in the *Public Employees Insurance Program* is not a requirement for participation on the Labor Management Committee.

Members are expected to volunteer their time and service to the committee for at least one three-term. Expenses are reimbursed. Committee meetings are held quarterly.

For more information, please contact Carole Ohnstein, Employee Insurance Division, Department of Employee Relations, at 612/296-2705 or TDD 612/297-7959, or send a letter of interest to Carole Ohnstein, Employee Insurance Division, Department of Employee Relations, 200 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155. Applications will be accepted until 4:30 p.m., July 30, 1996.

## Department of Health

### Opinions Sought on Planned Amendment to Rules Governing Certification of Environmental Laboratories, *Minnesota Rules*, 4740.2010-4740.2040

**Subject of Rules.** The Minnesota Department of Health requests comments on its planned amendment to rules governing the certification of environmental laboratories. The Department is considering rule amendments that would add additional analytes such as DRO's (Diesel Range Organics), GRO's (Gasoline Range Organics) and metals for UST (Underground Storage Tanks) testing. Also these changes will reflect a statute change from annual certification to biennial.

**Persons Affected.** The amendment to the rules would affect all laboratories who do these tests for State programs which use the data generated from these tests. The Department does not contemplate appointing an advisory committee to comment on the planned rules.

**Statutory Authority.** *Minnesota Statutes*, section 144.98, authorizes the Department to adopt rules for certifying environmental laboratories.

**Public Comment/Rules Drafts/Agency Contact Person.** Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on June 28, 1996. The Department has prepared a draft of the planned rule amendments. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be addressed to: Allen C. Tupy, Minnesota Department of Health, 717 Delaware Street S.E., P.O. Box 9441, Minneapolis, MN 55440-9441, Phone number (612) 623-5680. TDD users may call the Department at (612) 623-5522.

**Note:** Comments submitted in response to this notice will *not* be included in the formal rulemaking record when a proceeding to adopt rules is started.

Dated: 15 April 1996

Anne M. Barry, Commissioner  
Department of Health

## Department of Health

### Opinions Sought on Planned Amendments to Rules Governing the Minnesota Cancer Surveillance System, *Minnesota Rules* § 4606.3300-4606.3309

**Subject of Rule.** The Minnesota Department of Health requests comments on its planned amendments to rules governing the Minnesota Cancer Surveillance System. The department is considering rule amendments that may include the restriction of the definition of reportable cancers and addition of data items to be reported (such as stage of disease at diagnosis, treatment, and race and ethnicity information).

**Persons Affected.** The amendments to the rules would likely affect health care providers who treat or diagnose cancer patients; people who work in pathology laboratories, tumor registries within hospitals, and The Upper Midwest Oncology Registry System (TUMORS), which provides tumor registry software and support to a consortium of hospital-based tumor registries; and more indirectly, some health economists and epidemiologists and others who do research in cancer control.

**Statutory Authority.** *Minnesota Statutes* section § 144.672, subd. 1, requires the department to adopt rules to administer the Minnesota Cancer Surveillance System, collect information, and distribute data.

**Public Comment.** Interested persons or groups may submit comments or information on the planned amendments in writing or orally. The department has not yet prepared a draft of the planned amendments. Written statements, questions, requests to receive a draft of the planned amendments when it has been prepared, and requests for more information on the planned amendments should be addressed to: Sally Bushhouse, D.V.M., Ph.D., Director, Minnesota Cancer Surveillance System, Minnesota Department of Health, 717 Delaware Street Southeast, P.O. Box 9441, Minneapolis, MN 55440-9441. Oral statements will be received during regular business hours over the telephone (612) 623-5216 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any comments received by the Minnesota Department of Health in response to this notice will not become part of the formal rule-making record when a proceeding to adopt amendments is started.

Anne M. Barry, Commissioner  
Department of Health

## **Department of Labor and Industry**

### **Labor Standards Division**

#### **Notice of Correction to Prevailing Wage Rates**

Highway and Heavy Prevailing Wage Rates Certified 10/16/95 have been adjusted for various Labor Codes due to errors in calculation in the following Counties:

**Norman.**

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or calling (612) 296-6452.

Gary W. Bastian, Commissioner

## **Department of Labor and Industry**

### **Labor Standards Division**

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

Effective April 22, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** Install Ball Valves Coon Rapids High School-Coon Rapids; Increase Lighting Shallow End of Pool Northdale Middle School-Coon Rapids; Dishwasher Replacement Blaine High School-Blaine; Pool Lighting-Coon Rapids Middle School-Coon Rapids; Replace Pool Filter Tank Fred Moore Middle School-Anoka.

**Clay:** Clay County West Central Regional Juvenile Center-Moorhead.

**Crow Wing:** Roof Replacement Work Nisswa School ISD 181-Brainerd; Fire Code Upgrades (1996-1997) Six Schools ISD 181-Brainerd, Baxter, Nisswa.

**Douglas:** Stucco Repair at the Alexandria National Guard Armory-Alexandria.

**Dakota:** New Elementary School Farmington-Lakeville; Addition & Alterations to Farmington Elementary-Farmington.

**Goodhue:** Goodhue Public School 1996 Roof Retrofit-Goodhue.

**Hennepin:** Wire Clocks to Master Clock Monroe Elementary-Brooklyn Park; Minnesota Center for Arts Education ADA Barrier Removal-Golden Valley; Interior & Misc Exterior Work Lehmann Center Deferred Maint BP-128/Mpls Schools-Minneapolis; Clara Barton Elementary School Exterior Renovation-Minneapolis; Asbestos Abatement and Lead Paint Stabilization at Sheriden School-Minneapolis; Asbestos Abatement at Willard/Gordon Center-Minneapolis; Asbestos Abatement and Lead Paint Stabilization at Ericsson School-Minneapolis.

**Itasca:** United Power Assn., Warehouse Addition/Office Remodel-Grand Rapids.

**Ottertail:** Ballast & Light Tube Replacement Parkers Prairie High School-Parkers Prairie.

**Ramsey:** Carpet Replacement Adams Elementary & Cherokee Heights Elementary Schools-St Paul.

**St Louis:** Roofing Replacement Junction Ave Apartments U of M Duluth-Duluth; Hoyt Lakes Site Improvement and Utility Line Extension-Hoyt Lakes; Duluth Government Center DDC Upgrade-Duluth; ADA Restroom Upgrades U of M Duluth-Duluth.

**Washington:** Lake Elmo Elementary School Additions and Remodeling-Lake Elmo; Dust Collector Stillwater MCF-Stillwater.

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

Gary W. Bastian, Commissioner

## Pollution Control Agency

Ground Water and Solid Waste Division

## Department of Agriculture

Agronomy Services Division

### Notice of Proposed Update of the Permanent List of Priorities Among Releases or Threatened Releases of Hazardous Substances or Pollutants or Contaminants

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Agriculture (MDA), are publishing for public comment proposed additions to and deletions from the Permanent List of Priorities (PLP) among releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA or the MDA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), *Minnesota Statutes* ch. 115B. The statutory basis for, and explanation of, the PLP is discussed below.

Pursuant to *Minnesota Statutes* § 115B.17 (1994 and Supp. 1995), the MPCA is authorized to take any removal or remedial action which the MPCA deems necessary to protect the public health, welfare, or the environment whenever there is a release, or substantial threat of release, from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment, or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility.

Where the hazardous substance or pollutant or contaminant is an agricultural chemical, as defined in *Minnesota Statutes* § 18D.01, subd. 3, the Commissioner of Agriculture is authorized under MERLA to take any removal or remedial action deemed necessary with regard to such releases or threatened releases. See *Minnesota Statutes* §§ 115B.17; 115B.20; and 18D.1051 (1994 and Supp. 1995).

*Minnesota Statutes* § 115B.17, subd. 13 (1984), required the MPCA to establish priority rules regarding releases or threatened releases of hazardous substances, and pollutants or contaminants. The revised priority rules, Minnesota Rules ch. 7044, became effective on April 5, 1993.

*Minnesota Statutes* § 115B.17, subd. 13 also requires the MPCA to adopt the PLP and to update the list annually according to the criteria set forth in the priority rules. Before any update of the PLP is adopted by the MPCA, it must be published in the *State Register* and a 30-day public comment period must be provided. This notice is, therefore, published to inform the public that the MPCA and MDA propose to update the PLP and to solicit public comment on the proposed additions and deletions.

The proposed additions to the PLP have been ranked using the Hazard Ranking system (HRS) method as required by *Minnesota Rules* pt. 7044.0350 (1993). The HRS is based on the revised HRS scoring system adopted by the U.S. Environmental Protection Agency (EPA), as published in the *Federal Register* on December 14, 1990.

The following 2 MPCA sites are proposed for addition to the PLP, with HRS scores for each site in parentheses: Finland Air Force Base, Crystal Bay Township (13), Southeast Brainerd Ground Water Contamination Site, Brainerd (20).

The MDA is not proposing to add sites to the PLP, at this time.

The numerical scores generated by the HRS scoring process should not be interpreted as exact number priorities. The scores shown indicate the relative ranking and general classification of sites, but sites with scores within approximately ten points of each other may be considered roughly equivalent in terms of a known or possible public health or environmental threat. Generally, the cleanup of a hazardous waste site involves a three-phase program:

1. Remedial Investigation/Feasibility Study—investigation of the extent, magnitude, and nature of the release or threatened release, and identification, evaluation, and selection of the appropriate removal or remedial action(s);
2. Remedial Design—detailed design of the selected removal or remedial action(s); and
3. Response Action—implementation of the selected removal or remedial action(s).

*Minnesota Rules* pt. 7044.0450 (1993) requires that sites with a release or threatened release be assigned to response action classes. A site can be assigned to more than one response action class. The four response action classes are defined as follows:

**CLASS A—Declared Emergencies.** This class includes all sites at which an emergency has been declared by the MPCA Commissioner or Commissioner of Agriculture pursuant to MERLA. According to *Minnesota Rules* pt. 7044.0200, subp. 4 (1995), an “emergency” means that a determination made by the Commissioner that immediate action is required to prevent, minimize, or mitigate damage to the public health or welfare or the environment. An “advisory” is defined in *Minnesota Rules* pt. 7044.0200, subp. 3 to mean a warning by the MPCA Commissioner, Commissioner of the Department of Health, Minnesota Department of Natural Resources, or the Minnesota Department of Agriculture issued to the public concerning a hazardous substance or pollutant or contaminant at or near a site.

**CLASS B—Response Actions Completed and Operation and Maintenance/Long-Term Monitoring Ongoing.** This class includes all sites where response actions have been completed and long-term monitoring of these completed response actions is in progress. This class also includes all sites where activities are necessary to operate and maintain response actions that have previously been completed. Examples include continued operation of a ground water pump out system, long-term monitoring, and work necessary to maintain the integrity of the site such as maintaining cover or closure.

**CLASS C—Response Actions Necessary or in Progress or First Year Operation and Maintenance at a Site.** This class includes all sites where remedial design and implementation of response actions, such as barrel removal, soil decontamination, first year ground water pump out or monitoring, are necessary to effect a permanent remedy or cleanup of a site.

**CLASS D—Remedial Investigations and Feasibility Studies (RI/FS) Necessary or in Progress.** This class includes all sites which require a remedial investigation (RI) to determine the extent, magnitude, and nature of the release or threatened release, and a feasibility study (FS) to evaluate and select response action(s).

The terms "response action", "removal action" and "remedial action" are defined in *Minnesota Statutes* § 115B.02 (1995). Each site proposed for addition to the PLP has been assigned to response action classes A, C and D.

The MPCA is proposing to delete the following 5 MPCA sites from the PLP, as specified under *Minnesota Rules* pt. 7044.0950 (1995): Hastings Former City Dump, Hastings; Isanti Rumpel, Isanti County; Koch Refining/N-ReN Corp., Rosemount; Tonka/Woyke Site, Annandale; Winona Municipal Well Field, Winona.

The MPCA is also proposing to delete the following 10 landfills from the PLP: East Bethel Demolition Landfill, East Bethel; Isanti-Chisago County Sanitary Landfill, Isanti County; Kluver Sanitary Landfill, Douglas County; Kummer Sanitary Landfill, Beltrami County; Olmsted County Sanitary Landfill, Olmsted County; Pickett Sanitary Landfill, Hubbard County; Sauk Centre Sanitary Landfill, Stearns County; Sibley County Sanitary Landfill, Sibley County; Washington County Landfill, Lake Elmo; Waste Disposal Engineering, Andover.

These landfills are all "qualified facilities" under the Landfill Cleanup Act of 1994 (Act) and have been issued a Notice of Compliance by the Commissioner of the MPCA. Under authority of the Act, the State of Minnesota, through the MPCA has now assumed responsibility for any necessary response actions at each of these sites and will be responsible for long-term maintenance of each facility. Therefore, MERLA funded response actions will no longer be necessary at each site and deletion of these sites from the PLP is appropriate.

In addition, it is anticipated that the following 15 "qualified facilities" under the Act will receive a Notice of Compliance prior to the MPCA Citizens Board Meeting on June 25, 1996. Therefore, the MPCA is also proposing to delete these landfills from the PLP: Dakhue Sanitary Landfill, Dakota County; Red Rock Sanitary Landfill, Mower County; Bueckers Sanitary Landfill #1, Stearns County; East Mesaba Sanitary Landfill, St. Louis County; Gofer Sanitary Landfill, Martin County; Hopkins Sanitary Landfill, Hennepin County; Northwoods Sanitary Landfill, St. Louis County; Pipestone County Sanitary Landfill; St. Augusta Sanitary Landfill/Engen Dump, Stearns County; Becker County Sanitary Landfill; Karlstad Sanitary Landfill, Kittson County; Wadena Sanitary Landfill, Wadena County; Waseca County Sanitary Landfill; Oak Grove Sanitary Landfill, Anoka County and Leech Lake Sanitary Landfill, Hubbard County. Should a Notice of Compliance not be issued to any of these facilities prior to the June MPCA Citizens Board Meeting, the deletion of that facility from the PLP will be postponed until after issuance of a Notice of Compliance.

The MDA is not proposing to delete any MDA site from the PLP, at this time.

The MPCA and MDA invite members of the public to submit written comments on these proposed changes to the PLP. All written comments with regard to these proposed additions and deletions must be received no later than 4:30 p.m., May 23, 1996.

Written comments regarding the proposed MPCA site additions and deletions should be submitted to: Gary L. Krueger, Site Response Section, Ground Water and Solid Waste Division, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155-4194.

Requests for a complete updated PLP or information on a specific site currently listed on the PLP can be directed to the MPCA's Public Information Office at the above address, or by telephoning 612/296-6619.

The MDA is the administering state agency for the following 5 PLP Sites: Castle Rock Ground Water Contamination, Castle Rock; Cedar Services, Minneapolis; Howe Chemical Soil Contamination, Martin County; Lewiston Ground Water Contamination, Lewiston; Perham Municipal Airfield, Perham. Any questions regarding these sites should be directed to: Teresa L. McDill, Agronomy Services Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, Minnesota 55107.

All written comments received by the above deadline will be considered by the MPCA and the MDA in establishing the updated PLP.

Charles W. Williams  
Commissioner-MPCA

Gene Hugoson  
Commissioner-MDA

## Pollution Control Agency

### Notice of Intent to Annex Subdistrict E to the Shorewood Park Sanitary District in Accordance with *Minnesota Statutes* § 115.21

The Minnesota Pollution Control Agency (MPCA) has been petitioned by the Shorewood Park Sanitary District and eleven residents of Nessel Township adjacent to the Shorewood Park Sanitary District requesting annexation of a specified area to the Shorewood Park Sanitary Sewer District. The portion of Nessel Township being considered for annexation will be referred to as Subdistrict E. The purpose of the annexation is provide the residents of Subdistrict E wastewater collection and treatment to replace the community septic tank and drainfield that has been determined to be failing. Additionally individual septic system and drainfields will be replaced as necessary in the future. The territory of the proposed Subdistrict E being considered for annexation is described as follows:

That part of the east half of the northwest quarter of Section 24, Township 37, Range 22, Chisago County, Minnesota, which lies southerly of County State Aid Highway No. 1.

And that part of Government Lot 7, Section 23 and that part of Government Lot 1, Section 24, and that part of the northwest quarter of the northwest quarter of Section 24, and that part of the southwest quarter of the southwest quarter of Section 13, all in Township 37 North, Range 22 West, Chisago County, Minnesota, which lies southwesterly of said County State Aid Highway No. 1, and which lies northerly of the following described line:

Commencing at the northeast corner of said Section 23; thence south assumed bearing along the east line of said Section 23 (as monumented and used for the subdivision of Shorewood Park parcels prior to 1985), a distance of 1,626.7 feet; thence south 78 degrees 56 minutes 30 seconds west, 130.83 feet; thence north 53 degrees 28 minutes 30 seconds west, 93.33 feet; thence south 57 degrees 34 minutes west, 96.70 feet to a point hereinafter known as Point "A"; thence south 81 degrees 08 minutes 30 seconds west, 280 feet, more or less, to the shoreline of Rush Lake and the point of beginning of the line to be described; thence north 81 degrees 08 minutes 30 seconds east, retracing the last line, 280 feet, more or less, to said Point "A"; thence north 57 degrees 34 minutes east, 96.70 feet; thence south 53 degrees 28 minutes 30 seconds east, 93.33 feet; thence north 78 degrees 56 minutes 30 seconds east, 1,047.63 feet; thence north 33 degrees 02 minutes 30 seconds east, to the centerline of County State Aid Highway No. 1 and there terminating.

And the southerly 1,050.00 feet of Government Lot 4, Section 14, in said Township 37, Range 22, Chisago County, Minnesota, lying westerly of said County State Aid Highway No. 1.

All contained in Nessel township. A map of the area is available at the MPCA.

The public has 30 days to submit written comments on the petition. If a person objects to the petition, that person may submit a written request for a hearing. The written comments or a written request for a hearing must be submitted to the MPCA by 4:30 p.m. on May 22, 1996. The written request for a hearing must state your interest in the annexation, the nature of your objection and the reason for your objection. If 25 or more timely requests for hearing are received; the MPCA will schedule a hearing prior to making a determination on the annexation. If timely requests for hearing are not received, the MPCA will make a decision on the petition at a future meeting of the MPCA Board.

A copy of the petition, resolution, map of the area to be annexed with legal description, and other documents relevant to the petition can be requested from the MPCA. Comments, questions, and request for hearing regarding the district annexation and requests for information must be submitted in writing to:

|                                    |                           |
|------------------------------------|---------------------------|
| Connie Minetor                     | Telephone: (612) 296-7765 |
| Point Source Section               | 1-800-657-3864            |
| Water Quality Division             | TDD: (612) 282-5332       |
| Minnesota Pollution Control Agency | Fax: (612) 297-8683       |
| 520 Lafayette Road                 |                           |
| St. Paul, Minnesota 55155-4194     |                           |

This notice, the petition, and other documents relevant to this petition can be made available in other formats, including Braille, large print and audio tape, upon request.

Charles W. Williams  
Commissioner

## Minnesota Board of Psychology

### Opinions Sought on Planned Adoption of New Rule Governing Continuing Education Sponsorship Fee

**Subject of Rule.** The Minnesota Board of Psychology requests comments on its planned adoption of a new rule governing a continuing education sponsorship fee. The Board is considering adopting a rule assessing a fee for sponsorship of each continuing education activity.

**Persons Affected.** The adoption of the continuing education sponsorship fee would affect sponsors who wish to have Board of Psychology approval of their continuing education activity.

**Statutory Authority.** *Minnesota Statutes*, section 148.905, subdivision 1 (7) requires the board to adopt rules which establish reasonable fees for the issuance and renewal of licenses and other services by the board.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on June 21, 1996. The Board has not yet prepared a draft of the planned rule. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on the planned rule should be addressed to:

Deborah Sellin, Office Administrator  
Minnesota Board of Psychology  
2700 University Avenue West #101  
St. Paul, MN 55114-1095  
(612) 642-0587

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Pauline Walker-Singleton  
Executive Director

# State Grants

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Children Families and Learning

### Office of Community Collaboration

#### Availability of Federal Funds for Adult Basic Education

The Minnesota Department of Children Families and Learning announces the availability of funds for the 1996-1997 school year to subsidize Adult Basic Education under Public Law 91-230, as amended.

Public Law 91-230's purpose is to continue providing and expanding the availability of appropriate learning opportunities for adults with education needs below the level equivalent to high school completion that will:

1. Enable these adults to acquire the basic literacy, coping and learning-to-learn skills necessary to function fully and effectively in their own environments and in society at large;
2. Enable these adults who so desire to continue their education to at least the level of secondary school completion, and;
3. Enable these adults to secure and benefit from continued training and education that will further enhance their employability, productiveness, and responsible citizenship.

Applications for program design approval and funding to carry out the purposes of this act may be submitted by local educational agencies and by public or private agencies, organizations, and institutions with priority given to applications representing consortia of all available resources and services.

Application procedures and forms may be obtained after March 15, 1996, by writing to: Brian Kanen, Coordinator, Adult Basic Education, Minnesota Department of Children Families and Learning, 995 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. To be considered for approval all completed applications must be delivered to the Department of Children Families and Learning on or before June 3, 1996.

## Department of Children Families and Learning

### Office of Community Collaboration

#### Availability of Federal Funds for Adult Basic Education for Special Experimental Demonstration Projects and Teacher Training

The Minnesota Department of Children Families and Learning announces the availability of Section 353 funds for the 1996-1997 fiscal year for special experimental demonstration projects and teacher training under Public Law 91-230, as amended.

Not less than 15 percent of the funds granted to Minnesota under the Adult Education Act each year will be made available for:

##### ADULT BASIC EDUCATION SPECIAL PROJECTS THAT:

Involve the use of innovative methods (including methods for educating persons of limited English proficiency), systems, materials or programs that may have significance in developing and implementing the self-directed, learner-centered ABE described in the Minnesota State Plan for Adult Education, or be of special value in promoting that effective adult learning; or

Involve Adult Basic Education programs, including learning opportunities for limited English proficient adults, which are part of community learning centers, carried out in cooperation with other Federal, Federally assisted, State or local programs that have unusual promise of promoting a comprehensive, coordinated approach to addressing appropriately the needs of educationally disadvantaged adults;

and for ABE STAFF DEVELOPMENT PROJECTS that:

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## Professional, Technical & Consulting Contracts

enable persons engaged, or preparing to engage, as personnel in Adult Basic Education programs to carry out the purposes of the Adult Education Act as described in the Minnesota State Plan for Adult Education.

Applications for program design approval and funding to carry out the purposes of this act may be submitted by local educational agencies, and by public or private agencies, organizations, and institutions with priority given to applications representing consortia of all available resources and services.

Application procedures and forms may be obtained after March 15, 1996, by writing to: Barry Shaffer, Adult Basic Education, Minnesota Department of Children, Families and Learning, 996 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

To be considered for approval, all completed applications must be delivered to the Department of Children Families and Learning on or before June 3, 1996.

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## Professional, Technical & Consulting Contracts

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

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

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## Department of Administration

### State Designer Selection Board

### Request for Proposals for Four Minnesota Department of Human Services Projects

#### To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select designers for four Minnesota Department of Human Services projects. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., Tuesday, May 14, 1996, to:

Mary Closner, Executive Secretary  
State Designer Selection Board  
Department of Administration  
50 Sherburne Avenue, Room G-10  
St. Paul, Minnesota 55155-3000

#### The proposals must conform to the following:

- 1) Six (6) copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound. No more than 20 printed faces will be allowed (see the following bullet points for clarification).
  - Any letters directed to the Board should be bound into the proposal. It is not necessary to do a cover letter to Mary Closner.
  - Blank dividers with printed tab headings are not counted as faces.
  - Front and back covers of proposals are not counted as faces.
  - None of the statutory or mandatory information, except as required for the front cover, should appear on the front or back covers. The only information that should be listed on the front of your proposal is contact, firm name, address, and phone number.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number, and the name of the contact person.
- 4) Proposal Summary

## Professional, Technical & Consulting Contracts

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All proposals shall begin with a summary which includes only the following items:

- a) Name of firm and its legal status;
  - b) Names of the persons responsible for both the management and production of the work, including consultants, as well as Minnesota registration numbers for all.
  - c) The proposal shall contain a statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team.
  - d) A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in 4(b) above, along with adequate staff to meet the requirements of work.
  - e) A list of State and University of Minnesota current and past projects and studies awarded to the prime firms(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call Mary Closner for a copy of the acceptable format for providing this information.
  - f) In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted; therefore, the proposal shall include one of the following:
    1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
    2. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
    3. A statement certifying that the firm has not had more than 20 full-time employees at any time during the previous 12 months.
- 5) Additional Proposal Contents:
- a) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material must be identified. It must be work in which the personnel listed in 4(b) above have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.
  - b) Expanded resumes showing qualification of individuals, listed in 4(b) above, administering or producing the major elements of the work, including consultants. Identify roles that such persons played in projects which are relevant to the project at hand.
  - c) A discussion of the firm's understanding of and approach to the project.
  - d) A listing of relevant past projects.
- 6) Design firms wishing to have their proposals returned after the Board's review, must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
  - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statutes, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the projects herein described, or the fee format form may be referred to Mary Closner at (612) 296-4655.

### 7a) PROJECT 4-96

**Minnesota Department of Human Services (DHS)  
Cambridge Regional Human Services Center (CRHSC)  
Minnesota Extended Treatment Options (METO) Construction  
Cambridge, Minnesota**

#### 1. PROJECT

The DHS is planning to design and construct new residential/program facilities to accommodate a specialized service model for individuals who have a developmental disability and exhibit severe behaviors which present a risk to public safety. This specialized program will be referred to as the Minnesota Extended Treatment Options (METO) program.

This project will provide new facilities for 36 clients on the campus of the CRHSC in Cambridge, Minnesota. The scope of work for this project also includes the design and implementation of some remodeling work for two existing CRHSC buildings. These two buildings will be used to provide recreational and work activity program space for the METO program. The cost of the construction and remodeling for this project is estimated at \$2.5 million.

Specially designed facilities will be required to accommodate the severe behavioral problems associated with the individuals to be served by the METO program. Security and safety, varying from minimum to high levels, will have to be incorporated into both the structural and programmatic design while providing a homelike atmosphere of a typical family household.

Experience with the design and construction of community-based residential facilities for developmentally disabled persons is highly desirable.

#### 2. REQUIRED CONSULTANT SERVICES

The selected designer, in consultation with department and facility staff, shall provide a comprehensive scope of services including design for architectural, interiors, civil, landscaping, structural, mechanical, electrical, furniture, fixtures and equipment through the schematic design, design development, and construction document phases. The design team shall also be responsible for project bidding, contract negotiations, and construction observation.

The design team shall provide all architectural, interior design, and engineering discipline services required, and shall include a professional and experienced independent cost estimating consultant to provide complete and accurate cost data at the completion of each phase of the design process. The design team shall complete all construction design documents using computer aided design and drafting technology in an electronic data exchange file format acceptable to the Owner (AutoCad Release 12).

#### 3. PROJECT SCHEDULE

The consultant shall start the project as soon as the contract has been executed. The DHS would expect the design process to be completed so the new construction portion of the project can be let for bid no later than mid-January of 1997, and a construction start in mid-March of 1997. A more expedient schedule would be acceptable to the DHS if the quality of the project is not jeopardized as a result.

#### 4. MISCELLANEOUS ITEMS

The 1996 Legislature appropriated \$3.4 million for this project, including all costs for administration, project support, site investigations, testing services, design fees, eligible reimbursables, site work, construction/renovation, contingencies, art work, furnishings, fixtures, and equipment.

The design fees for all services from schematic design through construction completion are proposed to be fixed at 7 ½ percent of the amount allocated by the State for the construction of the project (estimated at \$2.5 million).

#### 5. PROJECT CONTACT

Additional project information is available upon request. Questions concerning the project should be referred to:

**Mr. Alan Van Buskirk, Physical Plant Operations Manager**  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3826  
Phone: (612) 296-8982

## Professional, Technical & Consulting Contracts

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**Mr. Dan Meyer, Physical Plant Project Manager**  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3826  
Phone: (612) 296-1876

### 6. STATE DESIGNER BOARD SCHEDULE FOR PROJECT 4-96

Tuesday, May 28, 1996 - Shortlist

Tuesday, June 11, 1996 - Interviews & Award

### 7b) PROJECT 5-96

**Minnesota Department of Human Services (DHS)**  
**Willmar Regional Treatment Center (WRTC)**  
**Remodel Buildings #1 and #7**  
**Willmar, Minnesota**

#### 1. PROJECT

This project will focus on remodeling existing space for residential/program facilities for the adolescent treatment program at WRTC in Willmar, Minnesota. Remodeling work will include modernizing and improving bathing and toilet areas, reconfiguring space, repair and/or replacement of surface components (walls, ceilings, and floors), upgrading lighting, improving acoustics, and replacement of building components (such as doors, locks, closures, etc.). This project will also include improvements to mechanical utility and electrical systems, and may include the installation of one elevator for building accessibility.

A predesign study for remodeling these two buildings was conducted during the summer of 1995. The cost for renovation is estimated at approximately \$2.0 million. The area to be renewed totals 44,000 square feet.

#### 2. REQUIRED CONSULTANT SERVICES

The designer selected for this project will work with personnel from WRTC, the DHS, the Department of Administration, and other state agencies associated with licensure of the program and occupancy of the building. The designer shall provide a comprehensive scope of services, including architectural, interiors, landscaping, structural, mechanical, electrical, furnishings/fixtures/equipment, through schematic design, design development, and construction document phases. The designer shall also be responsible for bidding, the handling of contract documents, construction observation, review and approval of shop drawings, and assisting in the final acceptance of work.

The scope of services shall include a professional and experienced independent cost estimating consultant to provide complete and accurate cost data at the completion of each phase of the design process. The designer shall complete all construction design documents using computer aided design and drafting technology in an electronic data exchange-file format acceptable to the Owner (AutoCad Release 12).

#### 3. PROJECT SCHEDULE

The designer shall start the project as soon as the contract has been executed. The DHS would expect the design process to be completed so the project can be let for bid no later than the end of November 1996.

#### 4. MISCELLANEOUS ITEMS

The 1996 Legislature appropriated \$2.5 million for the entire cost of this project, including all costs for administration, project support, site investigations, testing services, design fees, eligible reimbursables, site work, construction/renovation, contingencies, art work, furnishings, fixtures, and equipment.

The design fee for all services to be provided by the designer is proposed to be fixed at 7.5 percent of the amount allocated by the State for the construction of the project (estimated at \$1.75 million).

#### 5. PROJECT CONTACT

Additional project information is available upon request. Questions concerning the project should be referred to:

**Mr. Alan Van Buskirk, Physical Plant Operations Manager**  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3826  
Phone: (612) 296-8982

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## Professional, Technical & Consulting Contracts

**Mr. Dan Meyer, Physical Plant Project Manager**  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3826  
Phone: (612) 296-1876

### 6. STATE DESIGNER BOARD SCHEDULE FOR PROJECT 5-96

Tuesday, May 28, 1996 - Shortlist

Tuesday, June 11, 1996 - Interviews & Award

#### 7c) PROJECT 6-96

**Minnesota Department of Human Services (DHS)**  
**Anoka Metro Regional Treatment Center (AMRTC)**  
**Remodel Miller Building**  
**Anoka, Minnesota**

#### 1. PROJECT

The DHS is planning to program, plan, design, and renovate the existing residential, program, clinical, and ancillary support spaces in the Miller Building at AMRTC in Anoka, Minnesota. The project shall be accomplished in two phases:

- The first phase of work will focus on a predesign study and the development of construction documents required to complete the renovation of the building.
- The second phase will center on implementing the construction and renovation work programmed, designed, and specified in Phase I.

Project design will focus on: Upgrading basic building mechanical and utility systems (i.e plumbing, heating, ventilating, air conditioning, controls systems, fire detection and alarm systems, fire sprinkler systems); modernizing and improving bathing and toilet facilities; reconfiguring basic room layouts; repair/replacement of surface components (walls, ceilings, floors); upgrading lighting; improving acoustics; and repairing or replacing basic building components (such as windows, doors, locks, etc.).

#### 2. REQUIRED CONSULTANT SERVICES

The designer selected for this project will work with personnel from AMRTC, the DHS, the Department of Administration, and other state agencies associated with program licensure and building occupancy. The designer shall provide a comprehensive scope of services, including but not limited to, planning and programming, schematic design, design development, code reviews, and the completion of contract documents.

The scope of services shall include all architectural and engineering services required, and shall include a professional and experienced independent cost estimating consultant to provide complete and accurate cost data at the completion of each phase of the design process. The design team shall complete all construction design documents using computer aided design and drafting technology in an electronic data exchange file format acceptable to the Owner (AutoCad Release 12).

#### 3. PROJECT SCHEDULE

The consultant shall start the project as soon as the contract has been executed. The DHS would expect the consultant selected for this project to have contract documents completed by no later than mid-July, 1997

#### 4. MISCELLANEOUS ITEMS

The fee for all services provided for Phase I (predesign through working drawings) and Phase II (construction) is proposed to be fixed at 7 ½ percent of the actual construction cost of the project. The Owner proposes to pay 75 percent of the total fee for work performed during Phase I and 25 percent of the total fee for work performed during Phase II. The construction cost for this project is estimated to be approximately \$3 million.

Funds have only been appropriated for Phase I. Funds for Phase II (construction), will be requested by the DHS during the 1998 Legislative Session.

## Professional, Technical & Consulting Contracts

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### 5. PROJECT CONTACT

Additional project information is available upon request. Questions concerning the project should be referred to:

**Mr. Alan Van Buskirk, Physical Plant Operations Manager**  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3826  
Phone: (612) 296-8982

**Mr. Dan Meyer, Physical Plant Project Manager**  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3826  
Phone: (612) 296-1876

### 6. STATE DESIGNER BOARD SCHEDULE FOR PROJECT 6-96

Tuesday, June 4, 1996 - Shortlist

Tuesday, June 18, 1996 - Interviews & Award

#### 7d) PROJECT 7-96

**Minnesota Department of Human Services (DHS)**  
**Brainerd Regional Human Services Center (BRHSC)**  
**Upgrade HVAC Equipment**  
**Brainerd, Minnesota**

#### 1. PROJECT

The DHS plans to upgrade heating, ventilating, and air conditioning systems in one or more buildings at the BRHSC in Brainerd, Minnesota. This project will include the installation of appropriately-sized duct work for air supply, return and exhaust, air handling and treatment equipment, adequate control devices, building modifications required to install/upgrade these systems, and improvements to electrical systems necessary to accommodate the additional loads of the new equipment.

A campus-wide central chiller system was installed in 1994 in conjunction with a campus-wide chilled water supply and return system. The heating, ventilating and air conditioning systems of several other campus buildings were retro-fitted as part of the 1994 project. High pressure steam is supplied to buildings from the facility's main power plant for heating purposes.

#### 2. REQUIRED CONSULTANT SERVICES

The selected designer, in consultation with personnel from BRHSC, the DHS, the Department of Administration, and other state agencies, will provide a comprehensive scope of services including design for architectural, structural, mechanical, and electrical through the schematic design, design development, construction document, and construction phases (including project bidding, contract negotiations, review and approval of shop drawings, construction observation, and assisting in final acceptance of the completed project).

The design team shall provide all architectural, and engineering discipline services required and shall include a professional and experienced independent cost estimating consultant to provide accurate and complete cost data at the completion of each phase of the design process. The designer shall complete all construction design documents using computer aided design and drafting technology in an electronic data exchange file format acceptable to the Owner (AutoCad Release 12).

#### 3. PROJECT SCHEDULE

The designer shall start the project as soon as the contract has been executed. The DHS would expect the design process to be completed so the construction portion of the project can be let for bid no later than mid-November, 1996, and a construction start in mid-January, 1997. A more expedient schedule would be acceptable to the DHS if the quality of the project is not jeopardized as a result.

#### 4. MISCELLANEOUS ITEMS

Design and construction funds were appropriated for this project by the 1996 Legislature. The fee for all services from schematic design through construction completion is proposed to be fixed at 8 percent of the actual construction cost of this project (estimated to exceed \$1 million).

**5. PROJECT CONTACT**

Additional project information is available upon request. Questions concerning the project should be referred to:

**Mr. Alan Van Buskirk, Physical Plant Operations Manager**  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3826  
Phone: (612) 296-8982

**Mr. Dan Meyer, Physical Plant Project Manager**  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3826  
Phone: (612) 296-1876

**6. STATE DESIGNER BOARD SCHEDULE FOR PROJECT 7-96**

Tuesday, June 4, 1996 - Shortlist

Tuesday, June 18, 1996 - Interviews & Award

Douglas Wolfangle, P.E., Chair  
State Designer Selection Board

## Department of Human Services

### Deaf and Hard of Hearing Services Division

#### Request for Proposals to Develop an Interpreter Referral Scheduler Software Program

The Minnesota Department of Human Services is soliciting proposals from qualified parties to finalize and implement a software program for sign language interpreter referral scheduling and placement. Experience in developing and designing interpreter referral scheduling is required. The outcome of this project is to provide a software program that will ultimately manage all facets of interpreter referral to be used on a statewide network through the Regional Service Centers for Deaf and Hard of Hearing People. Features of the software program include single and multiple request information, confirmation options, agency, consumer and interpreter data bases, billing and invoicing, evaluation and follow-up. This program must be designed for use on personal computers (IBM). Implementation of the software program must be completed by June 30, 1996.

This Request for Proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

The Department has estimated that the cost of this contract will not exceed \$15,000.00. All proposals must be submitted no later than May 13, 1996.

For a copy of a more detailed explanation of this request for proposals, please contact:

Amy McQuaid, Program Planner  
Department of Human Services  
Deaf and Hard of Hearing Services Division  
444 Lafayette Road  
St. Paul, MN 55155-3814  
(612) 296-8978

# Professional, Technical & Consulting Contracts

## Minnesota State Colleges and Universities

### Proposals Sought for Outplacement Services

#### Background Information

Minnesota State Colleges and Universities (MnSCU) is requesting proposals for outplacement services for faculty, professional, and supervisory staff who have received notices of layoff. The focus of these services will be employees in state university institutions, but employees from other institutions in MnSCU and from the MnSCU central office may also be provided services.

All outplacement services will be coordinated by the personnel office of each institution or central office that has issued layoff notices. The personnel office will first coordinate service through their local Minnesota Department of Economic Security office, then may request additional services from the outplacement contractor. The goal of each personnel office will be to provide appropriate outplacement services to higher education staff in the most cost-efficient manner possible.

The agency reserves the right to make multiple awards with this request for proposal, as more than one vendor may be necessary.

This request for proposal does not obligate the state to complete the proposed project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

#### Objectives

Overall, MnSCU's objectives are:

- to provide services to faculty and staff who have exhausted their options for jobs within MnSCU.
- to assist faculty and staff in finding positions that are consistent with their education, experience, and career plans.

To achieve these objectives, MnSCU expects the contractor to provide full assessment services for professionals to wish to change careers, including:

- individual counseling in identifying skill areas and potentials for career changes.
- instruction and assistance in writing resumes or curriculum vitae.
- individual counseling in identifying and obtaining interviews for jobs.
- instruction on interviewing techniques and feedback on employees' interviewing skills.

#### Skills/Experience Necessary

In order to successfully provide these services, the contractor must be available to provide services in the Winona, Minneapolis, St. Paul, St. Cloud, Moorhead, Bemidji, and Mankato areas. The contractor must be knowledgeable about hiring, application procedures, and job search strategies for faculty and professional positions in higher education as well as in the private sector. The contractor must have experience in using a wide variety of assessment tools for career planning.

The contractor will receive requests for specific services from state university personnel staff and must be able to collaborate effectively with the personnel specialists and the Minnesota Department of Economic Security staff so that there is no duplication of effort. The contractor must also keep the personnel staff apprised of:

- the number of hours spent with each employee
- actions taken on each of the referral requests
- any additional efforts considered necessary by the consultant

Personnel specialists will monitor these reports and approve additional time and expenditures. They will also poll employees who use the services for feedback on the usefulness and appropriateness of services.

Responders may proposed additional tasks or activities if they will substantially improve the results of the project.

#### To receive a copy of the full request for proposal, contact:

Susan W. Crawford, Director for Personnel  
Minnesota State Colleges and Universities  
203 Capitol Square Building  
550 Cedar Street, St. Paul, MN 55101

Phone: 612/296-2337

FAX: 612/297-3145

E-mail: sue.crawford@so.mnscu.edu

Proposals must be sent to Susan W. Crawford at the above address and must be received not later than 4:00 p.m. on MAY 13, 1996 as indicated by the date and time indicated on each response package by the office receptionist. Late proposals will not be accepted.

## Department of Revenue

### Property Tax Division

#### Proposals Sought for Development of Land Valuation Schedule

**Scope of project:** The purpose of this project is to develop a land valuation schedule showing a range of values to be used in the valuation of agricultural lands throughout the state of Minnesota. The intent of producing this schedule is that it will be used by various county assessors as an aid in valuing agricultural land. The production of this land valuation schedule is specifically authorized by *Minnesota Statutes 273.11, Subdivision 11*. This request for proposal does not obligate the state to complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

#### Project Goals:

Main objective of the project is to produce an accurate, land valuation schedule which can be used by county assessors to assist them in valuing agricultural lands within their jurisdiction.

#### Project Tasks:

Contractor will be required to:

1. Match sales data obtained on documents submitted to the DOR entitled "Certificates of Real Estate Value" (CRV) for the 12 month period between October 1 of the year immediately preceding to September 30 of the current year with information obtained from soil survey information developed by the University of Minnesota.
2. Analyze sales data to determine market price and soil productivity for each sale. This task will include making adjustments to the basic sales price for financing, structures and non-tillable land.
3. Group townships having similar characteristics such as soil types, number of degree days, or other similarities into regions.
4. Produce a schedule of agricultural land values, by county and by region, based on the information obtained from the CRV's and soil surveys.
5. Produce a schedule of agricultural land value which will specifically aid counties in developing "Green Acres" value.

#### Project Duration:

The project will be originally negotiated for one year with the state having the option to renew the contract for 2 additional years if necessary.

#### Project Cost:

The DOR estimates that the cost of this project should not exceed \$10,000.

#### Project Completion date:

Copies of the schedule of agricultural land values, together with any and all supporting materials must be delivered to the DOR in reproducible form no later than November 12, 1996.

#### Department Contacts:

If there are any questions regarding this request for proposal, please call or write Jerry Garski, Minnesota Department of Revenue, 10 River Park Plaza, St. Paul, MN 55146-3340. (612) 296-0205.

Please note that other department personnel are not allowed to discuss the project with responders before the deadline for submitting proposals.

#### Submission of Proposals:

All proposals must be sent to and received by Jerry Garski, Assistant Director of Property Tax Division, Minnesota Department of Revenue, 10 River Park Plaza, St. Paul, Minnesota 55146-3340 no later than 5:30 p.m., June 30, 1996.

Late proposals will not be accepted. Submit two copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with responder's name and address clearly written on the outside. Each copy of the proposal must be signed in ink by an authorized member of the entity making the proposal. Prices and terms of the proposal as stated must be valid for the length of the contract.

## Professional, Technical & Consulting Contracts

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### Proposal Contents:

The following will be considered minimal contents of the proposal:

1. A restatement of the objectives, goals and tasks to demonstrate the responder's view of the nature of the project.
2. Identification and description of the items to be provided by the responder.
3. An outline of the responder's background and experience with particular emphasis on previous agricultural valuation efforts.
4. A statement outlining the personnel who will be working on the project, and their background. No change in personnel assigned to the project will be permitted without the approval of the State Project Director/Manager.
5. A detailed cost and work plan which will identify the major tasks to be accomplished and which can be used as a scheduling and managing tool as well as a basis for invoicing.
6. A statement identifying the level of the DOR's participation in the project as well as any other services to be performed by the department.

### Evaluation:

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

1. Expressed understanding of the project objectives. (20%)
2. Project work plan. (10%)
3. Project detail. (10%)
4. Experience of the responder in the field of agricultural economics. (30%)
5. Qualifications of the primary responder and additional personnel. (30%)

Evaluation and selection may be completed by July 15, 1996. Results will be sent immediately by mail to all responders.

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# 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 *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

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

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## City of St. Paul and County of Ramsey

### Joint Purchasing Office

#### Request for Proposals for Professional Engineering Services RFP 4665-3

Ramsey County Public Works Department is seeking proposals from consultants with experience in the area of transportation planning and engineering to provide professional engineering services for Highway 96/Final Design and Engineering. Ramsey County, with technical assistance from BRW Inc and in cooperation with MnDOT, the Twin Cities Army Ammunition Plant, St. Paul Water Utility, and the Cities of New Brighton, Arden Hills, Shoreview, North Oaks, Vadnais Heights and White Bear Lake, has completed the Highway 96 Concept Study for improvements to Highway 96 from Old State Trunk Highway 8(CSAH 77) in New Brighton to Interstate 35E in White Bear Lake.

The selected firm will work with Ramsey County staff and cooperating municipalities. Building upon the recommendations and preliminary design layouts in the Concept Study, and results from ongoing environmental studies, the consultant will perform all required technical/engineering work and prepare detailed construction plans and specifications and supporting reports for the reconstruction of Highway 96.

Detailed proposal specifications may be obtained at no charge from the Joint Purchasing Office, Room 280, City Hall/Court House, 15 West Kellogg Blvd., Saint Paul, MN 55102. (612-266-8900). A preproposal conference will be held on Thursday, April 25, 1996 at 1:30 p.m. at the offices of Ramsey County Public Works, 3377 North Rice Street, Shoreview, MN 55126. Proposals are due in the Joint Purchasing Office by 2:00 p.m. on Wednesday, May 8, 1996. Contract approval is expected by June 17, 1996 and work is to commence immediately.

## Metropolitan Council

### Public Notice of Request for Qualifications for Professional Services

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council Research and Policy Development Division is soliciting qualifications from Aerial Photography, Orthophotography and Photogrammetric Vendors for products from the GIS High-Resolution Aerial Photography project.

**Purpose:** The Geographic Information Systems (GIS) subdivision of the Metropolitan Council's Research and Policy Development Division, in conjunction with three metropolitan area counties, has contracted for high-resolution (1"=833') aerial photography (approximately 700 square miles), centered on USGS sections, this spring (April-May, 1996). There is a diverse need for products from this aerial photography, including, 1/2 section rectified and unrectified N/S enlargements, planimetric data collection, digital imagery, digital orthophotography, and DTM and contour generation.

**Qualifications Submission Dates:** Completed proposals must be received by 4 p.m., Friday, May 24, 1996 in the offices of the Metropolitan Council.

**Selection Procedure:** From the submitted proposals, vendors will be rated on their qualifications for producing the five products listed in the RFQ. As specific products are needed, those qualifying will receive a short request for bid. The Metropolitan Council and it's participants anticipate using these qualification proposals as a basis for selecting contractors for future bids through December 31, 1997.

**Disclaimer:** The Metropolitan Council does not guarantee that the Council will purchase any or all products listed in the Request for Qualifications and it does not guarantee that it's participants will use this as a basis for their bid process. This request does not obligate the Metropolitan Council to complete the work contemplated in this notice and Request for Qualifications. The

## Non-State Public Bids, Contracts & Grants

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Metropolitan Council reserves the right to cancel this solicitation and reissue the Request for Qualifications. All expenses incurred in responding to this notice and the Request for Qualifications are the responsibility of and will be borne by the responding parties.

**For More Information or To Receive a Copy of the RFQ:** Call Tanya Mayer, Project Manager, at 612/291-6604 or TDD 612/291-0904 or via e-mail tanya.mayer@metc.state.mn.us.

**Submittal Address:** Metropolitan Council, 230 East Fifth Street, St. Paul, MN 55101-1634, Attention Tanya Mayer, Project Manager.

## Minnehaha Creek Watershed District

### Request for Proposal for Consulting Engineering Services

*Minnesota Statutes* Section 103B.277, Subdivision 5, requires the Minnehaha Creek Watershed District (MCWD), at least every two years, to solicit proposals to provide engineering services for the purpose of selecting a District Engineer. We are soliciting proposals from area firms known to be providing watershed district services. The current consulting engineering for the District is Wenck Associates, Maple Plain. The Minnehaha Creek Watershed District budget for 1996 is \$4,716,475.

If your firm is interested in providing services, please provide the following information:

1. Location and brief description of firm and type of engineering experience.
2. Number of technical/professional staff whose primary area of expertise is in: watershed engineering, limnology; stormwater quality; wetland, and general civil engineering.
3. Metropolitan watershed clients currently served include contact reference, telephone number, years served, and work performed.
4. Short resumes of key personnel and roles on project team.
5. Identify whether your firm is retained by any of the 29 communities within the District.

If so, list these relationships and discuss how conflicts of interest will be managed.

Please furnish the information request above. Two copies of the proposal should be submitted to: District Director, Eugene R. Strommen, Minnehaha Creek Watershed District, Gray Freshwater Center, Navarre, 2500 Shadywood Road, Suite 37, Excelsior, MN 55331, by 2:00 p.m. Friday, May 3, 1996. Questions may be directed to the District Director.

# Wild About Birds

## The DNR Bird Feeding Guide

ISBN 0-9647451-0-0

**Carrol L. Henderson**, Supervisor of the Non-Game Wildlife Program at Minnesota's Department of Natural Resources, shares his knowledge and appreciation for the natural habitats and traits of the wild birds who, with a little help from us, can thrive in spite of a rapidly changing landscape. Written in the same instructive manner as his popular books "Woodworking for Wildlife" and "Landscaping for Wildlife," **"Wild About Birds: The DNR Bird Feeding Guide"** provides techniques used by the author to double the number of species using his feeders. Includes woodshop basics for construction of 26 different feeders and tips on 44 types of food, plus detailed descriptions and photos of almost all the feeder-using species east of the Rocky Mountains - 69 in all. There's even a section on some of the unusual and unexpected wild visitors that may show up for a free meal. Over 425 color photographs, illustrations and diagrams make **"Wild About Birds"** a great reference manual, display book or gift. Ideal for the ornithologist, woodworker, or backyard birdwatcher. Spiral bound, 288 pages. **Stock Number 9-24 \$19.95**

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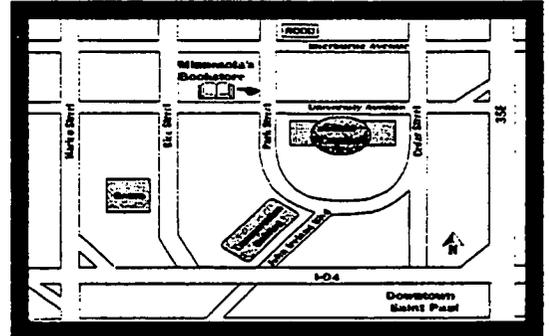
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