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The Minnesota
State Register

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State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-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. 21 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 18	Monday 28 October	Monday 14 October	Monday 21 October
# 19	Monday 4 November	Monday 21 October	Monday 28 October
# 20	Tuesday 12 November	Monday 28 October	Monday 4 November
# 21	Monday 18 November	Monday 4 November	Friday 8 November

Arne H. Carlson, Governor 612/296-3391	Hubert H. Humphrey III, Attorney General 612/297-4272	Joan Anderson Growe, Secretary of State 612/296-2079
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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

Minnesota Rules: Amendments & Additions

Volume 21, issues #15-18..... 542

Proposed Rules

JOINT RULES

Health Department

Pollution Control Agency

Certification of water and wastewater operations and classification of facilities and systems..... 543✓

Public Safety Department

License revocation for alcohol- and controlled-substance-related incidents 554

Adopted Rules

Psychology Board

Licensure fees 559

Official Notices

Agriculture Department

Comments sought on planned amendments to rules for grain licensing fees 559

Health Department

Publication of the "HCFA 1500 Manual" as defined by the Commissioner of Health..... 560

Notices of essential community provider designation..... 561

Housing Finance Agency

Public comment period on the draft 1997 Minnesota Consolidated Housing and Community Development Plan and the 1996 Consolidated Plan Annual Performance Report..... 561

Labor and Industry Department

Prevailing wage certifications for commercial construction projects..... 564

Pollution Control Agency

Proposed update of the permanent list of priorities among releases or threatened releases of hazardous substances or pollutants or contaminants 564✓

Public Safety Department

Certificate of advisory committee membership..... 565

State Grants and Loans

Economic Security Department

Availability of Title II Juvenile Justice Funds..... 567

Professional, Technical & Consulting Contracts

Administration Department

Proposals sought for administrative and brokerage services for an owner controlled insurance program..... 568

Minnesota Center for Arts Education

Proposals sought for arts and education partnership evaluator/researcher..... 568

Higher Education Services Office

DEADLINE EXTENSION on proposals sought for development of curriculum on financing post-secondary 569

Proposals sought for library automated systems planning and design services..... 569

Human Services Department

Proposals sought to conduct genetic testing for Title IV-D paternity cases..... 570

Transportation Department

Contract available for decision support system for operations management/business planning 570

A *State Register Contracts Supplement* listing commodity and service contracts advertised by the state is published every Tuesday, Wednesday and Friday. Award results are currently only available from the Materials Management Helpline. Vendors interested in responding to the commodity and service contracts advertised in the Contracts Supplement should contact the Department of Administration **Materials Management Division Helpline** 612/296-2600.

Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety 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 most current edition of 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 issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

Volume 21, issues #15-18

Agriculture Department

1555.6730; .6740; .6800; .6845; .6950 (adopted)..... 482

1555.6810; .6820; .6830; .6850; .6851; .6852; .6860; .6870; .6880; .6890; .6900 (repealed) 482

Pollution Control Agency

7048.0500; .1000; 9400.0100; .0200; .0350; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1350; .1500 (proposed) 543

7077.0100; .0105; .0115; .0277; .0278; .0280; .0287; .0288; .0290 (adopted) 482

7077.0500; .0505; .0510; .0515; .0520; .0525; .0530; .0535; .0540; .0545; .0550; .0555; .0560; .0600; .0610; .0615; .0620; .0625; .0640; .0650 (repealed) 482

Psychology Board

7200.6100; .6170 (adopted) 559

7200.6150; .6160 (repealed) 559

Public Safety Department

7414.0200; .0300; .0400; .1100; .1200; .1250; .1400; .2100; .2100 (proposed) 477

7414.0400 s.2,3,4 (proposed repealer) 477

7408.0100; .0200; .0300; 7503.2100 s.2 (proposed repealer) 554

7503.0100; .0800; .1300; .1600; .1700; .2100; .2200 (proposed) 554

Health Department and the Pollution Control Agency

9400.0100; .0200; .0350; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1350; .1500; 7048.0500; .1000 (proposed) 543

9400.0100 s.5,6; .0300; .0700 s.1; .1000 s.3,4; .1200 s.2; .1400 (proposed repealer) 543

Human Services Department

9505.0175; .0395 (adopted) 525

Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Department of Health

Minnesota Pollution Control Agency

Proposed Joint Permanent Rules Relating to Certification of Water and Wastewater Operations and Classification of Facilities and Systems

Notice of Intent to Adopt a Rule Without a Public Hearing In the Matter of the Proposed Adoption of Joint Rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency Relating to Water Supply Systems and Wastewater Treatment Facilities, *Minnesota Rules*, parts 9400.0100 to 9400.1500

The Minnesota Department of Health (MDH) and the Minnesota Pollution Control Agency (MPCA) jointly intend to adopt revised permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28 and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comment on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency contact person. Comment or questions on the rules and written requests for a public hearing must be submitted to the agency contact person. The agency contact person is:

Karla Peterson
Division of Environmental Health
Minnesota Department of Health
121 East 7th Place, P.O. Box 64975
St. Paul, Minnesota 55164-0975
(612) 215-0761 FAX (612) 215-0979

Ms. Peterson will be accepting comment on behalf of both the Minnesota Department of Health and the Minnesota Pollution Control Agency. Comment received by Ms. Peterson will be shared and reviewed also by the MPCA.

Statutory authority. The statutory authority for MDH and the MPCA to jointly adopt and revise the rules is contained in *Minnesota Statutes*, section 115.72.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Subject of rules. The proposed rules amend and repeal portions of adopted rule parts 9400.0100 to 9400.1500 that establish standards for the certification of water supply system and wastewater treatment facility operators and classify water supply systems and wastewater treatment facilities. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. Additional copies of the proposed rules are available from the agency contact person.

Comment. You have until 4:30 p.m. on November 27, 1996 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on November 27, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Alternative format. On request, this notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agencies and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect 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 agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained from the agency contact person.

Impact on agricultural lands. The proposed rules will have no direct or substantial adverse impact on agricultural land.

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

Anne M. Barry
Commissioner of Health

Peder A. Larson
Acting Commissioner of the Minnesota Pollution Control Agency

Dated: 2 October 1996

Dated: 8 October 1996

7048.0500 INDIVIDUALS REQUIRED TO BE CERTIFIED.

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

Subp. 3. **Waiver.** Operators of Type V facilities that are certified under parts 9400.0200 to ~~9400.1400~~ 9400.1500 are not required to be certified under this chapter unless they also operate a land application facility for solids or semisolids. Operators of Type V facilities shall have the option to be certified under parts 9400.0200 to ~~9400.1400~~ 9400.1500 or this chapter.

7048.1000 CERTIFICATES.

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

Subp. 3. **Renewal.** A certified individual shall apply for certificate renewal within 30 days of certificate expiration. Renewal certificates shall be issued by the agency commissioner when the agency commissioner receives the application, renewal fee, and evidence that the person has, during the preceding three years, obtained credit for attending training courses offered through the agency or other waste disposal facility training courses approved by the agency commissioner for the number of contact hours specified in subpart 4 for the appropriate type of facility. Individuals who are certified under both this chapter and parts 9400.0200 to ~~9400.1400~~ 9400.1500 shall be allowed to renew their Type IV certificate by submitting the renewal application, fee and information required by

parts 9400.0200 to ~~9400.1400~~ 9400.1500 and evidence of completion of the training hours specified in subpart 4. After confirming that the individual meets the requirements for certificate renewal, the agency commissioner shall issue one certificate which evidences renewal of both the certificate issued under this chapter and the certificate issued under parts 9400.0200 to ~~9400.1400~~ 9400.1500.

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

9400.0100 DEFINITIONS.

Subpart 1. **Scope.** ~~Terms and abbreviations used in these rules shall have the meanings specified in this part. Terms and abbreviations used herein which are not specifically defined shall be construed in conformance with this chapter that are defined in Minnesota Statutes, chapters 115 and 116, the context, and professional usage have the meanings given in statute. For purposes of this chapter, the terms defined in this part have the meanings given them.~~

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 2a. Contact hour. "Contact hour" means a minimum of 50 minutes of lecture, demonstration, workshop, or continuing education or training, excluding coffee breaks, registration, meals, and social activities.

Subp. 3. **Department.** "Department" means the Minnesota Department of Health.

Subp. 3a. Direct responsibility. "Direct responsibility" means the water or wastewater operator having full and active responsibility for the operation of a portion of, or all of, a system, facility, or wastewater collection system.

Subp. 4. **Facility.** "Facility" means wastewater treatment facility as defined in *Minnesota Statutes*, section 115.71.

Subp. 4a. Management. "Management" means persons who direct or supervise the operation of a system or facility. Management also refers to shift operators who make operational decisions or operate systems or facilities without supervision from a supervisor.

Subp. 4b. Operation. "Operation" means the routine performance of duties at a system or facility to achieve results that meet existing state laws and rules pertaining to water and wastewater.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. **System.** "System" means a community public water supply system as defined in *Minnesota Statutes*, section ~~115.71~~ 144.382.

9400.0200 APPLICATION SCOPE.

~~Parts 9400.0100 and 9400.0300 state the purpose for and the definitions which are to apply in the interpretation of parts 9400.0100 to 9400.1500. This chapter establishes the requirements for:~~

- A. individuals to be certified as water or wastewater treatment operators; and
- B. the classification of systems and facilities.

9400.0350 CERTIFICATION.

A. A water operator certificate to operate a community public water supply system must be issued by the commissioner of health.

B. A wastewater operator certificate to operate a wastewater treatment facility must be issued by the commissioner of the pollution control agency.

C. A city manager, superintendent of public works, or other administrative official is not eligible to be certified as an operator unless that person's duties include the operation of the system or facility.

9400.0400 CLASSIFICATION OF WATER SUPPLY SYSTEMS.

Subpart 1. **Basis.** ~~The commissioner hereby establishes the basis for classification of all public water supply systems must be based on the degree of hazard to the public health, together with the type and loading capacity of plant the system and the population affected.~~

Subp. 2. **Rating values.** ~~Water supply The classification of a system item classifications shall must be based on the following rating values:~~

- A. water supply source:
 - (1) groundwater, ~~three~~ five points;
 - (2) surface water, 15 points;

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Proposed Rules

B. quality of water supply:

- (1) less than 1.0 coliform per 100 milliliters, two points;
- (2) 1.0 to 100 coliform per 100 milliliters, four points;
- (3) 100 to 1,000 coliform per 100 milliliters, six points;
- (4) 1,000 to 5,000 coliform per 100 milliliters, eight points;
- (5) 5,000 to 20,000 coliform per 100 milliliters, ten points;
- (6) more than 20,000 coliform per 100 milliliters, 12 points;

C. ~~unit~~ treatment processes:

(1) groundwater source:

- (a) aeration, two points;
- (b) chemical precipitation (softening including filtration), 16 points;
- (c) filtration other than after softening process, ten points;
- (d) ion exchange, five points;
- (e) ~~disinfection~~ chlorination, five points;
- (f) chemical oxidation, two points;
- (g) stabilization, two points;
- (h) air stripping, five points;
- (i) carbon contactors, five points;
- (j) fluoridation, five points;
- (~~k~~) ammonia addition, five points;
- (~~l~~) taste and odor control, two points;
- (m) ozonation, eight points;
- (n) reverse osmosis (membrane filtration), five points;
- (o) chlorine dioxide, eight points;
- (p) unlisted new technologies, three to ten points (based on relative complexity);

(2) surface water source:

- (a) ~~aeration~~, two ozonation, eight points;
- (b) coagulation, ten points;
- (c) sedimentation, five points;
- (d) filtration, ten points;
- (e) ~~disinfection~~ chlorination, five points;
- (f) ion exchange, five points;
- (g) chemical oxidation, two points;
- (h) carbon contactors, five points;
- (i) stabilization, two points;
- (~~j~~) reverse osmosis (membrane filtration), five points;
- (k) fluoridation, five points;
- (~~l~~) ammonia addition, five points;
- (~~m~~) taste and odor control, two points;
- (n) chlorine dioxide, eight points;
- (o) unlisted new technologies, three to ten points (based on relative complexity);

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

Subp. 3. **Accumulated value.** The accumulated point values for ~~water supply~~ systems are as follows:

- A. Class A, 76 or more points;
- B. Class B, 56 to 75 points;
- C. Class C, 31 to 55 points; and
- D. Class D, 30 or less points.

9400.0500 CLASSIFICATION OF WASTEWATER TREATMENT FACILITIES.

Subpart 1. **Basis.** ~~The director hereby establishes the basis for classification of all wastewater treatment facilities actually used or intended for use by the public or by any considerable number of persons and required to have permits under part 7080.0030, subpart 1, item A, for individual sewage treatment systems or chapter 7001, must be~~ based on the degree of hazard to the public health, together with the type and loading of the facilities and the population served or the average population equivalent of the wastewater handled.

Subp. 2. **Rating values.** ~~Wastewater treatment~~ Facility classification shall must be based on the following rating values:

A. size:

- (1) maximum population equivalent (P.E.) served, one point per 10,000 P.E. or part thereof;
- (2) average wet weather design flow, average day, or peak months flow, average day, whichever is greater, one point per million gallons per day or part of a million gallons per day;

B. permit final effluent discharge limitations:

- (1) receiving stream sensitivity based on general standards applicable to all intra- and inter-state waters, as prescribed in parts 7050.0220 and 7055.0120 (as adopted in 1973); surface water discharge:

(a) domestic consumption carbonaceous biochemical oxygen demand (CBOD) limit. The loading must be based on the most restrictive of the effluent concentration loading or mass loading. The mass loading equivalent concentration must be calculated using the facility average wet weather design flow. CBOD loading of:

- i. Class B 14 milligrams per liter or less, ~~six~~ five points;
- ii. Class C more than 14 milligrams per liter to 24 milligrams per liter, ~~five~~ four points;
- iii. Class D more than 24 milligrams per liter to 39 milligrams per liter, ~~four~~ three points;
- iv. more than 39 milligrams per liter, two points;

(b) fisheries and recreation nutrient limits:

- i. Class A nitrogen limit, ~~five~~ six points;
- ii. Class B phosphorus limit, three eight points;
- iii. Class C, two points;

(2) ~~dechlorination, five points;~~

~~(3) land disposal — evaporation discharge, two points;~~

~~(4) (3) subsurface disposal discharge, four points;~~

C. variation in raw wastes based upon maximum month design values:

(1) ~~one to five percent or less~~ industrial flow or carbonaceous biochemical oxygen demand (CBOD) loading, whichever is greater, contributed to facility, one point;

(2) ~~six more than five percent~~ to ten percent industrial flow or CBOD loading, whichever is greater, contributed to facility, two points;

(3) ~~11 more than ten percent~~ to 25 percent industrial flow or CBOD loading, whichever is greater, contributed to facility, three points;

(4) ~~26 more than 25 percent~~ to 50 percent industrial flow or CBOD loading, whichever is greater, contributed to facility, four points;

(5) ~~51 more than 50 percent or more~~ industrial flow or CBOD loading, whichever is greater, contributed to facility, five points;

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Proposed Rules

~~(6) for special treatment of industrial wastes at the wastewater treatment facility, one point;~~

D. ~~pretreatment liquids handling:~~

- ~~(1) screening, comminution, three points;~~
- ~~(2) grit removal, three points;~~
- ~~(3) plant pumping of main raw wastewater flow, three points;~~
- ~~(4) preaeration, postaeration, or both, with less than two hours' detention time, three points;~~
- ~~(5) hydro sieve influent static or rotating screen, four three points;~~

E. ~~primary treatment:~~

- ~~(1) (6) flow equalization basin, primary clarifiers clarifier, or both, five points;~~
- ~~(2) (7) septic tank, three points;~~
- ~~(8) combined sedimentation and digestion, five points;~~
- ~~(2) chemical addition, except chlorine and enzymes, four points;~~

F. ~~secondary treatment:~~

- ~~(1) (9) trickling filter, five seven points;~~
- ~~(2) (10) activated sludge, including pure oxygen activated sludge and sequencing batch reactor, ten 13 points;~~
- ~~(3) (11) trickling filter solids contact (TFSC) and activated biofilter, ten points;~~
- ~~(12) stabilization ponds pond, designed for more than 180 days' detention time, five points;~~
- ~~(4) (13) aerated ponds pond designed for more than two hours' detention time, eight five points;~~
- ~~(5) (14) anaerobic contactor process, ten points;~~
- ~~(15) anaerobic pond, four points;~~
- ~~(16) rotating biological surface including submerged biological surface, five seven points;~~
- ~~(6) any number of (17) secondary clarifiers clarifier, five points;~~
- ~~(7) (18) on-site generation of oxygen, five points;~~

G. ~~advanced waste treatment:~~

- ~~(1) (19) aerated polishing ponds pond designed for less than 180 days' detention time, five points;~~
- ~~(2) (20) polishing ponds pond without aeration, two points;~~
- ~~(3) chemical and physical, 15 points;~~
- ~~(4) biological treatment for nitrogen removal, eight points;~~
- ~~(5) (21) chemical addition for phosphorus and/or solids removal or pH adjustment, eight two points;~~
- ~~(6) multimedia filters and/or activated carbon beds, eight (22) subsurface soil treatment system constructed in accordance with chapter 7080, three points;~~
- ~~(7) (23) rapid infiltration basin, three points;~~
- ~~(24) biological sand filter without backwash, three points;~~
- ~~(25) effluent irrigation, five points;~~
- ~~(26) effluent polishing filter with backwash, eight points;~~
- ~~(27) ion exchange, ten points;~~
- ~~(8) (28) reverse osmosis, electrodialysis, 15 points;~~
- ~~(9) (29) chemical recovery, carbon regeneration, four points;~~
- ~~(10) micro-strainers (30) effluent microscreening, four three points;~~
- ~~(31) disinfection:~~
 - ~~(a) chlorination with or without dechlorination, five points;~~
 - ~~(b) ultraviolet light, five points;~~
 - ~~(c) ozonation, five points;~~

(32) unlisted new technologies, three to ten points (based on relative complexity):

H. E. solids handling:

- (1) gravity thickening including with or without chemical treatment, five points;
- (2) anaerobic digestion, ten points;
- (3) aerobic digestion, six points;
- (4) evaporative sludge drying bed, two points;
- (5) mechanical thickening or dewatering, eight points;
- (6) solids reduction, such as incineration, wet oxidation, 12 points;
- (7) on-land disposal, five points;
- (8) lime stabilization of sludge, five points;
- (9) sludge or septage storage, if the facility has neither anaerobic nor aerobic digestion, three points;
- (10) composting, five points;
- (11) unlisted new technologies, three to ten points (based on relative complexity):

I. disinfection:

- ~~(1) chlorination or comparable, five points;~~
- ~~(2) on-site generation of disinfectant, five points;~~

J. F. laboratory monitoring:

- (1) minimum required tests (pH, Cl₂, residual ~~D-O-~~ dissolved oxygen, settleable solids, ~~B-O-D-~~ carbonaceous biochemical oxygen demand, and ~~T-S-S-~~ total suspended solids), two points;
- (2) bacteriology (fecal coliform, total coliform, fecal streptococcal, etc.), three points;
- (3) ~~activated sludge process control, three points;~~
- ~~(4) nutrients, one point;~~
- ~~(5) (4) groundwater monitoring, one point.~~

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

Subp. 4. **Type S facility.** A type S treatment facility ~~shall mean~~ means a system of collection, pumping, and conveyance facilities which are distinctly separate in operation or ~~maintenance~~ from a wastewater treatment facility which treats, stabilizes, or disposes of the wastewater collected, pumped, or conveyed ~~therein~~.

A. Where such a conveyance type S facility is not so distinctly separate, it is considered to be part of the treatment facility for which the designated operator is responsible.

B. In no instance shall any facility which is given points for processes in subpart 2, item D, subitem (9), (10), (11), or (16), be classified as less than a Class C facility.

C. A type S treatment facility shall must be subclassified as follows:

- A: (1) Class S-A, serving a population of 50,000 or more;
- ~~B:~~ (2) Class S-B, serving a population of 15,000 or more but less than 50,000;
- ~~C:~~ (3) Class S-C, serving a population of 1,500 or more but less than 15,000;
- ~~D:~~ (4) Class S-D, serving a population of less than 1,500.

9400.0600 RECLASSIFYING SYSTEMS OR FACILITIES.

Subpart 1. Reclassification. When the accumulated point value necessitates a change in the classification of a system or facility, or when unusual factors may affect the degree of hazard to the public health, the type and loading of the system or facility, or the average population served or population equivalent of the wastewater handled, the commissioner or ~~director~~ may of health shall

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Proposed Rules

modify the classification of a system or the commissioner of the pollution control agency shall modify the classification of a facility according to parts 9400.0400 and 9400.0500.

Subp. 2. Implementation. Reclassification after the effective date of this chapter must be made:

- A. after completion of a system sanitary survey by the commissioner of health; or
- B. at the time of issuance or reissuance of a facility permit by the commissioner of the pollution control agency.

9400.0700 CERTIFICATION OF WATER SYSTEM AND TREATMENT FACILITY OPERATORS.

Subpart 1. [See repealer.]

Subp. 2. Certification in particular class. In addition, before applying to take an examination, a person An applicant who seeks certification in a particular class must:

- A. meet the qualifications for that class as one of the classes specified below: in this part; or
- B. meet the requirements for reciprocity under part 9400.1350.

A. Subp. 3. Class A certificate: An applicant shall take and pass an oral examination, and for a Class A certificate must:

- A. have been certified as a Class B operator for at least two years; and
- B. have a:
 - (1) a high school diploma or equivalent with at least eight years experience in the operation, including at least two years as a part of the management, of a Class A or B system or facility, or a similar industrial facility; or
 - (2) a bachelor's degree from an accredited institution in an appropriate branch of chemical, civil, environmental, mechanical, or sanitary engineering or in a physical or biological science, and submit satisfactory evidence of at least four years of responsible experience in the operation and, including at least two years as a part of the management, of a Class A or B system or facility or a similar industrial facility; or and
 - (2) high school diploma with at least eight years of responsible experience in the operation and management of a Class A or B system or facility, or a similar industrial facility.
- C. take and pass a written exam.

B. Subp. 4. Class B certificate: An applicant shall for a Class B certificate must:

- A. have been certified as a Class C operator for at least one year; and
- B. have:
 - (1) possess a high school diploma or equivalent with at least six years experience in the operation of a Class A, B, or C system or facility, or a similar industrial facility; or
 - (2) a bachelor's degree from an accredited institution in an appropriate branch of chemical, civil, environmental, mechanical, or sanitary engineering or in a physical or biological science, and submit satisfactory evidence of at least two years of experience in the operation of a Class A, B, or C system or facility, or similar industrial facility; or and
 - (2) be a high school graduate with at least six years of experience in the operation of a Class A, B, or C system or facility, or a similar industrial facility.
- C. take and pass a written exam.

C. Subp. 5. Class C certificate: An applicant shall be for a Class C certificate must:

- A. have:
 - (1) a high school graduate diploma or equivalent, with a minimum of at least three years of experience in the operation of a water supply Class A, B, C, or D system, wastewater treatment or facility, or similar industrial facility; or
 - (2) a bachelor's degree from an accredited institution in chemical, civil, environmental, mechanical, or sanitary engineering or in a physical or biological science, and submit satisfactory evidence of at least one year experience in the operation of a Class A, B, C, or D system or facility, or similar industrial facility; and
- B. take and pass a written exam.

D. Subp. 6. Class D certificate: An applicant shall be for a Class D certificate must:

- A. have a high school graduate diploma or equivalent; and
- B. have:
 - (1) who has a minimum of at least one year of experience in the operation of a water supply Class A, B, C, or D system, wastewater treatment or facility, or in a related field; or

(2) who has satisfactorily completed an ~~approved~~, a postsecondary program of courses in water and or wastewater technology ~~approved by the respective agency or department~~ at an accredited institution; and

C. take and pass a written exam.

E. **Subp. 7. Type S certificate.** An applicant for a type S wastewater treatment certificate shall ~~must~~ possess the same educational education and experiential qualifications as are ~~experience~~ required of one who applies for a regular wastewater certificate in the same class, with the following exceptions:

(1) ~~except~~ experience shall ~~must~~ have been gained in a regular wastewater facility or type S facility; and;

(2) when one applies ~~A. an applicant~~ for an S-A type certificate, he or she shall ~~must~~ have been certified as an S-B or B facility operator for at least two years; or

B. an applicant for a type S-B certificate must have been certified as an S-C or C facility operator for at least one year.

9400.0800 SUBSTITUTIONS FOR QUALIFICATIONS.

Subpart 1. **Experience in a system or type S facility substituted for experience in a facility.** When a person applies for certification a certificate to operate:

A. a wastewater treatment facility, at least 50 percent of the experience gained in a water supply system or a type S wastewater treatment facility may be given up to 50 percent credit towards meeting the experience requirement for that class of facility for which the applicant seeks the certificate; or

B. a water supply system, experience gained in a wastewater treatment facility may be given up to 50 percent credit towards meeting the experience requirement for that class of system for which the applicant seeks the certificate (experience gained in a type S wastewater treatment facility may not be substituted when one applies for a water supply system certificate) a facility, at least 50 percent of the experience required in part 9400.0700 for the class of certificate requested must have been obtained in a facility. The other 50 percent may be obtained in a type S facility or a system. The classification of the type S facility or system the applicant operated must not be more than one class below the class of certificate requested.

Subp. 1a. **Experience in a facility substituted for experience in a system.** When a person applies for a certificate to operate a system, at least 50 percent of the experience required in part 9400.0700 for the class of certificate requested must have been obtained in a system. The other 50 percent may be obtained in a facility, but not in a type S facility. The classification of the facility the applicant operated must not be more than one class below the class of certificate requested.

Subp. 2. **Certificate Education substituted for classes A, S-A, B, S-B, C, or S-C experience.** Persons ~~A person~~ who apply applies for a Class A, S-A, B, S-B, C, or S-C certificate may substitute education for experience according to the following formula: formula in this subpart.

A. Except as noted below in item B, the council may reduce the experience required in part 9400.0700, subpart subparts 2 to 9, will be reduced by up to six months one month for the successful completion of:

(1) each academic year beyond high school in which the applicant took 40 contact hours of correspondence courses or other courses relating to water supply and or wastewater treatment; or from an accredited institution in an appropriate branch of chemical, civil, environmental, mechanical, or sanitary engineering; or in the chemical physical or biological sciences; or,

(2) one hundred contact hours of courses relating to water supply or wastewater treatment.

B. In no event shall such education be substituted for experience so as to reduce the experience requirement to less than one year.

C. An applicant may be given credit for taking the same course more than once if there is a substantial difference in course content and only upon approval of the council.

Subp. 3. **Experience substituted for education.** One year of experience in the operation of a water supply system or wastewater treatment facility may be considered as equivalent to one year of high school. Experience which is substituted for education cannot also be used to satisfy the experience requirements.

9400.0900 APPLICATION FOR EXAMINATION.

Subpart 1. **Form and time.** Application for examination shall ~~must~~ be made in writing to the commissioner or director of health

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Proposed Rules

~~for certification to operate a system or to the commissioner of the pollution control agency for certification to operate a facility on a prescribed form, and shall issued by the department or agency administering the examination. The application for examination must be submitted at least 15 days prior to before the date on which the examination will be given.~~

Subp. 2. **Proof of attendance.** The applicant may be required to submit a copy of the school or college diploma, equivalency certificate, or other proof of school or college attendance ~~and/or or graduation if the applicant is substituting educational experience for operating experience.~~

Subp. 3. **Examination fee.** ~~The A nonrefundable examination fee shall must~~ accompany the application.

Subp. 4. **Review Application for examination.** The appropriate reviewing authority shall review all information and documents needed to determine the eligibility for examination and notify the applicant of his or her status. ~~An applicant who applies for examination but fails to satisfy all the conditions prescribed in parts 9400.0100 to 9400.1500 may reapply for examination as described in subparts 1 to 3 when all conditions are satisfied.~~

9400.1000 EXAMINATIONS.

Subpart 1. **Preparation.** The ~~council~~ respective commissioner shall ~~authorize prepare~~ the preparation of written and oral examinations to be used in determining the knowledge, ability, and judgment skills of operators.

Subp. 2. **Written examination.** Separate written examinations shall must be prepared for each designated water supply system and wastewater treatment facility class to cover basic differences in the duties and responsibilities of operators, types of water and wastewater treatment, variations in water and wastewater characteristics, water distribution systems, and wastewater collection systems. The written examination shall must test the applicant's knowledge in any one or more of the following areas, as they relate to either water or wastewater treatment: basic science, mathematics, operating procedures, treatment processes, equipment ~~and its~~, equipment maintenance, management, and applicable state law and rules relating to water and wastewater. ~~The applicant is prohibited from using any resource materials during an examination.~~

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. **Passing.** ~~For the written examination, A grade of 70 percent shall be is~~ considered a passing grade. ~~For the oral examination, the grade shall be either "pass" or "fail".~~

Subp. 6. **Results; review.** The ~~applicant~~ respective commissioner shall be notified notify the applicant of the exam results. Papers shall will not be returned to the applicant, but upon request within 60 days' notification of the results, the applicant may be allowed to review the written examination.

Subp. 7. **Reexamination.** An applicant who fails to pass the examination may not retake the same examination for a period of three months.

Subp. 8. **Certificate fee.** ~~The applicant must submit the certification fee within 90 days after written notification of positive results of the examination. If an applicant fails to submit the certification fee within 90 days, the applicant must apply for reexamination as in part 9400.0900.~~

9400.1100 ISSUANCE OF CERTIFICATES.

Certificates shall be issued by the commissioner ~~or director of health for water operator certificates, or the commissioner of the pollution control agency for wastewater operator certificates,~~ when all the conditions prescribed in ~~these rules parts 9400.0100 to 9400.1500~~ have been satisfied.

9400.1200 RENEWAL OF CERTIFICATES.

Subpart 1. **Minimum requirements.** A certificate in any given classification must be renewed within 30 days ~~of~~ after its expiration date. ~~Except as provided in subpart 2, A renewal certificate will be issued upon receipt of the application, renewal fee, and evidence of the fact that the operator has, during the preceding three years, obtained credit for attending approved water and wastewater training courses, or participated in substantially similar educational activities as described in subpart 4 or 5, for the number of hours specified in the following schedule:~~

- A. Class A and S-A, 32 contact hours;
- B. Class B and S-B, 24 contact hours;
- C. Class C and S-C, 16 contact hours;
- D. Class D and S-D, 8 contact hours.

Subp. 2. [See repealer.]

Subp. 3. **Accredited courses and activities.** ~~The council~~ respective commissioner shall ~~annually~~ prepare and make available to operators and the public a list of accredited training courses and approved educational activities for which credit may be obtained.

Subp. 4. **Water operator certificate renewal.** When a person applies to renew a water operator certificate, at least 50 percent of the contact hours required for renewal in subpart 1 must be from water-related courses approved by the commissioner of the department. The other 50 percent may be from wastewater or other related courses approved by the commissioner of the department, provided that the course or portion of the course has been approved by the commissioner of health.

Subp. 5. **Wastewater operator certificate renewal.** When a person applies to renew a wastewater operator certificate, at least 50 percent of the contact hours required for renewal in subpart 1 must be from wastewater-related courses approved by the commissioner of the agency. The other 50 percent may be from water or other related courses approved by the commissioner of the agency, provided that the course or portion of the course has been approved by the commissioner of the pollution control agency.

9400.1300 REINSTATEMENT AND RECERTIFICATION.

Subpart 1. **Application.** A person whose certificate has expired may apply to the commissioner ~~or director of health~~, for reinstatement of ~~the a~~ water operator certificate in the same classification, or to the commissioner of the pollution control agency for reinstatement of a wastewater operator certificate. An applicant's certificate may only be reinstated to the class of the certificate which had expired. Before a certificate will be issued, such person must submit the following: the application for reinstatement; the nonrefundable fee for a reinstatement certificate; ~~which fee is nonrefundable~~; and evidence of the fact that ~~he or she~~ the person has complied with the continuing education requirements imposed in part 9400.1200, subpart 1, during the entire time since the expired certificate was last issued or renewed.

Subp. 2. **Denial.** A person who is denied reinstatement ~~will be required to follow the procedure imposed who wants to be recertified~~ must follow the procedures for a new applicant specified in parts 9400.0900 to 9400.1000. In such case ~~The nonrefundable reinstatement fee already paid shall be credited towards~~ considered the fees fee for application of examination and a new certificate.

Subp. 3. **Time.** A person may apply for reinstatement up to three years after expiration of the previous certificate. If more than three years has elapsed from the expiration of the certificate, a person must apply for the certificate as specified in parts 9400.0900 and 9400.1000.

Subp. 4. **Reinstatement after suspension.** The commissioner of health or the commissioner of the pollution control agency respectively will reinstate a suspended certificate if the individual whose certificate has been suspended fulfills the terms of the suspension order and meets all applicable requirements of the rules for obtaining a certificate.

Subp. 5. **Revocation.** An individual whose certificate has been revoked according to Minnesota Statutes, section 144.99, subdivisions 8 to 10, may not apply for certification before the expiration date of the revocation order or for at least one year following the written notice of revocation.

9400.1350 RECIPROCITY.

According to Minnesota Statutes, section 115.76, when a person who has a certificate in another state applies for certification as a water or wastewater operator, a determination will be made by the respective commissioner as to whether the applicant is eligible for certification and for what class of facility or system. The certification requirements of the other state must not be in conflict with Minnesota Statutes, sections 115.71 to 115.77, and must be of a standard not lower than those in this chapter.

A. If the certification requirements of the other state are not in conflict with Minnesota Statutes, sections 115.71 to 115.77, and are of a standard not lower than those in this chapter, the applicant must be granted a certificate.

B. If the certification requirements of the other state are in conflict with Minnesota Statutes, sections 115.71 to 115.77, and are of a standard lower than those in this chapter, the applicant must be notified in writing by the respective commissioner of those areas which were not equivalent and what, additionally, the applicant must do to meet the standards in this chapter.

C. The nonrefundable reciprocity fee shall be considered the fee for application of examination if the applicant is denied a certificate through reciprocity.

9400.1500 RESTRICTED CONDITIONAL CERTIFICATE.

Subpart 1. **Restriction Conditions and renewal.** The operator of a system or facility which is reclassified to a higher class pursuant to part 9400.0600 ~~is eligible for~~ may be issued a restricted conditional certificate in the higher class; ~~except as noted in part~~

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Proposed Rules

9400.0600. A ~~restricted conditional~~ certificate shall must be issued upon receipt of the certificate fee and shall be effective for three years from the date of issue. A ~~restricted conditional~~ certificate may be renewed in the same manner as an ~~unrestricted uncondi-~~itional certificate. A ~~restricted conditional~~ certificate shall must specify that the operator named therein is certified to operate only the reclassified system or facility for which the ~~restricted conditional~~ certificate is issued.

Subp. 2. **Certification limits.** No ~~restricted conditional~~ certificate will be granted if reclassification was the result of a ~~major an~~ alteration to the system or facility; ~~the operation of which would require considerably more training, knowledge, or experience than that required by the system or facility as it was formerly classified.~~

Subp. 3. **Nonmunicipal systems.** A conditional certificate must be issued by the commissioner of health upon application by the nonmunicipal system operator and without examination to the person designated by the owner of a nonmunicipal system to have direct responsibility of the system on January 1, 1997.

A. A conditional certificate for a nonmunicipal system operator is valid only for that person at that particular system for the duration of the initial certificate.

B. Renewal of the certificate is as specified in part 9400.1200.

C. For nonmunicipal systems with greater than 50 service connections, when the operator with the conditional certificate issued under this subpart, or an operator with a certificate issued as specified in parts 9400.0700 to 9400.1100, ceases employment with the specified system, the system must:

(1) employ or contract with a person who has obtained certification as specified in parts 9400.0700 to 9400.1100; or

(2) employ a person that will apply to take the examination and be eligible to obtain certification as in parts 9400.0700 to 9400.0900 within 12 months of being hired.

D. For nonmunicipal systems with 50 or fewer service connections, when the operator with the conditional certificate issued under this subpart ceases employment with the specified system, the new person designated by the owner to have direct responsibility of the system must apply for a conditional certificate which shall be valid only for that person at that particular system.

REPEALER. Minnesota Rules, parts 9400.0100, subparts 5 and 6; 9400.0300; 9400.0700, subpart 1; 9400.1000, subparts 3 and 4; 9400.1200, subpart 2; and 9400.1400, are repealed.

Department of Public Safety

Driver and Vehicle Services Division

Proposed Permanent Rules Relating to License Revocation for Alcohol- and Controlled-Substance-Related Incidents

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

Introduction. The Minnesota Department of Public Safety intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, §§ 14.22 to 14.28 and the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by 4:30 p.m. on November 27, a public hearing will be in the 5th Floor Conference Room of the Veteran's Service Building, 20 West 12th Street, St. Paul, Minnesota, 55155, starting at 9:00 a.m. on January 16, 1997. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after November 27, 1996 and before January 16, 1997.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing must be submitted to: Catherine Ann Moore, Department of Public Safety, Room 120, Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota, 55155, by telephone at (612) 296-2608, or by fax at (612) 296-3141.

Subject of Rule and Statutory Authority. The Department of Public Safety has proposed amendments to *Minnesota Rules*, parts 7503.0100-7503.2800, governing incidents for license revocation, and Chapter 7408, governing alcohol assessment reimbursement. The rules address primary and relapse treatment, the special review process, rehabilitation requirements, abstinence requirements, and alcohol assessment reimbursement.

The statutory authority to adopt these rules is found in *Minnesota Statutes* §§ 14.06, 299A.01, 169.121, 169.123, 171.165 and 169.124.

A copy of the proposed rule is published in the *State Register*. The subject matter of the rules is described above. A free copy of the rule is available upon request from the agency contact person.

Comments. You have until 4:30 p.m. on November 27, 1996, to submit written comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for your comments, and any changes proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on November 27, 1996. Your written request for a public hearing must include your name and address. This information should be legible. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

Withdrawal of Requests. 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 enough requests are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Accommodations. If you need an accommodation to make this hearing accessible, please contact the agency contact person at the number listed above.

Modifications. The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed in the *State Register* and must be supported by data and views submitted to the department or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for January 16, 1997 will be canceled if the department does not receive 25 or more requests that a hearing be held on the rules. If you request a public hearing and one is held, the department will notify you before the scheduled hearing. You may also call the agency contact person after November 27, 1996 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes* §14.131 to 14.20. The hearing will be held on January 16, 1997, in Conference Room D, 5th Floor Veterans Service Building, 20 West 12th Street, Saint Paul, Minnesota 55155, beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Judge George A. Beck. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota, 55401-2138, or by telephone at 612-341-7601.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the department may respond in writing with rebuttal arguments or material within five business days after the submission period ends to any new information submitted after the hearing. All written materials and responses submitted to the Administrative Law Judge during the period must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five day rebuttal period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about the procedure may be directed to the administrative law judge.

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

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected

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Proposed Rules

by the proposed rule and an estimate of the probable cost of the proposed rule. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

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

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period, the department of public safety may adopt the rule. The rule and supporting documents will be submitted to the Office of Administrative Hearings for review as to legality. You may request to be notified of the date the rule is submitted to the office. If you want to be so notified, or wish to receive a copy of the adopted rule, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person at the address listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may request to be notified of the date on which the Administrative Law Judge's report will be 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 rule 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.

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

Donald E. Davis, Acting Commissioner
Department of Public Safety

Rules as Proposed

7503.0100 DEFINITIONS.

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

Subp. 5. **Chemical dependency treatment.** "Chemical dependency treatment" is treatment for chemical dependency in a program licensed or approved by the state of Minnesota, treatment in a comparable program licensed or approved by another state, treatment in a hospital-based treatment program, or alternative treatment program ~~approved~~ preapproved by the commissioner of public safety. All programs must include a requirement of abstinence. Primary treatment programs must provide a minimum of 48 hours of individual, group, or family counseling. Relapse treatment programs must provide a minimum of 24 hours of individual, group, or family counseling and will be acceptable only when primary treatment has previously been successfully completed. Any exceptions to these requirements must be approved on an individual patient basis.

[For text of subps 5a to 9, see M.R.]

Subp. 10. **Special review.** A "special review" is a ~~personal conference with and examination of~~ the process of notifying a driver for the purpose of evaluating the person's driving ability and possible chemical abuse following an ~~that any~~ alcohol- or controlled-substance-related incident not currently on the driver's Minnesota driving record may result in the cancellation and total denial of all driving privileges in Minnesota.

[For text of subps 11 and 12, see M.R.]

7503.0800 REVOCATION PERIODS.

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

Subp. 7. **Terminating revocation after assessment action completed.** The commissioner shall terminate a revocation period in accordance with *Minnesota Statutes*, section 169.123, subdivision 10. The amount of the termination must be 30 days or the length of time remaining in the revocation period, whichever is shorter. Termination of the revocation period under *Minnesota Statutes*, section 169.123, subdivision 10, does not apply to persons with more than one alcohol- or controlled-substance-related incident on record or to persons who have outstanding licensure requirements, ~~such as completion of a special review or conditions of licensure imposed by the commissioner following a special review.~~ Termination of the revocation period applies only in the following circumstances.

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

7503.1300 LICENSE CANCELLATION AND DENIAL.

Subpart 1. **Failure to complete special review action form.** The commissioner shall cancel and deny the driver's license and driving privilege of any person who fails to ~~complete a~~ return the special review ~~or who fails to complete a driver improvement course, alcohol awareness program, or chemical dependency treatment as prescribed in a special review, before the time for completion of the review or action has expired~~ form.

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

7503.1600 REINSTATEMENT FOLLOWING CANCELLATION.

The commissioner shall deny the application for a driver's license, including the application for a limited license, to a person whose license has been canceled, unless:

- A. no revocation or suspension of the person's driver's license or driving privilege is outstanding;
- B. the person has ~~completed a signed and returned the special review and any special review action required form;~~ and
- C. if the incident is the third alcohol- or controlled-substance-related incident within a five-year period, or the third incident on record and a special review was conducted within ten years of the third incident, or if the person has four or more of these incidents on record, the person has completed rehabilitation.

Reinstatements following rehabilitation must be conditioned upon continued abstinence from the use of alcohol and controlled substances.

7503.1700 REHABILITATION.

Subpart 1. **When applicable.** A person must complete rehabilitation ~~when (+) whenever:~~

~~A. the person's driver's license or driving privileges have been canceled and denied following involvement in three or more alcohol- or controlled-substance-related incidents within five years; (2) a special review has been conducted within ten years of the third incident and there are three alcohol- or controlled-substance-related incidents on record; or (3);~~

B. a third alcohol- or controlled-substance-related incident occurs within ten years from the date the person completed all required special review actions; or

C. there are four or more incidents on record.

Subp. 2. **Rehabilitation requirements.** To complete rehabilitation, a person must:

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

~~B. participate in a generally recognized, ongoing abstinence-based support group and submit evidence of attendance to the commissioner showing regular participation for a minimum of three months immediately before submission at least once a week for 12 consecutive weeks immediately prior to submitting to the commissioner evidence showing compliance with all rehabilitation requirements;~~

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

Subp. 3. **Evidence of chemical dependency treatment.** Evidence of chemical dependency treatment submitted to the commissioner shall consist of written material supplied by the treating program ~~showing. It shall include:~~

A. an intake evaluation that shows the last reported date of use of alcohol or a controlled substance;

B. the starting and ending dates of primary, aftercare, or relapse treatment and;

C. the number of program hours for primary or relapse treatment;

D. verification of successful completion of primary and postprimary all treatment, including primary or relapse treatment and aftercare; and

~~E. a discharge summary with a prognosis and any recommended aftercare program. If the prognosis is not favorable or if the person fails to complete an aftercare program recommended by the treating program, the commissioner shall reinstate the person's driver's license and driving privilege only following completion of an abstinence period of one year in addition to the abstinence periods prescribed in part 7503.1700, subpart 5.~~

[For text of subp 4, see M.R.]

Subp. 4a. **Removing restriction following rehabilitation.** A person who is licensed after the successful completion of a first rehabilitation may request that the restriction be removed from the driver's license and from the computer records that are disclosed to any persons or agencies outside the driver and vehicle services division, Department of Public Safety, with the exception of law enforcement personnel, after the following requirements are met:

A. a minimum of five years has elapsed since the completion of rehabilitation;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

B. the person appears personally at the department's driver evaluation office in Saint Paul or schedules an appearance at other offices throughout the state to make the request; and

C. the person completes an application and pays a duplicate fee as required by *Minnesota Statutes*, section 171.06.

The removal of the restriction does not in any way affect the abstinence requirement of license reinstatement.

Subp. 5. **Abstinence periods.** Evidence of abstinence furnished by the person must substantiate a period of abstinence as provided in this chapter. Rehabilitation is not complete if the commissioner has sufficient cause to believe that the person has not abstained from the use of alcohol or a controlled substance for the period claimed.

The required period of documented abstinence is:

A. for a person who has not previously undergone rehabilitation, ~~one year~~ two years;

B. for a person who has once completed rehabilitation, ~~three~~ four years; or

C. for a person who has ~~twice~~ completed rehabilitation two or more times, six years; or

~~D. for a person who has completed rehabilitation more than twice, double the period required for the latest rehabilitation.~~

If the person is incarcerated or lives in a controlled environment, such as a halfway house, the length of time the person is under these conditions counts as half-time towards completion of the abstinence periods required in items A to ~~D~~ C. A minimum of six months must be spent in an uncontrolled environment immediately prior to submitting evidence to the commissioner showing compliance with all rehabilitation requirements.

[For text of subs 6 and 7, see M.R.]

Subp. 8. **Fraudulent documentation.** If a person submits fraudulent documentation of rehabilitation, the commissioner shall reinstate the person's driver's license and driving privilege only following completion of all rehabilitation requirements and an abstinence period of one year in addition to the abstinence periods prescribed in subpart 5. Fraudulent documentation of rehabilitation includes, but is not limited to, falsified attendance or treatment records, falsified records showing incorrect abstinence periods, or other altered and incorrect records or documents.

Subp. 9. **Additional offense.** If a person who is required to complete rehabilitation under subpart 1 commits any additional alcohol or controlled-substance offenses prior to beginning or completing rehabilitation, the commissioner shall reinstate the person's driver's license and driving privilege only following completion of all rehabilitation requirements and an abstinence period of one year in addition to the abstinence periods prescribed in subpart 5.

Subp. 10. **Treatment medically unnecessary.** If a person has not completed treatment since the last documented use of alcohol or a controlled substance and has a current assessment from a licensed chemical dependency treatment facility that rules out the need for treatment, the commissioner shall reinstate the person's driver's license and driving privilege only following completion of all other rehabilitation requirements.

7503.2100 SPECIAL REVIEW.

Subpart 1. **When required.** When a person incurs two alcohol- or controlled-substance-related incidents within five years or has three or more incidents on record, the commissioner shall require a person to ~~undergo~~ return a special review of the person's driving and chemical dependency problems form. The commissioner will notify the person by enclosing a notice to undergo a special review with the notice of revocation or by sending form will be sent by first class mail a separate notice to undergo a special review. The review will be held at a driver evaluation office of the Department of Public Safety or at other locations throughout the state. A personal appearance is not required if the person resides out-of-state and a personal appearance in Minnesota would impose an undue hardship.

Subp. 2. [See repealer.]

7503.2200 CHEMICAL ABUSE REVIEW PANEL.

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

Subp. 2. **Procedure.** Applications for review by the chemical abuse review panel are governed by the following procedures:

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

C. The commissioner may submit written materials ~~in addition to the record of the special review or alcohol problem assessment~~ for consideration by the chemical abuse review panel. These materials will be supplied to the applicant; ~~if the person requested copies of the commissioner's materials when requesting a special review.~~

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

REPEALER. *Minnesota Rules*, parts 7408.0100; 7408.0200; 7408.0300; and 7503.2100, subpart 2, are repealed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *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 a 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.

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Board of Psychology

Adopted Permanent Rules Relating to Licensure Fees

The rules proposed and published at *State Register*, Volume 21, Number 3, pages 86-87, July 15, 1996 (21 SR 86), are adopted with the following modifications:

7200.6170 SPECIAL FEE.

Each licensee licensed before September 20, 1996, shall be assessed a one-time fee in the amount of \$90 to be remitted to the board on or before March 31, 1997, for the purpose of recovering revenue that had been projected but did not materialize from the licensure of psychological practitioners and for the purpose of covering the board's expenses. A late fee of ~~\$90~~ \$80 shall be assessed if the one-time fee is not received in the board office on or before March 31, 1997. The board shall withhold the license or renewal certificate of any licensee who fails to remit the one-time fee by March 31, 1997, until the one-time fee and the late fee are paid.

Official Notices

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

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

Minnesota Department of Agriculture

Agricultural Certification Division

Request for Comments for Planned Amendments to Rules Governing Grain Licensing Fees, *Minnesota Rules*, part 1562.0800

Subject of the Rule. The Minnesota Department of Agriculture request comments on its planned amendments to rules governing grain licensing fees. The department is considering a rule amendment that will increase licensing and second examinations fees for grain storage elevators and licensing fees for grain bank operators.

Persons Affected. The amendments to the rule would likely affect operators of grain elevators and grain banks. The department does not contemplate appointing an advisory committee to comment on the planned amendments.

Official Notices

Statutory Authority. *Minnesota Statutes*, section 232.22, subd. 3, requires the commissioner to set fees for inspections, certifications and licenses under *Minnesota Statutes*, sections 232.20 to 232.25.

Public Comment. Interested persons or groups may submit comments or information on the planned rule amendments in writing or orally until 4:30 p.m. on **December 27, 1996**. The department has prepared a draft of the planned rule amendments. Written or oral comments, questions, requests to receive a draft of the proposed amendments, and requests for more information on the planned rule amendments should be addressed to: Jim Gryniewski, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107: Phone 612/297-2157, Fax 612/297-2504.

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.

Dated: 4 October 1996

Gene Hugoson
Commissioner

Department of Health

Health Policy and Service Compliance Division

Notice of Publication of the "HCFA 1500 Manual" as Defined by the Commissioner of Health; Per *Minnesota Statutes*, section 62J.52 •

Introduction. Notice is hereby given that the "HCFA 1500 Manual" as defined by Commissioner of Health is available for use for paper claims submitted on the HCFA 1500 form. The manual will be available in Minnesota's Bookstore at (612) 297-3000.

Description and Statutory Reference. The manual is a description of the conventions of use for the HCFA 1500 paper form published by the Health Care Financing Administration (HCFA). The manual has been developed per *Minnesota Statutes*, section 62J.52. The statute reads in relevant part: "(a) On and after January 1, 1996, all noninstitutional health care services rendered by providers in Minnesota except dental or pharmacy providers, that are not currently being billed using an equivalent electronic billing format, must be billed using the health insurance claim form HCFA 1500, except as provided in subdivision 5. (b) The instructions and definitions for the use of the uniform billing form HCFA 1500 shall be in accordance with the manual developed by the administrative uniformity committee entitled standards for the use of the HCFA 1500 form, dated February 1994, as further defined by the commissioner." The updated edition of this manual, in this announcement, is the further definition mentioned.

Development. The Administrative Uniformity Committee (AUC) and its subcommittees developed and revised the manual. Both editions of the manual have been submitted for public comment; the most recent (second) edition was announced in the *State Register* on June 17, 1996. The comment period for the second edition was from June 17 to August 16, 1996. In addition, a mailing of the public comment notice was sent to provider organizations including allied health organizations, approximately 200 medical clinics, all Minnesota hospitals, and approximately 550 payers known to do business in Minnesota.

The Minnesota Department of Health at (612) 282-3822 collected the public comments. Thirteen comments were received. There was general agreement on most issues, but some remain to be discussed in future editions; a format for bringing issues to the attention of the AUC for future editions is provided in the "HCFA 1500 Manual". The AUC subcommittee on Data Definitions reviewed the comments and brought the results to the AUC. The AUC was able to resolve the issues as presented; no commentator requested a meeting to resolve issues.

Intent: The intent of this manual, and indeed the entire ASA, is to promote uniformity among payers and providers in completing billing formats. That is, one payer must not require field "A" to be completed while another payer refuses to accept claims in which field "A" has been completed. The AUC anticipates that Minnesota payers and providers will want to standardize themselves against the Minnesota norms, and to the extent that they can, promote this uniformity elsewhere as well. This manual provides those Minnesota norms.

(Please note that this manual is not intended to be used for government programs such as Medicare and Medicaid (Medical Assistance). These programs must conform to federal and state regulations which sometimes require variations from usual practice. Each of these programs publishes their billing requirements.)

Date of Implementation. The "HCFA 1500 Manual" is to be used by providers and non-government payers in Minnesota as of January 1, 1997.

Effective Date: January 1, 1997

Anne M. Barry
Commissioner of Health

Department of Health

Health Policy and Systems Compliance Division

Notices Related to Essential Community Provider Designation

NOTICE IS HEREBY GIVEN that applications for Essential Community Provider designation have been received from the applicants listed below. Pursuant to *Minnesota Statutes* section 62Q.19, subdivision 1, the public has 30 days from the date of this publication to submit written comments regarding these applications. Written comments should be submitted to: Tom Johnson, Minnesota Department of Health, Health Policy and Systems Compliance Division, 121 East Seventh Place, P.O. Box 64975, St. Paul, Minnesota 55164-0975. Telephone inquiries may be directed to Mr. Johnson at (612) 282-6333.

Willmar Regional Treatment Center
1550 Highway 71 Northeast, Box 1128
Willmar, Minnesota 56201

Date application was received: October 3, 1996

Littlefork Medical Center
912 Main Street
Littlefork, Minnesota 56653

Date application was received: October 14, 1996

Range Mental Health Center
624 South 13th Street
Virginia, Minnesota 55792

Date application was received: October 14, 1996

The following applications for designation as Essential Community Providers have been denied, since the applicants do not meet the eligibility requirements of *Minnesota Statutes* § 62Q.19, Subd. 1.:

Clarissa Medical Clinic
Clarissa, Minnesota

Prairie Family Practice
Olivia, Minnesota

Roseau Medical Clinic
Roseau, Minnesota

Dated: 15 October 1996

Anne M. Barry, Commissioner
Minnesota Department of Health

CONSOLIDATED NOTICE

Housing Finance Agency

Department of Economic Security

Department of Trade and Economic Development

Notice of Public Comment Period on the Draft 1997 Minnesota Consolidated Housing and Community Development Plan and the 1996 Consolidated Plan Annual Performance Report

The Minnesota Housing Finance Agency (MHFA), the Department of Economic Security (DES) and the Department of Trade and Economic Development (DTED) announce the availability of the 1997 Minnesota Consolidated Housing and Community Development Plan, and 1996 Consolidated Plan Annual Performance Report for review and public comment from November 14, 1996, through December 13, 1996, at 4 PM.

The Consolidated Plan is a condition of funding under several programs administered by the Department of Housing and Urban Development (HUD).

The following formula grant programs are covered by the Consolidated Plan:

- The Community Development Block Grant (CDBG) programs;
- The Emergency Shelter Grants (ESG) program; and
- The HOME Investment Partnership (HOME) program.

Official Notices

The 1997 Consolidated Plan is the annual Action Plan, which identifies resources that will be available to help the State address its housing and community development needs and describes how the State will administer the three HUD grants.

The Consolidated Plan Annual Performance Report provides information on housing and community development assistance activity in Minnesota that occurred in the 1996 program year (10/1/95 through 9/30/96). Information is provided on funds (state and federal) that were disbursed through state agencies during that time.

A limited number of the draft documents are available through MHFA, which may be requested by calling 612/296-7608, 1/800/657-3769, or Telephone Device for the Deaf (TDD): 612/297-2361.

Copies of the Consolidated Plan or the Consolidated Plan Annual Performance Report may also be found at the following locations:

LIBRARIES

Arrowhead Library System
701 11th Street North
Virginia 55792-2298

Bemidji Public Library
6th & Beltrami
Bemidji 56601

Duluth Public Library
520 West Superior Street
Duluth 55802

East Central Regional Library
244 South Birch
Cambridge 55008-1588

Grand Marais Public Library
First Street & West Second Avenue
P.O. Box 280
Grand Marais 55604-0280

Great River Regional Library
405 St. Germain
St. Cloud 56301

Lake Agassiz Regional Library
115 S. 6th Street, Box 699
Moorhead 56560

Marshall-Lyon County Library
301 West Lyon Street
Marshall 56258

Minneapolis Public Library
300 Nicollet Mall
Minneapolis 55401

Minnesota Valley Regional Library
100 E. Main Street
Mankato 56002

Nobles County Library
Post Office Box 99
Worthington 56187

Northwest Regional Library
101 East First Street
Thief River Falls 56701-2041

Owatonna/Steele County Library
105 North Elm Street, Box 387
Owatonna 55060-7488

Pioneerland Public Library System
410 W. 5th Street
Willmar 56201

Red Wing Public Library
225 East Avenue
Red Wing 55066-2298

Rochester Public Library
11 First Street SE
Rochester 55901

St. Paul Public Library
90 West 4th Street
St. Paul 55102

Winona Public Library
151 West 5th Street
Winona 55987

REGIONAL DEVELOPMENT COMMISSION OFFICES

Northwest RDC
525 Brooks Avenue South
Thief River Falls 56701-2734

Headwaters RDC
P.O. Box 906
Bemidji 56601-0906

Arrowhead RDC
330 Canal Park Drive
Duluth 55802-2316

Mid-Minnesota RDC
333 West Sixth Street
Willmar 56201-9999

East Central RDC
100 South Park Street
Mora 55051-1431

South West RDC
P.O. Box 265
Slayton 56172-0265

Region Nine RDC
P.O. Box 3367
Mankato 56002-3367

Metro Council
230 East Fifth Street
St. Paul 55101-1634

Upper Minnesota Valley RDC
323 West Schlieman
Appleton 56208-1299

Region Five RDC
611 Iowa Ave.
Mankato 56479

HOUSING PARTNERSHIP NETWORK OFFICES

Tri-Valley Opportunity Council
PO Box 607
Crookston 56716

Central Minnesota Housing Partnership
PO Box 642
St. Cloud 56302

Northeast MN Housing Partnership
Box 818
Tower 55790

West Central Minnesota Housing Partnership
Norwest Bank Building, Suite B-3
220 West Washington Ave.
Fergus Falls 56537

Southwestern MN Housing Partnership
2524 Broadway Avenue, Box 265
Slayton 56172

Southeast MN Housing Network Project
Three Rivers CAP
1414 North Star Drive
Zumbrota 55992

MINNESOTA INITIATIVE FUND REGIONAL OFFICES

Northwest MN Initiative Fund
722 Paul Bunyan Drive
Bemidji 56601

Northland Foundation
332 W. Superior St., Ste 600
Duluth 55802

West Central MN Initiative Fund
220 W. Washington, Ste 205
Fergus Falls 56537

Central MN Initiative Fund
58 East Broadway, Box 59
Little Falls 56345

Southwest MN Foundation
PO Box 130
Granite Falls 56241

Southeastern MN Initiative Fund
510 West Hills Circle
Owatonna 55060

COUNCILS AND ASSOCIATIONS

Spanish Speaking Affairs Council
506 Rice St.
St. Paul 55103

Asain Pacific Minnesotans
100 Meridian Bank
205 Aurora Ave.
St. Paul 55103

Council on Black Minnesotans
426 Wright Bldg.
2233 University Ave.
St. Paul 55114

MHFA
400 Sibley Street, Suite 300
St. Paul 55101

Centro Cultural Chicano
2201 Nicollet Avenue South
Minneapolis 55404

CLUES (Chicanos Latinos Unidos En Servicio)
220 South Robert Street, Suite 103
St. Paul 55107

Upper Midwest American Indian Center
1113 West Broadway
Minneapolis 55411

American Indian Housing Corporation
1305 East 24th Street
Minneapolis 55404

Written or oral comments on the proposed Consolidated Plan and the Consolidated Plan Annual Performance Report will be taken by MHFA from November 14, 1996, through December 13, 1996, at 4 PM. Comments should be directed to: C.J. Eisenbarth Hager, MHFA, 400 Sibley Street, Suite 300, St. Paul, MN 55101, phone: 612/296-8147, FAX: 612/296-8139, or Telephone Device for the Deaf (TDD): 612/297-2361.

If an alternative format is necessary for persons with special needs, please contact Denise Rogers at 612/296-8206, 1/800/657-3769, or TDD 612/297-2361.

Official Notices

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective October 28, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Beltrami: High School Addition & Remodeling-Red Lake.

Carlton: High School Addition and Renovation-Esko; Removal of Thermal System - School Bldg. 1933-Esko.

Crow Wing: Accessibility Renovation - Regional Human Services Center-Brainerd.

Dakota: Improvements to 201 Exchange Building-South St. Paul.

Hennepin: HCMC Emergency Department Expansion and Renovation-Minneapolis; Renovations at Loring School, Shingle Creek School & Victory Ice Arena-Minneapolis; Wayzata High School Bid Package 6-Plymouth.

Kandiyohi: Remodel Adolescent Treatment Unit - Regional Treatment Center-Willmar.

Olmsted: Friedell Middle School Addition-Rochester.

Ramsey: MAC - Wings Hangar Demolition-St. Paul.

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

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) is publishing for public comment a proposed addition to and deletions from the Permanent List of Priorities (PLP) which lists releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), *Minnesota Statutes* ch. 115B.

Pursuant to *Minnesota Statutes* § 115B.17 (1994 and Supp. 1995) and *Minnesota Rules* ch. 7044(1995), the MPCA is proposing the following changes to the PLP.

The MPCA is proposing the addition of the Pilgrim Cleaners Site in Brooklyn Center to the PLP. The Pilgrim Cleaners Site has a Hazard Ranking System score of 12 (see *Minnesota Rules* pt. 7044.0350), and has been assigned to Response Action Classes C and D (see *Minnesota Rules* pt 7044.0450). The four response action classes are defined as follows: Class A - Declared Emergency; Class B - Response Actions Completed and Operation and Maintenance/Long-Term Monitoring Ongoing; Class C - Response Actions Necessary or in Progress or First Year Operation and Maintenance at a Site; and Class D - Remedial Investigations and Feasibility Studies (RI/FS) Necessary or in Progress.

The MPCA is proposing to delete the following seven landfills from the PLP: Becker County Sanitary Landfill; Grand Rapids Area Sanitary Landfill, Itasca County; Hanson and Mankato Sanitary Landfills, Blue Earth County; Hopkins Sanitary Landfill, Hennepin County; Karlstad Sanitary Landfill, Kittson County; Redwood County Sanitary Landfill; Wadena Sanitary Landfill, Wadena County.

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 ten "qualified facilities" under the Act will receive a Notice of Compliance prior to December 20, 1996, the date that the MPCA Commissioner anticipates making a decision in this matter. Therefore, the MPCA is also proposing to delete the following landfills from the PLP: Dakhue Sanitary Landfill, Dakota County; Red Rock Sanitary Landfill, Mower County; Bueckers Sanitary Landfill #1, Stearns County; Korf Bros. Sanitary Landfill, Pine County; Meeker County Sanitary Landfill; Leech Lake Sanitary Landfill, Hubbard County; Ironwood Sanitary Landfill, Fillmore County; Anoka Municipal Sanitary Landfill, Anoka County; Flying Cloud Sanitary Landfill, Hennepin County and Houston County Sanitary Landfill. Should a Notice of Compliance not be issued to any of these facilities prior to December 20, 1996, the deletion of that facility from the PLP will be postponed until after issuance of a Notice of Compliance.

The MPCA invites members of the public to submit written comments on these proposed changes to the PLP. All written comments with regard to these proposed addition and deletions must be received no later than 4:30 p.m., December 2, 1996.

Written comments regarding the proposed MPCA site addition 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.

An interested person may submit a petition to the Commissioner of the MPCA requesting that the MPCA Board make the decision on whether to adopt the proposed addition and/or deletions to the PLP. To be considered timely, the petition must be received by the MPCA contact person, Gary Krueger, by 4:30 p.m. on December 2, 1996. The decision whether to adopt the proposed addition and/or deletions to the PLP will be made by the MPCA Board if: (1) the Commissioner grants the petition requesting the matter to be presented to the MPCA Board; or (2) an MPCA Board member request to hear the matter prior to the time the Commissioner makes a final decision on the proposed addition and/or deletions to the PLP.

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 612/296-6300 or toll free at 800/657-3864.

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

Peder A. Larson
Acting Commissioner-MPCA

Department of Public Safety

Driver and Vehicle Services Division

CERTIFICATE OF ADVISORY COMMITTEE MEMBERSHIP

1996 Advisory Committee Membership

Pursuant to *Minnesota Statute* § 14.101, Subd. 2, I certify that the following persons were appointed to committees to comment, prior to the publication of a notice of intent to adopt or a notice of hearing, on the subject matter of rules under active consideration by the Department of Public Safety Driver and Vehicle Services Division, during 1996.

Dated: 8 October 1996

Catherine A. Moore
Administrative Law Analyst

DRIVER EDUCATION ADVISORY COMMITTEE

Duane Mettler, President
Minnesota Driver and Traffic Safety Education Association
PO Box 393, RR 1
Madison Lake, MN 56063
Motorcycle representative

Fred Schreiber
Minnesota Driver and Traffic Safety Education Association
1932 E. Nevada Ave.
St. Paul, MN 55119
Automobile representative

Robert Seman
Easy Driving School West
14140 23rd Ave. N.
Plymouth, MN 55447
Automotive representative

Official Notices

Jim Baymler
Northland Professional Driving Center, Inc.
193 Parkview Ave.
Wadena, MN 56482
Trucking representative

Karen Kader
Comprehensive Safety Sys., Inc.
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Fridley, MN 55432
Motorcycle representative

Maaty Rossini
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Stillwater, MN 55082

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MDTSEA Past President
16641 Illinois Ave.
Lakeville, MN 55044

Kathy Wagner
729 Capitol Square
St. Paul, MN 55155

Carol Bruggerman
Minnesota Correctional Facility
Box C
Sauk Centre, MN 56378

Wendy Bensen
Minnesota Congress of Parents, Teachers, and Students
8 Red Pine Lane
North Oaks, MN 55127
Parent representative

Mike Cashman
Deputy Director
Minnesota Counsel Serving Deaf and Hard of Hearing People
444 Lafayette Rd.
St. Paul, MN 55155-3814

Bill Wodarski
1006 W. Lake Street, Room 108
Minneapolis, MN 55408-2895
Motorcycle representative

DEPUTY REGISTRAR ADVISORY COMMITTEE

Jean Ewald
Deputy Registrar Office
7800 Golden Valley Road
Golden Valley, MN

Terry Heiser
Deputy Registrar Office
2660 Civic Center Drive
Roseville, MN 55113

Jeff Snyder
Deputy Registrar Office
14125 Commerce Avenue
Prior Lake, MN 55372

Sheila Tatone
Deputy Registrar Office
7109 Cahill Avenue East
Inver Grove Heights, MN 55076

David Konshok
Deputy Registrar Office
312 South Park
Park Rapids, MN 56470

Myrna Schoeb
Deputy Registrar Office
PO Box 180
St. Peter, MN 56082

Charles A. Braa
County Auditor
P.O. Box 100, Courthouse
Luverne, MN 56156

State Grants and Loans

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

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

Department of Economic Security

Office of Youth Development

Notice of Availability of Title II Juvenile Justice Funds

The Juvenile Justice Advisory Committee (JJAC) and the Office of Youth Development is pleased to announce the availability of \$500,000 in Title II Juvenile Justice Funds. The Request for Proposals (RFP identifies three areas for funding: Pre-Petition Diversion, Post Adjudication, and Aftercare Programs with an Employment and Training Component. Funding is authorized under the Juvenile Justice and Delinquency Prevention Act, 42 *United States Code* 5601 et seq.

Eligible Applicants include local private agencies, community-based organizations, townships, cities, counties, school districts, law enforcement agencies, state agencies or combinations. Special consideration will be given to those projects that reduce the over representation of young people of color, promote cultural sensitivity in the juvenile justice system, and/or address issues of adolescent females.

Program Goals and Target Population

- Pre-Petition Diversion: prevent or divert involvement of youth (ages 5 to 18) in the juvenile justice system.
- Post-Adjudication: improve post-adjudication services for youth (ages 10 to 18) by providing a continuum of services to assure that the least restrictive alternative is used.
- Aftercare Programs Including an Employment and Training Component: integrate youth (ages 14 to 18) into the community after release from incarceration by enabling them to become productive members of society through an aftercare program that includes an employment and training component. Participating youth must have been incarcerated for a delinquent act and participation may be a condition of release or may be voluntary.

Applications in the form of Request for Proposals (RFPs) are available from: Jerry Ascher, Juvenile Justice Specialist, or Lizz Sheridan, Office of Youth Development, 390 North Robert Street, St. Paul, MN 55101. Phone (612) 297-4335, (612) 296-8601, or toll-free 1-800-456-8519.

Applications must be received by 4:30 on Friday, December 12, 1996. Faxed applications will not be accepted!! Contracts will begin March 1, 1997 and programs may operate for up to 18 months.

Professional, Technical & Consulting Contracts

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

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

Department of Administration

Risk Management Division

Notice of Availability of a Request for Proposal for Administrative and Brokerage Services for an Owner Controlled Insurance Program

The Department of Administration herein gives notice of the availability of a Request for Proposal for an Owner Controlled Insurance Program (OCIP) with respect to the Close Custody Correctional Facility to be located in Rush City, Minnesota.

A pre-proposal conference for all potential proposers will be held on Friday, November 8, 1996, 9:00 - 10:30 a.m. (central standard time) in the State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota, Room 116A. This will be an opportunity for proposers to ask questions regarding the Request for Proposal. Attending the pre-proposal conference is not mandatory for participation in the Request for Proposal process.

A copy of the Request for Proposal can be obtained through the mail by calling the Department at (612) 296-6022 or by writing to Marlys Lockman, Department of Administration, Risk Management Division, 309 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155.

The deadline for receipt of proposals is 4:00 p.m. (central standard time), Friday, November 22, 1996.

Minnesota Center for Arts Education

Notice of Request for Proposal for Arts and Education Partnership Evaluator/Researcher

The Minnesota Center for Arts Education is seeking proposals from qualified research and evaluation consultants, or teams of consultants who can combine expertise, to evaluate and document the programs of the Center - long-term art/school partnerships, interdisciplinary and multicultural arts initiatives, grant programs, and professional development workshops. The purpose is to evaluate the overall effectiveness of Center programs, provide evaluation of 1-2 selected programs, and serve in a technical assistance capacity to the Center and to long-term partner programs. The specific services to be provided under this contract are outlined in detail in the Minnesota Center for Arts Education Request for Proposal (RFP) Statement of Project Scope and Tasks.

The formal RFP may be requested from:

Pamela N. Paulson, Director, Resource Programs
Minnesota Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, Minnesota 55422
(612) 591-4700 or 1-800-657-3515 (toll free)

It is anticipated that the cost of the contracted service, as described in the Request For Proposals, will not exceed a total of \$25,000.00 and is to be provided during the contract period from January 1, 1997 through December 30, 1997.

The deadline for submission of proposals is 4:00 p.m., Friday, November 15, 1996. Proposals should be submitted to Pamela N. Paulson, Director, Resource Programs.

Higher Education Services Office

Request for Proposals for Development of Curriculum on Financing Post-Secondary Education — — — — DEADLINE EXTENDED

The Higher Education Services Office (HESO) is requesting proposals from qualified professionals for the development of a curriculum on financing and saving for future educational expenses. The curriculum should be geared for students and parents of color, low income, or those with no previous post-secondary experience. Proposals must be submitted no later than **November 15, 1996**.

The Request for Proposal (RFP) does not obligate the HESO to complete this project, and the HESO reserves the right to cancel the solicitation if it is considered to be in its best interest.

The total cost of this proposal is not to exceed \$15,000.

Copies of the RFP are available from:

Communications
Minnesota Higher Education Services Office
400 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
612/296-9684

Higher Education Services Office

Request for Proposals (RFP) for Library Automated Systems Planning and Design Services

The Higher Education Services Office (HESO) is requesting proposals from qualified library systems experts for consulting services to provide assistance for Fiscal Year 1997. This project focuses on the preparation of a request for proposal for a statewide online library information system. This request for proposal (RFP) does not obligate the HESO to complete this project and it reserves the right to cancel the solicitation if it is considered to be in its best interest.

The total cost of this proposal will not exceed \$40,000.

The deadline for receipt of proposals is 4:00 p.m., November 19, 1996.

Copies of the RFP are available from:

Library Planning Task Force/DAP
Higher Education Services Office
400 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
612/296-3974 ext. 3418

Professional, Technical & Consulting Contracts

Department of Human Services

Child Support Enforcement Division

Request for Proposals to Conduct Genetic Testing for Title IV-D Paternity Cases

The State of Minnesota, Department of Human Services, Child Support Enforcement Division ("the State") is soliciting proposals from qualified testing laboratories for the purpose of providing genetic testing and other associated services for Title IV-D paternity cases. The primary emphasis of this Request for Proposal ("RFP") is to seek contractors who can provide accurate, reliable, legally admissible parentage blood and genetic tests, and when necessary, expert testimony in Title IV-D paternity cases at competitive prices. In Minnesota, the Title IV-D child support program is supervised by the State and administered by 84 county child support offices ("the Counties"). A list of successful contractors, upon execution of contracts, will be made available to the Counties. Any contract awards pursuant to this RFP will not guarantee any amount of work or business from the State or the Counties. The Counties will have sole discretion to select which of the approved contractors they will use for paternity blood and genetic testing.

In conjunction with the public notice of this contract, notice of this project will be provided to the Human Resources offices of all *Minnesota Statutes* 15.091 agencies and the Higher Education Board. In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. Responses of any state employee along with other responses to this RFP shall be evaluated. This Notice or the RFP 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.

A copy of the RFP can be obtained by contacting the State at: (612) 282-3964; fax: (612) 297-4450, or by writing to:

Wayland Campbell, Business Unit Manager
Minnesota Department of Human Services
Child Support Enforcement Division
444 Lafayette Road
St. Paul, Minnesota 55155-3846

All proposals must be received no later than 4:00 p.m. Monday, December 9, 1996. No faxed or other electronically transmitted proposals will be accepted.

Department of Transportation

Notice of Availability of Contract for Decision Support System for Operations Management/Business Planning

In compliance with *Minnesota Statutes* Section 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

The Minnesota Department of Transportation is requesting proposals for the development of an operations decision support system that will be used to support Maintenance Function business planning and quality efforts presently underway. Specifically, Mn/DOT is seeking information tools that integrate *resource, output, outcome, environment* and *customer data* such that the efficiency and effectiveness of products and services, as defined by the customer, can be evaluated.

Scope of Project: Two previously customer-defined products will be the focus of this learning project. They are CLEAR ROADS and ATTRACTIVE ROADSIDES. These two products are chosen so that the major activities of roadway maintenance, in both winter and summer, are represented. The performance outcomes of these products are exclusively the responsibility and under the control of the maintenance organization in Mn/DOT. The term of the contract is for approximately one year.

This project is a pilot for learning how to define, collect, analyze and apply internal quality and external product performance measures to efficiently provide customer with quality maintenance products that fit their needs. Mn/DOT also expects to use the system developed in this RFP project to allocate resources and assess our in-house competitiveness. Several models will need to be developed relating internal and external performance measures to resources consumed at the work unit level. The models must contain indexing factors to account for varying conditions of the environment in which each work unit operates. This is necessary to create valid performance benchmarks.

Professional, Technical & Consulting Contracts

The Contractor shall complete the following tasks:

Task 1 - Meet with Mn/DOT Information Resource Professionals to coordinate project with Strategic Plan for IR and to determine department standards for data, applications, and technologies.

Task 2 - Meet with maintenance managers to verify entities from the conceptual data model and identify their pertinent attributes that need to be measured and to recommend methods of measurement.

Task 3 - Define performance measurement attributes of the two products identified above and facilitate agreement with the definitions among maintenance managers. Some examples might be;

- a) customer outcome controlled measures
- b) managerial controlled resource measurements
- c) measurements of uncontrollable environmental factors that impact delivery of roadway maintenance
- d) weighing factors of entities of a, b, and c above

Task 4 - Organize data, develop computer software models, create appropriate algorithms and determine the value, importance and satisfaction the customer places on the two products identified.

Task 5 - Install and debug software models on each participating maintenance manager's PC.

Task 6 - Provide initial training for each participating maintenance manager in the use of the models.

Task 7 - Make presentations about the models and their use to upper Mn/DOT staff.

Task 8 - Provide continuing operating support and data oversight to the installed system, making changes in the models and algorithms as learning takes place.

Task 9 - Prepare a final report containing documentation of tasks performed and their outcomes, documentation of any software created in the performance of this project and recommendations for future use of the models prepared, including but not limited to, internal bench marking of Mn/DOT work units and deployment of resources based on customer preferences.

The Contractor shall provide:

- 1) must furnish and install on PCs or on networks, software that displays complete data in formats useful to evaluate the overall performance of the two products, **clear roads** and **attractive roadsides**, at up to fourteen locations as desired by Mn/DOT;
- 2) must furnish and install, as in 1 above, software that displays data in formats useful for, including but not limited to, comparing work units' performance, evaluating work processes, evaluating efficiency and effectiveness in meeting customer needs, for deploying resources, and predicting the likely results of various resource deployment scenarios;
- 3) must furnish a final report of all activities and their outcomes, documentation of any software developed in the project and recommendations for continuing use of the models for future use or extension to other products and services;
- 4) must present progress reports once at the midpoint of the project and at the close of the project to maintenance managers, Mn/DOT top staff and to other interested Mn/DOT managers and personnel.

Responder may propose additional tasks or activities if they will substantially improve the results of the project.

Mn/DOT will provide support based on the responders proposal.

It is anticipated that the contract period will begin *December 15, 1996* and continue through *January 15, 1998*.

Targeted Group Business and/or Economically Disadvantaged Business participation in this contract has been determined to be at 4%.

NOTE: No more than 90% of the full amount due under the contract may be paid until the final deliverables of the contract have been reviewed by the agency and the agency has determined that the contractor has satisfactorily fulfilled the terms of the contract.

Prospective responders who have any questions regarding this request for proposal may call or write:

NOTE: Other Mn/DOT personnel are not allowed to discuss the project with responders before the submittal of proposed deadline.

Name: Marvin G. Bates
Title: Business Systems Engineering Director
Address: 395 John Ireland Blvd., St. Paul, MN 55155
Phone: 612/282-6982

Proposals must be received by *12:01 p.m. November 15, 1996*. **LATE PROPOSALS WILL NOT BE ACCEPTED.**

Professional, Technical & Consulting Contracts

Submit 9 copies of the proposal. Proposals are to be sealed in a mailing envelope or package with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized representative of the company. Prices and terms of the proposal as stated must be valid for the length of the project.

The following will be considered minimum contents of the proposal:

1. A restatement of the objectives, goals, and tasks to show or demonstrate the responder's view of the nature of the project.
2. Identify and describe the deliverables to be provided by the responder.
3. Outline the responder's background and experience with particular emphasis on local, state, and federal government work including all subcontractors. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the prior approval of Mn/DOT's Contract Administrator.
4. Responder will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a schedule and managing tool, as well as the basis for invoicing.
5. Identify the level of the Mn/DOT's participation in the project as well as any other services to be provided by the Mn/DOT.
6. Indicate if your firm is Targeted Group Business, Economically Disadvantage Business.

All proposals received by the deadline will be evaluated by representatives of Mn/DOT. In some instances, an interview will be part of the evaluation process.

Factors upon which proposals will be judged the following:

1. Expressed understanding of project objectives.
2. Project work plan.
3. Project cost detail.
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the company.

Workers' Compensation: The successful responder will be required to submit acceptable evidence of compliance with workers' compensation insurance coverage requirements prior to execution of the contract.

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

HOT OFF THE PRESS June '96

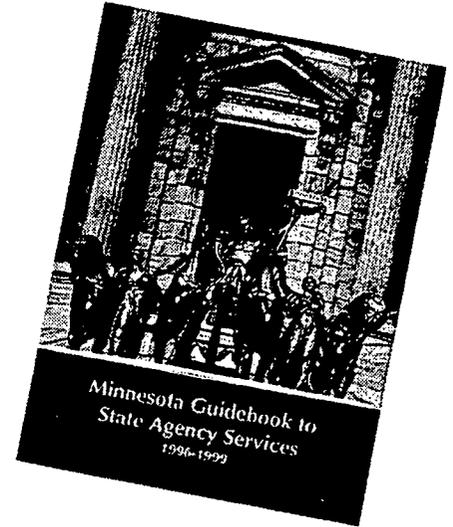
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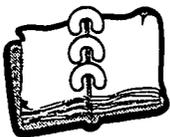
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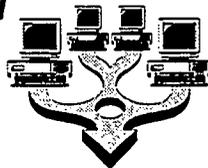
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