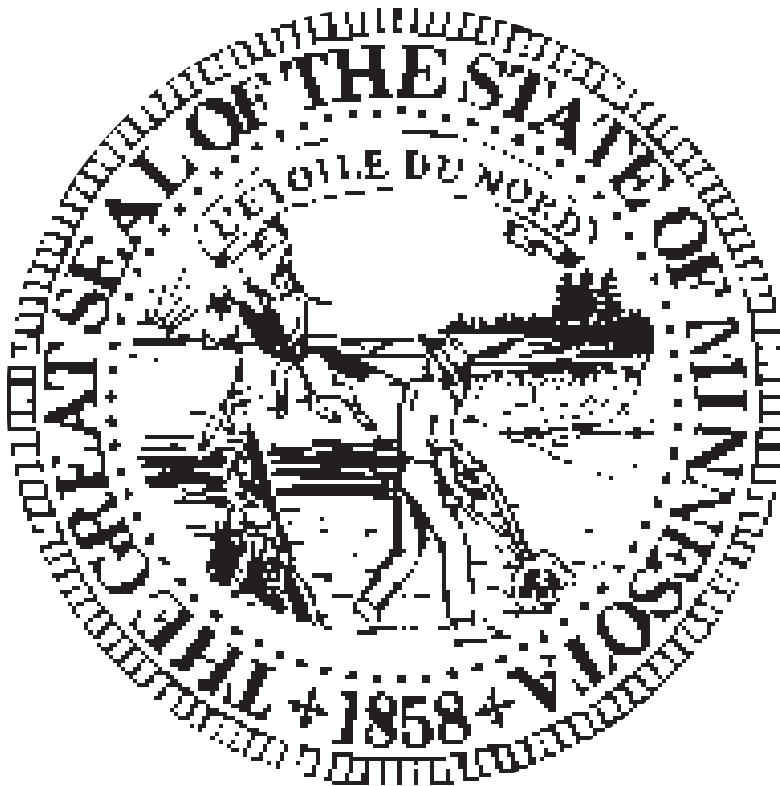


**The Minnesota**  
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**Register**

**Rules and Official Notices Edition**



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# State Register

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

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

### Printing Schedule and Submission Deadlines

Vol. 23 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
#28	Monday 11 January	Noon Wednesday 30 December	Noon Tuesday 5 January 1999
#29	Tuesday 19 January	Noon Wednesday 6 January 1999	Noon Tuesday 12 January
#30	Monday 25 January	Noon Wednesday 13 January	Noon Tuesday 19 January
#31	Monday 1 February	Noon Wednesday 20 January	Noon Tuesday 26 January
Jesse Ventura, Governor 651/296-3391		Mike Hatch, Attorney General 651/297-4272	Mary Kiffmeyer, Secretary of State 651/296-2079
Mae Schunk, Lt. Governor 651/296-3391		Judi Dutcher, State Auditor 651/297-3670	Carol Johnson, State Treasurer 651/296-7091
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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 (651) 296-0504  
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (651) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

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 Individual copies and subscriptions are available through  
 Minnesota's Bookstore, (651) 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 1997 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 (651) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

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

## Rules to be Adopted After a Hearing

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

## Rules to be Adopted Without a Hearing

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

## Pollution Control Agency

### Policy and Planning Division

### Proposed Permanent Rules Relating to Miscellaneous Air Quality Amendments

#### NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Proposed Miscellaneous Amendments to Air Quality Rules, Chapters 7005 (Definitions), 7007 (Permits), 7009 (Ambient Air Quality Standards), 7011 (Standards of Performance for Stationary Sources), 7019 (Reporting) and 7025 (Lead Paint Removal)

**Introduction.** The Minnesota Pollution Control Agency (MPCA) intends to adopt miscellaneous amendments to *Minnesota Rules* chs. 7005, 7007, 7009, 7011, 7019 and 7025 without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* § 14.22 to 14.28 and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 45 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

**Attention:** On February 9, 1998, the MPCA published in the *State Register* at (22 S.R. 1373) a Request for Comments on Planned Miscellaneous Amendments to Air Quality Rules. In the text of the notice the MPCA stated it was considering rule amendments that would incorporate into state rules federal requirements that sources are already subject to. The MPCA would like to clarify that in the title and text of the notice, the chapter identifying where these rules are located, which is Chapter 7009, was inadvertently left out and to bring attention that the MPCA is proposing in this rule to amend the state ambient air quality standards found in Chapter 7009 by incorporating changes made to the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter less than or equal to 2.5 micrometers in size (PM<sub>2.5</sub>).

**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

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**MPCA Contact Person.** Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Mary Jean Fenske  
Policy and Planning Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194  
Phone: (651) 297-5472  
1-800-657-3843 (MN Toll Free)  
FAX: (651) 297-8676  
Internet: [maryjean.fenske@pca.state.mn.us](mailto:maryjean.fenske@pca.state.mn.us)

**Subject of Rule and Statutory Authority.** The MPCA has been identifying rule changes that would improve its rules through an internal rules work group since 1994. The majority of the rule change suggestions received were not significant enough to warrant an individual rulemaking for each. The MPCA decided to group these rule change suggestions into this proposed miscellaneous rulemaking. The changes help to correct and improve the rules so that they are more understandable, up-to-date, and streamlined. In addition to suggestions for rule changes from MPCA staff, the MPCA has received rule change suggestions from external parties which are included in the proposed amendments. This is the second in a series of similar rulemakings the MPCA plans to do periodically to keep its rules clear, up-to-date, and to efficiently respond to suggestions made by interested and affected parties.

Specifically, the MPCA is proposing miscellaneous amendments that clarify rule intent, change format to simplify interpretation, correct typographical errors, eliminate redundant or outdated requirements, correct conflicting requirements, incorporate into state rules federal requirements that sources are already subject to, account for new technology, eliminate overly burdensome requirements, streamline administrative procedures, and/or simplify implementation.

The proposed revisions to the state standards in part 7009.0080 include changing the existing standards for ozone, and adding new standards for PM<sub>2.5</sub>. These changes reflect the Environmental Protection Agency's (EPA) revisions to the NAAQS for these pollutants, which became effective September 16, 1997. By incorporating the newly revised federal NAAQS into state rules, the proposed amendments do not impose any additional requirements in Minnesota that are not already imposed as a matter of federal law to attain the NAAQS. Although EPA also revised the NAAQS for particulate matter less than 10 micrometers in size (PM<sub>10</sub>), that change will not be reflected in these proposed amendments to the state standards.

The statutory authority to adopt the rule is *Minnesota Statutes* § 116.07, subd. 4. A copy of the proposed rule is published immediately after this notice.

**Comments.** You have until 4:30 p.m. on February 25, 1999, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed 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 rule must also be made during this comment period.

**Request for Rule 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 February 25, 1999. Your written request for a public hearing must include your name and address. 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 MPCA 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.

**Request to Have MPCA Board Make Decision on Rule.** You have the right to submit a request to the MPCA Commissioner or an MPCA Board member to have the MPCA Board make the decision on whether to adopt the proposed rule. Your request must be in writing, must state to whom it is directed, and must be received by the MPCA contact person by 4:30 p.m. on February 25, 1999. Under *Minnesota Statute* § 116.02, the MPCA Board will only make the decision on the rule if the MPCA Commissioner grants your request or if an MPCA Board member makes a timely request that the decision be made by the MPCA Board.

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

**Rule Modifications.** The proposed rule may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the MPCA, and the adopted rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness (SONAR) is now available from the MPCA contact person. **The MPCA encourages individuals to review the SONAR in conjunction with the rule.** The SONAR contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule. Copies of the SONAR may be obtained at no cost from the MPCA. In addition, a copy of the SONAR is available on the MPCA web site at: ([www.pca.state.mn.us](http://www.pca.state.mn.us), click on the menu selection “News/Notices” then click on the “Public Notices” selection).

**Consideration of Economic Factors.** *Minnesota Statutes* § 116.07, subd. 6 requires the MPCA to give due consideration to economic factors in exercising its powers. The MPCA has given due consideration to available information as to any economic impacts that the proposed rules would have. Because the MPCA is simply clarifying, streamlining, and correcting errors, the state rules proposed in this rulemaking do not impose any additional costs on Minnesota businesses with only a few exceptions.

Additional information regarding the MPCA’s consideration of economic factors and projected costs are discussed in greater detail in Sections V and VI , Items B, C and E in the SONAR.

**Impact on Farming Operations.** *Minnesota Statutes* § 14.111 requires that if an agency adopts or repeals rules that affect farming operations, the agency must provide a copy of the proposed rule change to the Commissioner of Agriculture, no later than 30 days prior to publication of the proposed rule in the *State Register*. The MPCA believes the proposed rule revisions will have no effect on steel structures on farms or on storage tank facilities, but may affect a small number of grain storage bins. Additional information regarding the MPCA’s consideration of the impact on farming operations is discussed in greater detail in Section VIII in the SONAR.

**Review by the Commissioner of Transportation.** *Minnesota Statutes* § 174.05 requires the MPCA to inform the Commissioner of Transportation of all rulemakings that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. The adoption of the miscellaneous rule changes to air quality rules do not concern transportation. The requirements of *Minnesota Statutes* § 174.05 are not applicable.

**Departmental Charges Imposed by the Rule.** *Minnesota Statutes* § 16A.1285 are inapplicable because the proposed rules do not impose any departmental charges or fees.

**Adoption and Review of Rule.** If no hearing is required and if the decision is not required to be made by the MPCA Board, the MPCA Commissioner may adopt the rule after the end of the comment period. The rule 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 rule is submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rule, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

Peder A. Larson  
Commissioner

## 7005.0100 DEFINITIONS.

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

Subp. 3a. **Begin actual construction.** “Begin actual construction” means, in general, initiation of physical, on-site construction, reconstruction, or modification activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. Such activities do not include site clearing and grading or entering into binding agreements or contractual obligations. With respect to a change in method of operating, this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change. Owners or operators that undertake these activities prior to obtaining any required permits do so at their own risk; a permit may not be issued or may not contain the terms the applicant desires.

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

Subp. 4a. [See repealer.]

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

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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Subp. 5. **Construction.** “Construction” means fabrication, erection, or installation of an emission facility, emissions unit, or stationary source. Construction also includes excavation, blasting, removing rock and soil, and/or backfilling unless the administrator deems these activities to be of minimal cost, do not significantly alter the site, and are not permanent in nature. Construction does not include site clearing or grading.

[For text of subps 6 to 10, see M.R.]

Subp. 10a. **Emission factor.** “Emission factor” means the most accurate and representative emission data available from one of the following sources:

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

C. (1) Where no emission factor is available in one of the documents described in item A or B, or where ~~the agency has determined that~~ a more representative emission factor is available under this item, emission factor means an emission factor developed or approved by the commissioner and derived from the following sources:

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

[For text of subitem (2), see M.R.]

[For text of subps 10b to 30, see M.R.]

Subp. 30a. **PM-2.5.** “PM-2.5” means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an applicable reference method, or an equivalent or alternative method.

~~Subp. 30a.~~ 30b. **PM-10.** “PM-10” means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten micrometers ~~emitted to the ambient air~~ as measured by an applicable reference method, or an equivalent or alternative method.

Subp. 31. **Particulate matter.** “Particulate matter” means material, except water, which exists at standard conditions in a finely divided form as a liquid or solid as measured by an applicable reference method, or an equivalent or alternative method.

[For text of subps 31a to 42a, see M.R.]

Subp. 42b. **State air pollution control rules.** “State air pollution control rules” means chapters 7005, 7007, 7009, 7011, 7017, 7019, ~~and 7028~~ 7025, 7027, and 7030, and parts 7023.0100 to 7023.0120.

[For text of subps 42c and 45, see M.R.]

### 7007.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to the terms used in parts 7007.0050 to 7007.1850. The definitions in parts 7000.0100 and 7005.0100 apply to the terms used in parts 7007.0050 to 7007.1800 unless the terms are otherwise defined in this part.

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

Subp. 7a. **Block average.** As used in air emission permits issued under this chapter, a “block average” is an average determined after the end of a specific time block, such as three hours, eight hours, or 24 hours, for that time block. The average is determined by summing all data points for the time period, and dividing the sum by the number of data points. For example, a daily-calculated, 24-hour block average is calculated by summing all one-hour data points from the previous 24-hour period, from midnight to midnight, and dividing the total by the number of data points. A new block average is recalculated for each discrete, nonoverlapping time block, unless specified otherwise in an applicable requirement or compliance document.

[For text of subps 8 to 12, see M.R.]

Subp. 12a. **Hazardous air pollutant or HAP.** “Hazardous air pollutant” or “HAP” means any air pollutant listed in section 112(b) of the act.

[For text of subps 12b to 21, see M.R.]

Subp. 21a. **Rolling average.** As used in air emission permits issued under this chapter, a “rolling average” is an average determined once each specified time frequency, such as daily or monthly, for a specific time period, such as 30 days, 12 months, or 365 days. The average is calculated by summing all data points for the time period and dividing the total by the number of data points. For example, a daily-calculated, 365-day rolling average is calculated once each day by summing all daily data points from the previous 365 days, and dividing by the number of data points. A new rolling average is recalculated for each time frequency, unless specified otherwise in an applicable requirement or compliance document.

Subp. 21b. **Rolling sum.** As used in this chapter and in air emission permits issued under this chapter, a “rolling sum” is a sum determined once each specified time frequency, such as daily or monthly, for a specific time period, such as 30 days, 12 months, or 365 days. The sum is determined by adding all time-frequency data points determined at the specified frequency for the time



period. For example, a 12-month rolling sum is calculated once each month by summing the monthly emission data from the previous 12 months. A new rolling sum is recalculated for each time frequency, unless specified differently in an applicable requirement or compliance document.

[For text of subs 22 to 27, see M.R.]

Subp. 28. [See repealer.]

#### **7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.**

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

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

E. any stationary source that would be required to obtain a permit solely because its VOC potential to emit is equal to or greater than 100.0 tons per year, that uses less than 200 gallons of VOC (including hazardous air pollutant-containing VOC) combined in any ~~consecutive 12-month period~~ calendar year, and whose only other emissions are from insignificant activities under part 7007.1300, subparts 2 and 3. The owner or operator shall:

- (1) ~~record~~ maintain records for each ~~month~~ calendar year of the number of gallons of VOC-containing materials purchased or used and the maximum VOC content;
- (2) maintain a record of the material ~~data~~ safety data sheet (MSDS), or a signed statement from the supplier stating the maximum VOC content, for each VOC-containing material used;
- (3) ~~recalculate if requested by the commissioner, calculate~~ and record ~~each month~~ for any of the previous five calendar years the ~~12-month rolling~~ sum of the actual number of gallons of VOCs purchased or used, and the calculation itself, and a list of the associated emissions units in which it was used;
- (4) maintain at the stationary source or a central office the records ~~as long as the emissions unit is located at the stationary source~~ required by subitems (1) to (3) for a period of five years from the date the record was made; and
- (5) make the records available for examination and copying by the commissioner or a representative of the commissioner.

Under this item, gallons of VOC equals volume percentage of VOC multiplied by the gallons of VOC-containing material, except that if the owner or operator ships VOC off-site for recycling, the amount recycled may be subtracted from the amount of VOC used. "Recycling" means the reclamation or reuse, as defined in part 7045.0020, of a VOC. If the owner or operator ships VOC off-site for recycling, the owner or operator shall keep records of the amount of material shipped off-site for recycling and the calculations done to determine the amount to subtract. Records may be MSDS, invoices, shipping papers, or hazardous waste manifests; and

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

#### **7007.0400 PERMIT REISSUANCE APPLICATIONS AFTER TRANSITION; NEW SOURCE AND PERMIT AMENDMENT APPLICATIONS; APPLICATIONS FOR SOURCES NEWLY SUBJECT TO A PART 70 OR STATE PERMIT REQUIREMENT.**

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

Subp. 3. **New permits and amendments to existing permits.** Owners or operators seeking to obtain a new permit for a new stationary source or a permit amendment to an existing permit may submit the application at any time. It is recommended that the permit application for a new stationary source or an amendment be submitted at least 180 days before the planned date of ~~commencement of~~ beginning actual construction of the new stationary source or ~~commencement~~ beginning actual construction of the modification of the existing stationary source, although the agency may take up to 18 months to take final action on the permit or major amendment under part 7007.0750, subpart 2. If the reason for the application for an amendment is the adoption of a new or amended federal applicable requirement, and the remaining life of the permit is three years or longer, the permittee shall file an application for an amendment within nine months of promulgation of the applicable requirement. The preceding sentence does not apply if the effective date of the requirement is later than the date on which the permit is due to expire.

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

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### 7007.0700 COMPLETENESS REVIEW.

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

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

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

### 7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.

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

#### Subp. 2. **Application processing and issuance deadlines.**

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

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

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

[For text of subps 3 to 8, see M.R.]

### 7007.1050 DURATION OF PERMITS.

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

Subp. 5. **Expiring state and general permits.** The agency may elect to make state permits and general permits (except general permits that apply to stationary sources otherwise required to have a part 70 permit) expire five years or more after issuance if the permittee requests an expiring permit or if the agency determines that an expiring permit would significantly improve the likelihood of continuing compliance with applicable requirements and the terms of the permit. Grounds for such a determination include, but are not limited to, the following:

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

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

### 7007.1100 GENERAL PERMITS.

[For text of subps 1 to 7, see M.R.]

Subp. 8. **Change of ownership or control of stationary source issued a general permit.** Prior to a change in the ownership or control of a stationary source issued a general permit under this part, the new owner or operator must submit a change of ownership request form provided by the commissioner. If the commissioner determines that the new owner or operator meets the eligibility requirements of the general permit for general permit issuance, then the commissioner shall issue the general permit to the new owner or operator. Issuance of a general permit to the new owner or operator of an eligible stationary source voids and supersedes the general permit of the previous owner or operator. If the commissioner determines the new owner or operator does not meet the eligibility requirements, the new owner or operator shall submit a permit application for a registration, state, or part 70 permit within 120 days of the commissioner's written request for the application.

### 7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.

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

Subp. 7. **Registration permit compliance requirements.** The owner and operator of the stationary source issued a registration permit, shall:

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

D. if a stationary source qualifies for a registration permit, but has less than 12 months of emissions data, ~~determine compliance~~ calculate the emission limit each month during normal operation for the first 12 months under registration permit option ~~B~~, C; or D on a form provided by the commissioner which uses ~~one of the following formula formulas~~:

$$(1) N = \del{.95} 0.95 \text{ (annual limit in option } \del{B} \text{, C; or D)} + \del{.0045} 0.0045 \text{ (annual limit in option } \del{B} \text{, C; or D)}(n-1)$$

Where: n = number of months in operation;

N = emission limit for month n; or

$$(2) P = L/12$$

Where L = annual limit in option C or D.

P = the emission limit for each month.

The actual emissions for each month must be below the calculated emission limit, N or P, for each pollutant.

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

Subp. 12. **Modification rendering stationary source ineligible for its current registration permit option.** Items A to C apply to the owner or operator of a stationary source that has been issued a registration permit and that wants to make a modification which results in the stationary source no longer being able to meet the requirements for the registration permit option for which it was issued a registration permit, but which will result in the stationary source being eligible for another registration permit option.

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

B. The owner or operator may begin actual construction on and ~~commence operation of start-up of~~ the modification proposed in the permit application seven working days after the permit application is received by the commissioner.

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

[For text of subs 13 and 14, see M.R.]

Subp. 15. **Change of ownership or control of stationary source issued a registration permit.** Prior to a change in the ownership or control of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130, the new owner or operator must submit a change of ownership request form provided by the commissioner. If the commissioner determines that the new owner or operator meets the requirements of parts 7007.1110 to 7007.1130 for registration permit issuance, then the commissioner shall issue the registration permit to the new owner or operator. Issuance of a registration permit to the new owner or operator of an eligible stationary source voids and supersedes the registration permit of the previous owner or operator.

[For text of subs 16 to 22, see M.R.]

### **7007.1120 REGISTRATION PERMIT OPTION B.**

Subpart 1. **Eligibility.** The owner or operator of a stationary source may apply for a registration permit under this part if:

A. the stationary source purchases or uses less than 2,000 gallons of VOC-containing materials on a ~~12-month rolling sum~~ calendar year basis;

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

C. the owner or operator does not anticipate making changes in the next 12 months which will cause the stationary source to purchase or use 2,000 gallons or more of VOC-containing materials on a ~~12-month rolling sum~~ calendar year basis.

Subp. 2. **Application content.** An application for a registration permit under this part must contain the following:

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

E. ~~for stationary sources in operation on August 12, 1996,~~ the gallons of VOC-containing materials purchased or used on a ~~12-month rolling sum~~ calendar year basis. If the stationary source has not been operated, the owner or operator shall estimate the gallons of VOC-containing materials that will be purchased or used on a ~~12-month rolling sum~~ calendar year basis during normal operation using a worksheet provided by the commissioner. If the stationary source has been operated less than 12 months or has not been operated a full calendar year on the date of application under this part, the owner or operator shall calculate gallons of VOC-containing materials purchased or used by multiplying 12 months by the larger of the two following monthly averages:

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- (1) the average monthly gallons purchased or used; or
- (2) the estimated average monthly gallons purchased or used for normal operation.

Insignificant activities at the stationary source listed in part 7007.1300, subparts 2 and 3, are not required to be included in the application.

Subp. 3. **Compliance requirements.** The owner or operator of a stationary source issued a registration permit under this part shall:

A. ~~calculate and record by April 1 of each month calendar year the total amount of VOC-containing materials purchased or used (whichever was stated in the permit application) during that the previous calendar month year;~~

B. ~~recalculate and record each month the 12-month rolling sum maintain the calculation itself and any receipts, invoices, or similar documents used to determine the total amount of VOC-containing materials purchased or used (whichever was stated in the permit application); the date the calculation was made; and the calculation itself in item A;~~

C. purchase or use (whichever was stated in the permit application) ~~a 12-month rolling sum of~~ less than 2,000 gallons of VOC-containing materials each calendar year;

D. have emissions from the stationary source only from VOC-containing materials or from insignificant activities under part 7007.1300, subparts 2 and 3;

E. comply with part ~~7007.1100~~ 7007.1110; and

F. comply with all applicable requirements, including new source performance standards.

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

### 7007.1125 REGISTRATION PERMIT OPTION C.

Subpart 1. **Eligibility.** The owner or operator of a stationary source may apply for a registration permit under this part if the stationary source consists of only indirect heating units (boilers), reciprocating internal combustion engines, and/or emissions from use of VOC-containing materials, and meets the following criteria:

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

D. the stationary source does not burn bituminous or subbituminous coal in hand-fed boilers;

E. the 12-month rolling sum of calculations determined under calculations 1, 2A, 2B, and 3 in subpart 4 is less than 100; and

~~E. F.~~ the owner or operator does not anticipate making changes in the next 12 months which will cause the stationary source to be ineligible for this type of registration permit as set forth under items A to D E.

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

Subp. 3. **Compliance requirements for Option C sources.** Unless a stationary source is eligible under subpart 3a, the owner or operator of a stationary source issued a registration permit under this part shall comply with all of the requirements in items A to J.

A. If the stationary source ~~qualified determined eligibility~~ in the permit application, in whole or in part, by calculating VOC actual emissions from VOC-containing materials purchased or used (whichever was stated in the permit application) in calculation 3 in subpart 4, the owner or operator must:

(1) record by the last day of each month, the amount of each VOC-containing material purchased or used (whichever was stated in the permit application) for the previous month;

(2) maintain a record of the material ~~data~~ safety data sheet (MSDS), or a signed statement from the supplier stating the maximum VOC content, for each VOC-containing material purchased or used (whichever was stated in the permit application); and

(3) using calculation 3 in subpart 4, recalculate and record by the last day of each month the 12-month rolling sum of the actual VOC emissions from all VOC-containing materials purchased or used (whichever was stated in the permit application) for the previous 12 months, the date the calculation was made, and the calculation itself.

B. If the stationary source ~~qualified determined eligibility~~ in the permit application, in whole or in part, by using fuel burned in calculation 1 or 2A in subpart 4, the owner or operator must:

(1) for each unit type, record by the last day of each month the 12-month rolling sum of the amount of each fuel purchased or used (whichever was stated in the permit application) for the previous 12 months;

[For text of subitem (2), see M.R.]

(3) using calculations 1 and 2A in subpart 4, for each unit type, recalculate and record by the last day of each month the 12-month rolling sum of emissions for the previous 12 months, the date the calculation was made, and the calculation itself.

C. If the stationary source ~~qualified~~ determined eligibility in the permit application, in whole or in part, by using hours of operation in calculation 2B in subpart 4, the owner or operator must, for each emissions unit included in calculation 2B:

- (1) record each by the last day of each month the hours operated, rounded to the nearest hour for the previous month; and
- (2) using calculation 2B in subpart 4, recalculate and record by the last day of each month the 12-month rolling sum of emissions for each emissions unit for the previous 12 months, the date the calculation was made, and the calculation itself.

D. The owner or operator must add together and record by the last day of each month the 12-month rolling sum of the calculations made in items A to C for the previous 12 months. This sum is the eligibility number.

E. The owner or operator must not burn any fuels at the stationary source that are not listed in Table 1 or Table 2 of subpart 4, or that exceed the sulfur content limits listed in Table 1 or Table 2, and must not burn bituminous or subbituminous coal in any hand-fed indirect heating unit (boiler).

F. The 12-month rolling sum determined by the calculation in item D, the eligibility number, shall not exceed 100.

G. The owner or operator must have emissions from the stationary source only from indirect heating units (boilers, except hand-fed boilers burning bituminous or subbituminous coal), from reciprocating internal combustion engines, from insignificant activities under part 7007.1300, subparts 2 and 3, and/or from use of VOC-containing materials.

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

Subp. 3a. Compliance requirements for low-emitting Option C sources. If the eligibility number determined by the calculation in item D is less than 50 for the previous calendar year, the owner or operator of a stationary source issued a registration permit under this part shall comply with all of the requirements in items A to E.

A. If the stationary source determined eligibility in the permit application, in whole or in part, by calculating VOC actual emissions from VOC-containing materials purchased or used (whichever was stated in the permit application) in calculation 3 in subpart 4, the owner or operator must:

- (1) maintain records of the amount of each VOC-containing material purchased or used (whichever was stated in the permit application) each calendar year;
- (2) maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum VOC content, for each VOC-containing material purchased or used (whichever was stated in the permit application); and
- (3) using calculation 3 in subpart 4, recalculate and record by April 1 of each calendar year the sum of the actual VOC emissions from all VOC-containing materials purchased or used (whichever was stated in the permit application), and the calculation itself for the previous calendar year.

B. If the stationary source determined eligibility in the permit application, in whole or in part, by using fuel burned in calculation 1 or 2A in subpart 4, the owner or operator must:

- (1) for each unit type, record by April 1 of each calendar year the sum of the amount of each fuel purchased or used (whichever was stated in the permit application) for the previous calendar year;
- (2) record the sulfur content of each fuel purchased or used (whichever was stated in the permit application), and maintain for each batch of fuel a record of the vendor certifications of sulfur content or test results by an independent laboratory using the ASTM method listed for the fuel in Table 1 or Table 2 in subpart 4 (whichever applies), if a sulfur threshold is stated for that fuel in Table 1 or Table 2 in subpart 4; and
- (3) using calculations 1 and 2A in subpart 4, for each unit type, recalculate and record by April 1 of each calendar year the sum of emissions and the calculation itself for the previous calendar year.

C. If the stationary source qualified in the permit application, in whole or in part, by using hours of operation in calculation 2B in subpart 4, the owner or operator must, for each emissions unit included in calculation 2B:

- (1) record by April 1 of each calendar year the hours operated, rounded to the nearest hour for the previous calendar year; and
- (2) using calculation 2B in subpart 4, recalculate and record by April 1 of each calendar year the sum of emissions for each emissions unit and the calculation itself for the previous calendar year.

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D. The owner or operator must add together and record by April 1 of each calendar year the sum of the calculations made in items A to C. This sum, the eligibility number, shall not exceed 50 to be eligible under this subpart. If the eligibility number exceeds 50, then the owner or operator must comply with subpart 3 and have an eligibility number of less than 50 for two consecutive calendar years before eligibility for this subpart is reinstated.

E. The owner or operator must comply with subpart 3, items E and G to J.

Subp. 4. **Tables and calculations.** The tables and calculations in this subpart shall be used to determine whether a stationary source is eligible for a registration permit under this part. For the purposes for fuel specifications listed in calculations 1 and 2A, the Annual Book of American Society for Testing and Materials Standards (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, volumes 4.05, 5.01, 5.03, and 5.05 (1993) are incorporated by reference. ASTM is the author and publisher. These publications are available through the Minitex interlibrary loan system (University of Minnesota Library). These documents are subject to frequent change.

**Calculation 1. Indirect Heating Emissions Units.** For stationary sources with indirect heating emissions units, multiply the 12-month rolling sum of each fuel used by the multiplication factor (MF) listed in Table 1. Add the results of all the calculations to arrive at the calculation 1 total. The following formula determines the calculation 1 total:

STEP 1: fuel type used (in units specified) x MF = fuel type total

STEP 2: fuel type 1 total + fuel type 2 total + ... fuel type *n* total = Calculation 1 total

TABLE 1

FUEL USED (units burned/year)-[specification]	SULFUR LIMIT	MULTIPLICATION FACTOR (MF)
anthracite coal (tons)-[ASTM D 388(Vol 05.05)]	2.38%	4.64E-02
bituminous coal (tons)-[ASTM D 388(Vol 05.05)]	2.10%	4.10E-02
sub bituminous coal (tons)-[ASTM D 388 (Vol 05.05)]	1.66%	2.91E-02
lignite A coal (tons)-[ASTM D 388(Vol 05.05)]	1.26%	1.89E-02
petroleum coke (tons)-[ASTM C 1160(Vol 04.05)]	2.33%	4.55E-02
untreated domestic wood and bark (tons)-[ASTM D 1165(Vol 04.09)]	n/a	8.40E-03
kerosene (gallons)-[ASTM D 3699(Vol 05.03)]	0.50%	3.59E-05
No. 1 and No. 2 distillate (gallons)-[ASTM D 396(Vol 05.01)]	0.50%	3.59E-05
No. 4 distillate (gallons)-[ASTM D 396(Vol 05.01)]	1.80%	<del>1.35E-04</del> 1.40E-04
No. 5 and No. 6 residual (gallons)-[ASTM D 396(Vol 05.01)]	1.80%	<del>1.43E-04</del> 1.46E-04
liquefied petroleum gas (LPG) (gallons)-[ASTM D 1835(Vol 05.01 and 05.05)]	n/a	<del>6.60E-06</del> 1.05E-05
dry or commercial pipeline natural gas (cubic feet)-this must be a mixture of ethane, methane, not more than five percent propane and not more than one percent butane	n/a	<del>7.00E-08</del> 1.40E-07

**Calculation 2. Reciprocating Internal Combustion Engine Emission Units.** A stationary source with one or more reciprocating internal combustion (RIC) engines shall, for each RIC engine, use either calculation 2A or 2B. Stationary sources with RIC engine emission units burning fuels not listed in Table 2, however, must use calculation 2B.

**Calculation 2A. RIC Engine Fuel Usage Calculation.** For stationary sources with one or more RIC engines, multiply the 12-month rolling sum of each fuel used by the multiplication factor (MF) from Table 2. Add the results of each calculation to determine the total for that RIC engine. The following formula determines the calculation 2A total:

STEP 1: fuel type used (in specified units) x MF = fuel type total

STEP 2: fuel type 1 total + fuel type 2 total + ... fuel type *n* total = Calculation 2A total

TABLE 2

FUEL USED (units burned/year)-[specification]	SULFUR LIMIT	MULTIPLICATION FACTOR (MF)
No. 1 and No. 2 diesel, and kerosene (gallons)-[ASTM 975(Vol 05.01)]	0.5%	<del>2.35E-04</del> <u>3.09E-04</u>
liquefied petroleum gas (LPG) (gallons)-[ASTM D 1835(Vol 05.01 and 05.05)]	n/a	6.95E-05
dry or commercial pipeline natural gas (cubic feet)-[as defined in Table 1]	n/a	1.70E-06

**Calculation 2B. RIC Engine Operating Hours Calculation.** For stationary sources with one or more RIC engines, multiply the design capacity of the engine in horsepower by the 12-month rolling sum of hours operated and by the multiplication factor 1.22E-05. The owner or operator shall perform this calculation for each RIC engine, then add the results of all the calculations to arrive at the calculation 2B total. The following formula determines the calculation 2B total:

STEP 1: engine horsepower design capacity x hours operated x 1.22E-05 = RIC engine total

STEP 2: RIC engine 1 total + RIC engine 2 total + ... RIC engine *n* total = Calculation 2B total

**Calculation 3. VOC Emissions Units.** An owner or operator of a stationary source which purchases or uses VOC-containing materials shall, for each material purchased or used which contains VOC, multiply a factor of ten by the weight factor (WF) of the VOC in the material (weight of VOC per weight of VOC-containing material) by the density of the material (in pounds per gallon) by the 12-month rolling sum of gallons of that material purchased or used. The owner or operator shall perform this calculation for each material purchased or used which contains VOC (including VOC purchased or used for cleaning) and add the results of the calculations to arrive at the calculation 3 total. In determining the WF and the density, the owner or operator shall use the maximum listed in the material safety data sheets (MSDS) or a signed statement from the supplier for each VOC-containing material. The following formula determines the calculation 3 total:

STEP 1: 10 [WF x density of the material (lb/gal) x (1 ton/2,000 lb) x the 12-month rolling sum of material purchased or used (gallons)] = material total

STEP 2: material 1 + material 2 + ... material *n* total = Calculation 3 total

**7007.1130 REGISTRATION PERMIT OPTION D.**

Subpart 1. **Eligibility.** The owner or operator of a stationary source may apply for a registration permit under this part if the stationary source meets the following criteria:

A. all emissions units at the stationary source are either included in calculations in subpart 4, or are insignificant activities under part 7007.1300, subparts 2 and 3;

B. the 12-month rolling sum of actual emissions at the stationary source for each pollutant are less than or equal to the thresholds in subpart 5; and

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C. the owner or operator does not anticipate making changes in the next year which will cause the stationary source's 12-month rolling sum of actual emissions to exceed any threshold in tons per year listed in subpart 5.

Subp. 2. **Application content.** An application for a registration permit under this part must contain all of the following requirements:

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

E. the calculations required by subpart 4, and the total actual emissions per pollutant that result from those calculations. A stationary source in which the only hazardous air pollutant (HAP) emissions are VOC emissions and that has actual VOC emissions less than five tons per year ~~are~~ is not required to calculate emissions of HAPs. If the stationary source has not been operated, the owner or operator shall estimate actual emissions during normal operation in performing the calculations required by subpart 4. If the stationary source has been operated less than 12 months on the date of application under this part, the owner or operator shall estimate actual emissions by multiplying by 12 the larger of the following:

- (1) the average monthly actual emissions; or
- (2) the estimated average monthly actual emissions during normal operation;

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

Subp. 3. **Compliance requirements for Option D sources.** Unless a stationary source is eligible under subpart 3a, the owner or operator of a stationary source issued a permit under this part shall comply with all of the requirements in items A to J.

A. If the stationary source ~~qualified~~ determined eligibility in the permit application, in whole or in part, by calculating VOC and hazardous air pollutant actual emissions from VOC-containing or hazardous air pollutant-containing materials, purchased or used (whichever was stated in the permit application), the owner or operator must:

(1) record by the last day of each month, the amount of each VOC-containing or hazardous air pollutant-containing material purchased or used (whichever was stated in the permit application), and the VOC and hazardous air pollutant content for the previous calendar month;

(2) maintain a record of the material ~~data~~ safety data sheet (MSDS), or a signed statement from the supplier stating the maximum VOC or hazardous air pollutant content, for each VOC-containing or hazardous air pollutant-containing material purchased or used (whichever was stated in the permit application); and

(3) recalculate and record by the last day of each month the 12-month rolling sum of actual VOC and hazardous air pollutant emissions from VOC-containing and hazardous air pollutant-containing materials purchased or used (whichever was stated in the permit application) for the previous 12 months, the date the calculation was made, and the calculation itself.

A stationary source in which the only hazardous air pollutant (HAP) emissions are VOC emissions and that has actual VOC emissions less than five tons per year is not required to maintain records and perform the calculations of HAPs emissions under subitems (1) to (3).

B. If the stationary source ~~qualified~~ determined eligibility in the permit application, in whole or in part, by using fuel burned in the calculations in subpart 4, the owner or operator must:

(1) record by the last day of each month the amount of each fuel purchased or used (whichever was stated in the permit application) for the previous month; and

(2) recalculate and record by the last day of each month the 12-month rolling sum of emissions for the previous 12 months, the date the calculation was made, and the calculation itself.

C. If the stationary source qualified in the permit application, in whole or in part, by using hours of operation in the calculations in subpart 4, the owner or operator must:

(1) record by the last day of each month the hours operated for each emissions unit, rounded to the nearest hour for the previous month; and

(2) recalculate and record by the last day of each month the 12-month rolling sum of emissions for the previous 12 months, the date the calculation was made, and the calculations itself.

D. If the stationary source ~~qualified~~ determined eligibility in the permit application, in whole or in part, by calculating actual emissions under subpart 4 based on the quantity of material handled or throughput, or product produced, the owner or operator must:

(1) record by the last day of each month for each material handled or throughput and for each product produced, the amount of the material handled or throughput and the amount of product produced for the previous month; and

(2) recalculate and record by the last day of each month for each material handled or throughput and for each product produced, the 12-month rolling sum of emissions for the previous 12 months, the date the calculation was made, and the calculation itself.

E. The owner or operator must recalculate and record by the last day of each month, pursuant to subpart 4, the 12-month rolling sum of actual emissions from the stationary source for the previous 12 months, the date the calculation was made, and the



calculation itself. This calculation must include all emissions units at the stationary source, except for insignificant activities under part 7007.1300, subparts 2 and 3, and the information required by subpart 4, item B, subitem (3), if continuous emissions monitor (CEM) data is used in the calculation.

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

**Subp. 3a. Compliance requirements for low-emitting Option D sources.** If the actual emissions for the previous calendar year of each pollutant are less than the emission eligibility limits for each pollutant listed in Table 3A, then the owner or operator shall comply with all of the requirements in items A to F.

A. If the stationary source determined eligibility in the permit application, in whole or in part, by calculating VOC and HAP actual emissions from VOC-containing or HAP-containing materials, purchased or used (whichever was stated in the permit application), the owner or operator must:

(1) maintain records of the amount of each VOC-containing or HAP-containing material purchased or used (whichever was stated in the permit application), and the VOC content each calendar year;

(2) maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum VOC or HAP content, for each VOC-containing or HAP-containing material purchased or used (whichever was stated in the permit application); and

(3) calculate and record by April 1 of each calendar year the sum of actual VOC emissions and hazardous air emissions from VOC-containing and HAP-containing materials purchased or used (whichever was stated in the permit application), and the calculation itself for the previous calendar year.

A stationary source in which the only HAP emissions are VOC emissions and that has actual VOC emissions less than five tons per year is not required to maintain records and perform the calculations of HAP emissions under subitems (1) to (3).

B. If the stationary source determined eligibility in the permit application, in whole or in part, by using fuel burned in the calculations in subpart 4, the owner or operator must:

(1) maintain records of the amount of each fuel purchased or used each calendar year (whichever was stated in the permit application); and

(2) calculate and record by April 1 of each calendar year the sum of the emissions, and the calculation itself for the previous calendar year.

C. If the stationary source determined eligibility in the permit application, in whole or in part, by using hours of operation in the calculations in subpart 4, the owner or operator must:

(1) maintain records of the hours operated for each emissions unit for each calendar year, rounded to the nearest hour; and

(2) calculate and record by April 1 each calendar year the sum of the emissions, and the calculations itself for the previous calendar year.

D. If the stationary source determined eligibility in the permit application, in whole or in part, by calculating actual emissions under subpart 4 based on the quantity of material handled or throughput, or product produced, the owner or operator must:

(1) maintain records each calendar year of the amount of each material handled or throughput and for each product produced, the amount of the material handled or throughput, and the amount of product produced; and

(2) calculate and record by April 1 of each calendar year for each material handled or throughput and for each product produced, the sum of the emissions and the calculation itself for the previous calendar year.

E. By April 1 of each calendar year, the owner or operator must calculate and record, pursuant to subpart 4, the sum of actual emissions from the stationary source, and the calculation itself for the previous calendar year. This calculation must include all emissions units at the stationary source, except for insignificant activities under part 7007.1300, subparts 2 and 3, and the information required by subpart 4, item B, subitem (3), if continuous emissions monitor (CEM) data is used in the calculation. The sum of actual emissions for each pollutant from the stationary source must not exceed the emission eligibility limits in Table 3A for any pollutant. If the emission eligibility limit in Table 3A is exceeded for any pollutant, then the stationary source is no longer eligible under this subpart and must comply with subpart 3 and have actual emissions for each pollutant below the eligibility limits in Table 3A for two consecutive calendar years before eligibility for this subpart is reinstated.

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## Proposed Rules

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F. The owner or operator must comply with subpart 3, items F and H to J.

**TABLE 3A**  
**OPTION D EMISSION ELIGIBILITY LIMITS FOR REDUCED RECORDKEEPING**

<u>POLLUTANT</u>	<u>ELIGIBILITY LIMIT FOR REDUCED RECORDKEEPING</u>
<u>HAP</u>	<u>2.5 tons/year for a single HAP</u> <u>6.25 tons/year total for all HAPs</u>
<u>PM</u>	<u>25 tons/year</u>
<u>PM-10</u>	<u>25 tons/year for an Attainment Area</u> <u>0 tons/year for a Nonattainment Area</u>
<u>VOC</u>	<u>25 tons/year</u>
<u>SO<sub>2</sub></u>	<u>25 tons/year</u>
<u>NO<sub>x</sub></u>	<u>25 tons/year</u>
<u>CO</u>	<u>25 tons/year</u>
<u>Pb</u>	<u>0.05 tons/year</u>

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

Subp. 5. **Emissions thresholds.** The owner or operator must calculate actual emissions for the stationary source using the calculations under subpart 4 and the calculated 12-month rolling sum of actual emissions must be below less than or equal to the thresholds listed in Table 3.

**TABLE 3**  
**OPTION D EMISSIONS THRESHOLDS**

<u>POLLUTANT</u>	<u>THRESHOLD (ton/year)</u>
<u>HAP</u>	<u>5 tons/year for a single HAP</u> <u>12.5 tons/year total for all HAPs</u>
<u>PM</u>	<u>50 tons/year</u>
<u>PM-10</u>	<u>50 tons/year for an Attainment Area</u> <u>25 tons/year for a Nonattainment Area</u>
<u>VOC</u>	<u>50 tons/year</u>
<u>SO<sub>2</sub></u>	<u>50 tons/year</u>
<u>NO<sub>x</sub></u>	<u>50 tons/year</u>
<u>CO</u>	<u>50 tons/year</u>
<u>Pb</u>	<u>0.5 tons/year</u>

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

### **7007.1150 WHEN A PERMIT AMENDMENT IS REQUIRED.**

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

B. No modification, as defined in part 7007.0100, subpart 14, may be made to a stationary source that is required to have a permit under parts 7007.0100 to 7007.1850 unless the modification is allowed under part 7007.1250 or 7007.1350, or an amendment is obtained under part 7007.1450 or 7007.1500. Administrative changes to a permit issued under parts 7007.0100 to 7007.1850 shall be made under part 7007.1400. If a change at a facility does not constitute a modification, no permit amendment is required unless the change is described under part 7007.1500, subpart 1. If a change does not constitute a modification, notification may still be required under item C.

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

### **7007.1200 CALCULATING EMISSION CHANGES FOR PERMIT AMENDMENTS.**

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

Subp. 2. **Calculation methods to determine if the proposed change is a title I modification.** To determine if a modification is a title I modification, the applicable federal calculation method must be used. To determine the applicable methods to calculate emission changes for a title I modification, the permittee must refer to the federal regulations listed in part 7007.0100, subpart 26. Parts 7011.0060 to 7011.0080 may be used in this calculation if the stationary source is in compliance with parts 7011.0060 to

7011.0080; ~~except that control efficiencies for control equipment with hoods under part 7011.0070 cannot be used.~~ A change that would not be considered to increase emissions using the calculation method in subpart 3 may nonetheless be considered a title I modification, particularly under the calculation method required by part C (prevention of significant deterioration of air quality), part D (plan requirements in nonattainment areas), and section 112(g)(2)(B) (construction or reconstruction of a major source of hazardous air pollutants) of the act.

Subp. 3. **Calculation method for modifications that are not title I modifications.** Emissions changes for a modification must be calculated by comparing the hourly emission rate of the stationary source, at maximum physical capacity, before and after the proposed physical or operational change. The emission rate shall be expressed as pounds per hour of any regulated air pollutant. Items A to C shall be used to determine emission changes for modifications that are not title I modifications.

A. When calculating emissions before and after the physical and operational change, physical and operational limitations and emission decreases will be considered only if they:

(1) are or will be automatically required by an applicable requirement including parts 7011.0060 to 7011.0080; ~~except that control efficiencies for control equipment with hoods under part 7011.0070 cannot be used to calculate emissions under this part;~~

(2) are or will be automatically required by an existing permit;

(3) are integral to the process;

(4) are proposed as a permit term and condition in the application for a minor, moderate, or major modification under part 7007.1450 or 7007.1500; or

(5) are calculated in records kept at the stationary source where reductions rendered the modification insignificant under part 7007.1250.

B. In cases where use of emission factors or related calculation methods clearly demonstrates whether or not the change will increase the emission level, the ~~following emission factors or methods shall be used:~~

~~(1) emission factors as defined in part 7005.0100, subpart 10a; or, shall be used.~~

~~(2) if no EPA emission factors are specified, factors or related emissions calculation methods published by EPA or provided by the agency upon request of the permittee which relate to the specific source type. The permittee shall identify the source of the emission factor or calculation method in the application.~~

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

### **7007.1250 INSIGNIFICANT MODIFICATIONS.**

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

A. Construction or operation of any emissions unit, or undertaking any activity, on the insignificant activities list in part 7007.1300, subparts 2 and 3.

B. Any modification that will:

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

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

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# Proposed Rules

Table 1

Pollutant		Threshold
NO <sub>x</sub>	2.28	pounds per hour
SO <sub>2</sub>	2.28	pounds per hour
VOCs	2.28	pounds per hour
PM-10	<del>8.55</del> 0.855	pounds per hour
CO	5.70	pounds per hour
Lead	<del>0.25</del> 0.025	pounds per hour

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

Subp. 2. **Insignificant modification exclusions.** A modification may not be made under this part if the modification:

- A. is a title I modification;
- B. would result in the violation of a permit emissions limit or any other permit term;
- C. is required to be authorized by a permit amendment under title IV of the act or *Code of Federal Regulations*, title 40, part 72, as amended; ~~or~~
- D. is part of a single project, as described in subpart 5, which taken as a whole, would not be authorized under this part; or
- E. is described under part 7007.1500, subpart 1 (Major permit amendment required).

Subp. 3. **Recordkeeping requirements.** Except as described in subpart 4, modifications authorized under this part may be made without providing notice to the agency. However, the permittee shall keep a contemporaneous record of the modification for all changes authorized under subpart 1, items A and B, except for those activities described in part 7007.1300, subpart 2. For changes authorized under subpart 1, item B, and part 7007.1300, subpart 3, item I, the permittee shall also keep calculations of the emissions increase as required by part 7007.1200, and a statement of the purpose for making the modification.

Subp. 4. **Agency notification required.** If a modification authorized under subpart 1, item B, together with other modifications made under subpart 1, item B, during the course of the permit term (or within a five-year period for a nonexpiring permit), have resulted in total increases of a pollutant in excess of four times the amount listed in subpart 1, item B, subitem (2), for that pollutant, the permittee shall notify the agency by seven working days after beginning actual construction of the last modification. The notice shall provide the information required to be kept in subpart 3 for each modification made under subpart 1, ~~item items A and B,~~ except for those activities described in part 7007.1300, subpart 2, during the period in question. The notice shall also include a certification by a responsible official, consistent with part 7007.0500, subpart 3, that the modifications listed were not part of a single project, as described in subpart 5, which taken as a whole, would not be authorized under subpart 1, item B. After any such notice has been sent, the permittee shall continue to keep track of modifications made under subpart 1, item B, and the permittee shall notify the agency again if emissions increases from these additional modifications total more than four times the amount listed in subpart 1, item B, subitem (2).

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

## 7007.1300 INSIGNIFICANT ACTIVITIES LIST.

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

Subp. 4. **Insignificant activities required to be listed in a part 70 application.** If a facility is applying for a part 70 permit, emissions units with emissions less than all the following limits but not included in subpart 2 must be listed in a part 70 permit application:

- A. potential emissions of 5.7 pounds per hour or actual emissions of two tons per year of carbon monoxide;

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

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

**7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.**

Subpart 1. **Minor and moderate amendment exclusions.** The agency may amend a permit using the minor and moderate permit amendment processes described in this part if the amendments are described in subparts 2 and 3, and if the amendments ~~do not~~ are not described in part 7007.1500, subpart 1 (Major permit amendment required).

~~A. amend existing permit terms related to monitoring (including test methods); recordkeeping, reporting, or compliance certification requirements which are major amendments under part 7007.1500, subpart 1, item A;~~

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

~~C. seek to establish or amend a permit condition for which there is no corresponding underlying applicable requirement and that the stationary source has assumed to avoid an applicable requirement described in part 7007.0100, subpart 7, items A to K, to which the stationary source would otherwise be subject. Such terms and conditions include:~~

~~(1) a federally enforceable emissions cap assumed to avoid classification as a title I modification; and~~

~~(2) an alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the act (Hazardous Air Pollutants; Schedule for Compliance; Early Reduction);~~

~~D. seek to allow a title I modification; and~~

~~E. violate a requirement of any agency rule that such change be made under the major permit amendment procedures.~~

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

Subp. 7. **When permittee may make the proposed modification.**

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

B. The permittee may begin actual construction on a modification proposed in a moderate permit amendment application upon receipt of a letter of approval from the agency authorizing such construction. However, the permittee may not ~~commence operation of~~ conduct start-up of the modification until the amended permit has been issued.

Subp. 8. **Permittee's risk in commencing construction.** If the stationary source makes the modification allowed by subpart 7, item A, or ~~commences~~ begins actual construction upon receipt of a letter of approval as allowed by subpart 7, item B, and until the agency acts on the minor or moderate permit amendment application, the stationary source must comply with both the applicable requirements governing the modification and the proposed permit terms and conditions. During this time period, the stationary source need not comply with the existing permit terms and conditions it seeks to modify. However, if the stationary source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it. The permittee assumes the risk of losing any investment it makes toward implementing a modification prior to receiving a permit amendment authorizing the modification. The agency will not consider the possibility of the permittee suffering financial loss due to such investment when deciding whether to approve, deny, or approve in modified form a minor or moderate permit amendment.

[For text of subp 9, see M.R.]

**7007.1500 MAJOR PERMIT AMENDMENTS.**

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

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

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

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## 7007.4020 CONDITIONS FOR PERMIT.

Subpart 1. **In general.** Unless the requirements of *Code of Federal Regulations*, title 40, chapter I, part 51, appendix S, (1991), as incorporated in subpart 2a, are first satisfied, no person shall commence construction, as defined in appendix S, part (II), section (A), of a major stationary source or major modification in:

A. a nonattainment area; or

B. in an attainment area or unclassifiable area if that major stationary source or major modification would cause or contribute to a violation of a national ambient air quality standard in a nonattainment area as determined by the significance levels established in *Code of Federal Regulations*, title 40, chapter I, part 51, appendix S, part III, (1991).

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

## 7009.0050 INTERPRETATION AND MEASUREMENT METHODOLOGY, EXCEPT FOR HYDROGEN SULFIDE.

For all ambient air quality standards except hydrogen sulfide, interpretation of the standards and measurements made to determine compliance with the standards shall be performed as set forth in:

A. *Code of Federal Regulations*, title 40, part 50, National Primary and Secondary Ambient Air Quality Standards, as amended; or

B. *Code of Federal Regulations*, title 40, part 53-Ambient Air Monitoring Reference and Equivalent Methods, as amended; and

C. *Code of Federal Regulations*, title 40, part 58, Ambient Air Quality Surveillance, as amended.

## 7009.0080 STATE AMBIENT AIR QUALITY STANDARDS.

The following table contains the state ambient air quality standards.

Pollutant/ Air Contaminant	Primary Standard	Secondary Standard	Remarks
Hydrogen Sulfide	0.05 ppm by volume (70.0 micrograms per cubic meter)		1/2 hour average not to be exceeded over 2 times per year
	0.03 ppm by volume (42.0 micrograms per cubic meter)		1/2 hour average not to be exceeded over 2 times in any 5 consecutive days
Ozone	<del>0.12</del> <u>0.08</u> ppm by volume (235 micrograms per cubic meter)	<del>0.12 ppm by volume (235 micrograms per cubic meter)</del> <u>same as primary standard</u>	<u>daily maximum 8 hour average</u> ; the standard is attained when the <del>expected number of days per calendar year with maximum hourly average concentrations above the standard is equal to or less than one, as determined by Code of Federal Regulations, title 40, part 50, appendix H; Interpretation of the National Ambient Air Quality Standards for Ozone, as amended-average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to the standard</del>

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Carbon Monoxide	9 ppm by volume (10 milligrams per cubic meter)	<del>9 ppm by volume (10 milligrams per cubic meter)</del> <u>same as primary standard</u>	maximum 8 hour concentration not to be exceeded more than once per year
	30 ppm by volume (35 milligrams per cubic meter)	<del>30 ppm by volume (35 milligrams per cubic meter)</del> <u>same as primary standard</u>	maximum 1 hour concentration not to be exceeded more than once per year
Sulfur Dioxides <u>Dioxide</u>	80 micrograms per cubic meter (0.03 ppm by volume)	60 micrograms per cubic meter (0.02 ppm by volume)	maximum annual arithmetic mean
	365 micrograms per cubic meter (0.14 ppm by volume)	<del>365 micrograms per cubic meter (0.14 ppm by volume)</del> <u>same as primary standard</u>	maximum 24 hour concentration not to be exceeded more than once per year
		915 micrograms per cubic meter (0.35 ppm by volume)	maximum 3 hour concentration not to be exceeded more than once per year in Air Quality Control Regions 127, 129, 130, and 132
		1300 micrograms per cubic meter (0.5 ppm by volume)	maximum 3 hour concentration not to be exceeded more than once per year in Air Quality Control Regions 128, 131, and 133

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	1300 micrograms per cubic meter (0.5 ppm by volume)		maximum 3 hour concentration not to be exceeded more than once per year
	1300 micrograms per cubic meter (0.5 ppm by volume)		maximum 1 hour concentration not to be exceeded more than once per year
Particulate Matter	75 micrograms per cubic meter	60 micrograms per cubic meter	maximum annual geometric mean
	260 micrograms per cubic meter	150 micrograms per cubic meter	maximum 24 hour concentration not to be exceeded more than once per year
Nitrogen <del>Dioxides</del> <u>Dioxide</u>	0.05 ppm by volume (100 micrograms per cubic meter)	<del>0.05 ppm by volume (100 micrograms per cubic meter)</del> same as <u>primary standard</u>	maximum annual arithmetic mean
Lead	1.5 micrograms per cubic meter	same as primary standard	maximum arithmetic mean averaged over a calendar quarter
PM <sub>10</sub>	150 micrograms per cubic meter	same as primary standard	maximum 24-hour average concentration; the standard is attained when the expected number of days per calendar year exceeding the value of the standard is equal to or less than one
	50 micrograms per cubic meter	same as primary standard	annual arithmetic mean; the standard is attained when the expected annual arithmetic mean concentration is less than or equal to the value of the standard



<p>PM-2.5</p>	<p><u>65</u> <u>micrograms</u> <u>per cubic</u> <u>meter</u></p>	<p><u>same as</u> <u>primary</u> <u>standard</u></p>	<p><u>24-hour average</u> <u>concentration; the</u> <u>standard is</u> <u>attained when the</u> <u>98th percentile</u> <u>24-hour</u> <u>concentration is</u> <u>less than or equal</u> <u>to the standard</u></p>
	<p><u>15.0</u> <u>micrograms</u> <u>per cubic</u> <u>meter</u></p>	<p><u>same as</u> <u>primary</u> <u>standard</u></p>	<p><u>annual</u> <u>arithmetic mean;</u> <u>the standard is</u> <u>attained when the</u> <u>annual arithmetic</u> <u>mean concentration</u> <u>is less than or</u> <u>equal to the</u> <u>standard</u></p>

**7011.0010 APPLICABILITY OF STANDARDS OF PERFORMANCE.**

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

Subp. 2. **New facility.** An owner or operator who constructs, modifies, or reconstructs an emission facility shall comply with the New Source Performance Standards, if applicable, ~~or~~ and the standards of performance for a new emission facility set forth in the state air pollution control rules. However, if the administrator has determined a state standard of performance to be of equal or superior environmental protection compared to the New Source Performance Standards, then the owner or operator need only comply with the state standard of performance. “Administrator” has the meaning given in part 7007.0100, subpart 3.

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

**CONTROL EQUIPMENT**

**7011.0060 DEFINITIONS.**

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

Subp. 2. **Hood Capture efficiency.** ~~“Hood” means a shaped inlet to a pollution control system that does not totally surround emissions from an emissions unit, that is designed to capture and discharge the air emissions through ductwork to control equipment, and that conforms to the design and operating practices recommended in “Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists.” This document is subject to frequent change. A spray booth can be a hood if it meets the definition in this subpart.~~ “Capture efficiency” means the percentage of emissions produced by a process that are captured by an enclosure and/or ductwork and transported to air pollution control equipment.

Subp. 3. **Collection efficiency.** “Collection efficiency” means the percentage of emissions entering the air pollution control equipment that are collected by the air pollution control equipment and thus removed from the exhaust stream. “Collection” pertains to pollutants that are collected but molecular composition may or may not be changed.

Subp. 3a. **Control efficiency.** “Control efficiency” has the meaning given to control equipment efficiency in subpart 3b.

Subp. 3b. **Control equipment efficiency.** “Control equipment efficiency” means the percentage of emissions produced by a process that are not emitted to the atmosphere. Control equipment efficiency is equal to the product of the capture efficiency and collection efficiency or the product of capture efficiency and destruction efficiency.

Subp. 3c. **Control equipment manufacturer.** “Control equipment manufacturer” means a person that manufactures and sells control equipment, if at least 50 percent of the dollar value of the annual control equipment sales are made to persons who are not a subsidiary, division, or subdivision of the control equipment manufacturer.

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Subp. 3d. **Destruction efficiency.** “Destruction efficiency” means the percentage of emissions entering the air pollution control equipment that are destroyed by the air pollution control equipment and thus removed from the exhaust stream. “Destruction” pertains to pollutants that are destroyed whereby molecular composition is changed.

Subp. 3e. **Hood.** “Hood” means a shaped inlet to a pollution control system that does not totally surround emissions from an emissions unit, that is designed to capture and discharge the air emissions through ductwork to control equipment, and that conforms to the design and operating practices recommended in “Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists.” This document is subject to frequent change. A spray booth can be a hood if it meets the definition in this subpart.

Subp. 4. **Listed control equipment.** “Listed control equipment” means the control equipment at a stationary source listed in part 7011.0070, subpart 1, Table A.

Subp. 4a. **Testing company.** “Testing company” means a corporation, partnership, limited liability company, or sole proprietorship that conducts evaluations of hood design parameters as a normal part of its business activities and that is not the owner or operator of the emission facility or a subsidiary, division, or subdivision of the owner or operator of the emission facility.

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

### 7011.0065 APPLICABILITY.

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

- A. determine what type of permit is required, pursuant to part 7007.0150, subpart 4, item B;
- B. determine what type of amendment to a part 70 or state permit is required, pursuant to part 7007.1200; ~~except that control efficiencies for control equipment with hoods under part 7011.0070 cannot be used;~~
- C. qualify for an insignificant modification under part 7007.1250; or
- D. qualify for registration permit option D under part 7007.1130.

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

### 7011.0070 LISTED CONTROL EQUIPMENT AND CONTROL EQUIPMENT EFFICIENCIES.

Subpart 1. **Listed control equipment efficiencies.** Unless a part 70, state, or general permit specifies a different control efficiency, the owner or operator of a stationary source must at all times attain at least the control efficiency listed in Table A for each piece of listed control equipment at the stationary source. The applicable control efficiency for a type of listed control equipment and a given pollutant is determined by whether air emissions are discharged to the control equipment through a hood or through a total enclosure. The control equipment efficiencies in Table A do not apply to any hazardous air pollutant. The owner or operator of a stationary source that is subject to the control efficiencies given for hoods in Table A must have a testing company evaluate, on a form provided by the commissioner, whether the hood conforms to the design and operating practices recommended in “Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists,” and must include with the permit application the certification required in subpart 3, if the hood exists at the time of application. If the hood does not exist at the time of application, then the certification required in subpart 3 shall be sent to the agency within 30 days after start-up. The form used to evaluate whether the hood conforms to the design and operating practices shall contain the elements listed in subpart 4. If the hood design does not conform to the recommendations of the manual, the owner or operator shall submit a plan within 60 days of start-up describing either change of the hood design so that it does conform or how the hood capture efficiency shall be determined. Nothing in this part shall be construed to allow the owner or operator of an emission facility to violate an applicable requirement or compliance document. Hoods evaluated prior to the effective date of this part using a form whose contents differ from that in subpart 4 are not required to reevaluate their hoods, unless requested by the commissioner to demonstrate continued conformity with the design and operating practices described in the manual. A copy of the hood evaluation form shall be kept on site.

CONTROL EQUIPMENT EFFICIENCY-TABLE A

ID#	CONTROL EQUIPMENT DESCRIPTION	POLLUTANT	CONTROL EFFICIENCY	
			TOTAL ENCLOSURE	HOOD
<p>PM CONTROL CATEGORY-CYCLONES  means a device where airflow is forced to spin in a vortex through a tube</p>				
007	Centrifugal Collector (cyclone)-high efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM,PM-10	80%	64%
008	Centrifugal Collector (cyclone)-medium efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM,PM-10	50%	40%
009	Centrifugal Collector (cyclone)-low efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM,PM-10	10%	8%
076	Multiple Cyclone without Fly Ash Reinjection means: a cyclonic device with more than one tube where fly ash is not reinjected	PM,PM-10	80%	NA
077	Multiple Cyclone with Fly Ash Reinjection means: a cyclonic device with more than one tube where fly ash is reinjected	PM,PM-10	50%	NA
085	Wet Cyclone Separator or Cyclonic Scrubbers means: a cyclonic device that sprays water into a cyclone	PM,PM-10	50%	40%

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## Proposed Rules

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012	<p>PM CONTROL CATEGORY- ELECTROSTATIC PRECIPITATORS</p> <p>means: a control device in which the incoming particulate matter receives an electrical charge and is then collected on a surface with the opposite electrical charge</p>			
	-assumed efficiency for boiler fly ash control	PM-10	40%	NA
	-assumed efficiency for other applications	PM-10	70%	56%
	PM CONTROL CATEGORY-OTHER CONTROLS			
016, 017, 018	<p>Fabric Filter means: a control device in which the incoming gas stream passes through a porous fabric filter forming a dust cake</p>	PM,PM-10	99%	79%
052	<p>Spray Tower means: a control device in which the incoming gas stream passes through a chamber in which it contacts a liquid spray</p>	PM,PM-10	20%	16%
053	<p>Venturi Scrubber means: a control device in which the incoming gas stream passes through a venturi into which a low pressure liquid is introduced</p>	PM,PM-10	90%	72%
055	<p>Impingement Plate Scrubber means: a control device in which the incoming gas stream passes a liquid spray and is then directed at high velocity into a plate</p>	PM,PM-10	25%	20%
058A 058B	<p>HEPA and Wall Filter means: a control device in which the exiting gas stream passes through a panel of coarse fibers. Other Wall Filters means removable panels for cleaning and replacement, or liquid curtains for particulate removal that provide little resistance to air flow</p>	PM,PM-10	92%	74%

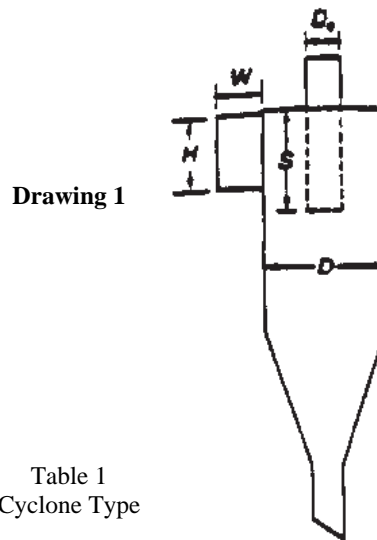
VOC CONTROL CATEGORY

019 Afterburners (thermal or catalytic oxidation) means: a device used to reduce VOCs to the products of combustion through thermal (high temperature) oxidation or catalytic (use of a catalyst) oxidation in a combustion chamber

VOC 95% 57%

023 Flaring or Direct Combustor means: a device in which air, combustible organic waste gases, and supplementary fuel (if needed) react in the flame zone (e.g., at the flare tip) to destroy the VOCs

VOC 98% 59%



Ratio Dimensions	High Efficiency	Medium Efficiency	Low Efficiency
Height of inlet, H/D	≤0.44	>0.44 and <0.8	≥0.8
Width of inlet, W/D	≤0.2	>0.2 and <0.375	≥0.375
Diameter of gas exit, D <sub>e</sub> /D	≤0.4	>0.4 and <0.75	≥0.75
Length of vortex finder, S/D	≤0.5	>0.5 and <0.875	≥0.875

If one or more of the “ratio dimensions,” as listed in table 1, are in a different efficiency category (high, medium, low), then the lowest efficiency category shall be applied.

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

Subp. 4. Contents of hood evaluation form. The hood evaluation form required in subpart 1 shall include:

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## Proposed Rules

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- A. hood dimensions recommended by the manual;
- B. design capture velocity and justification for use of this velocity and a list of the manual pages relied on;
- C. minimum recommended air flow into hood;
- D. recommended hood face velocity or slot velocity, and, if applicable, plenum and duct velocity;
- E. capture velocity test plan; and
- F. actual values of design parameters listed in items A to D, as well a fan rotation speed or fan power draw as determined through testing.

### **7011.0075 LISTED CONTROL EQUIPMENT GENERAL REQUIREMENTS.**

Subpart 1. **Operation of control equipment.** The owner or operator of a stationary source shall operate all listed control equipment located at the stationary source whenever operating the emission units controlled by the listed control equipment in compliance with parts 7011.0060 to 7011.0080. Unless specifically allowed by a part 70, state, or general permit, each piece of listed control equipment, with the exception of low-temperature fabric filters (ID #018) using visible emissions as the monitoring parameter under part 7011.0080, shall at all times be operated in the range established by the control equipment manufacturer's specifications for each monitoring parameter listed in part 7011.0080, or within the operating parameters set by the commissioner as the result of the most recent performance test conducted to determine control efficiency under parts 7017.2001 to 7017.2060 if those are more restrictive.

The owner or operator with fabric filters (ID #016, #017, #018) using pressure drop as the monitoring parameter under part 7011.0080 and applying for a registration permit, may request an alternative range to the control equipment manufacturer's specifications, if the proposed range is based on two years of compliant monitoring data supplied with the request. The proposed operating range shall be deemed acceptable unless the owner or operator is notified otherwise in writing within 30 days of receipt by the commissioner. The commissioner shall deny a request for an alternative monitoring parameter range if the commissioner finds that:

- A. an owner or operator has failed to disclose fully all facts relevant to the proposed monitoring parameter range of the control device or the owner or operator has knowingly submitted false or misleading information to the agency;
- B. operation of the control device in the monitoring parameter range proposed by the owner or operator would result in non-compliance with applicable requirements, endanger human health or the environment, or subject the stationary source to different applicable requirements or requirements under chapter 7007; or
- C. the proposed range is not supported by the data supplied with the request.

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

Subp. 5. **Deviation of listed control equipment from operating specifications.** The owner or operator of a stationary source shall report to the commissioner in accordance with the deadlines in part 7007.0800, subpart 6, item A, subitem (2), any recorded reading outside the specification or range of specification allowed by subpart 1 of any monitored operating parameter required by part 7011.0080, except that owners or operators with a registration permit option D to which parts 7011.0060 to 7011.0080 apply shall make this report only if a deviation occurred in the reporting period. Owners or operators of low-temperature fabric control equipment (ID #018) using visible emissions as the monitoring parameter under part 7011.0080 shall report any visible emissions observed from the control equipment as a deviation.

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

### **7011.0080 MONITORING AND RECORDKEEPING FOR LISTED CONTROL EQUIPMENT.**

The owner and operator of a stationary source shall comply with the monitoring and recordkeeping required for listed control equipment by the table in this part. The owner or operator shall maintain the records required by this part for a minimum of five years from the date the record was made. For hoods, the owner shall maintain at the stationary source the evaluation of each hood required in part 7011.0070, as well as a ~~monthly~~ yearly record of the fan rotation speed, fan power draw, or face velocity of each hood, or other comparable air flow indication method.

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EPA Identifi- cation Number(s)	Pollution Control Equipment Type	Monitoring Parameter(s)	Recordkeeping Requirement
007, 008, 009, 076, 077	Centrifugal collector (cyclone)	Pressure drop	Record pressure drop every 24 hours if in operation
011A, 011B, 012A, 012B	Electrostatic precipitator	<del>Primary and secondary voltage; primary and secondary current; sparking rate;</del> and Number of fields on-line	<del>Record each parameter every 24 hours if in operation</del> <u>Record the minimum number of fields on line for every 24-hour time block, if in operation</u>
016, <u>017</u>	Fabric filter (bag house), <u>high temperature (T&gt;250°F), medium temperature (180°F&gt; T&gt;250°F)</u>	Pressure drop	Record pressure drop every 24 hours if in operation
<u>018</u>	Fabric filter (bag house), <u>low temperature (T&gt;180°F)</u>	<u>Pressure drop or visible emissions observation from filter outlet during an entire cleaning cycle; unless the commissioner specifies pressure drop and/or visible emissions as the indicator(s) of fabric filter performance</u>	<u>Record pressure drop every 24 hours if in operation; or Record whether any visible emissions are observed and the time period of observation every 24 hours if in operation; or record both if the commissioner requires monitoring of both parameters</u>

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## Proposed Rules

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052	Spray tower	Liquid flow rate and pressure drop	Record each parameter every 24 hours if in operation
053, 055	Venturi scrubber, impingement plate scrubber	Pressure drop and liquid flow rate	Record each parameter every 24 hours if in operation
058A, 058B	HEPA and other wall filters	Condition of the filters, including, but not limited to, alignment, saturation, and tears and holes	Record of filter(s) condition every 24 hours if in operation
085	Wet cyclone separator	Pressure drop; and water pressure	Record each parameter every 24 hours if in operation
019	Thermal incinerator	Combustion temperature or inlet and outlet temperatures	Continuous hard copy readout of temperatures or manual readings every 15 minutes
019	Catalytic incinerator	Inlet and outlet temperatures; and catalyst bed reactivity as per manufacturer's specifications	Continuous hard copy readout of temperatures or manual readings every 15 minutes; and results of catalyst bed reactivity
023	Flaring	Temperature indicating presence of a flame	Continuous hard copy readout of temperatures or manual readings every 15 minutes

### 7011.0120 OPACITY STANDARD ADJUSTMENT.

Subpart 1. **Application for permit modification.** An owner or operator of an emission facility may file an application for a permit modification under ~~parts 7005.0200 to 7005.0280~~ chapter 7007 for adjustment of the opacity standard applicable to an emissions unit. In addition to the items required under ~~parts 7005.0200 to 7005.0280~~ chapter 7007, the application must contain data that demonstrates that:

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

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



**7011.0900 DEFINITIONS.**

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

Subp. 5. **New hot mix asphalt plant.** “New hot mix asphalt plant” means a hot mix asphalt plant that commences construction, modification, or reconstruction, as defined in *Code of Federal Regulations*, title 40, section 60.2, after June 11, 1973, and includes all hot mix asphalt plants subject to the new source performance standards incorporated by reference in part 7011.0909.

**7011.1005 STANDARDS OF PERFORMANCE FOR DRY BULK AGRICULTURAL COMMODITY FACILITIES.**

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

Subp. 2. **Federal requirements.** The owner, operator, or other person who conducts activities at a grain terminal elevator or grain storage elevator, of which construction, modification, or reconstruction commenced, as defined in *Code of Federal Regulations*, title 40, section 60.2, after August 3, 1978, shall meet the requirements of *Code of Federal Regulations*, title 40, part 60, subpart DD, as amended, entitled “Standards of Performance for Grain Elevators,” which is adopted and incorporated by reference, except that decisions made by the administrator under *Code of Federal Regulations*, title 40, section 60.302(d)(3), are not delegated to the commissioner and must be made by the administrator.

Subp. 3. **Prohibited discharges.** A commodity facility that is not required to be controlled under subpart 2 must be controlled if the facility meets one of the descriptions listed in part 7011.1015 where the table indicates “control required.” For a facility where control is required under this section, no owner, operator, or other person who conducts activities at the facility may allow:

A. a discharge of fugitive emissions that exhibit greater than five percent opacity from a truck unloading station, railcar unloading station, railcar loading station, or handling operation;

B. a discharge of fugitive emissions that exhibit greater than ten percent opacity from a truck loading station;

C. a discharge of fugitive emissions that exhibit greater than 20 percent opacity from a ship or barge loading or unloading station, except that during trimming or topping-off, when normal loading procedures cannot be used, no opacity standard applies; ~~and~~

D. a discharge of particulate matter from control equipment ~~that exceeds the limits set forth in part 7011.0735 or that exhibits greater than ten percent opacity; except that facilities constructed prior to January 1, 1984, with an annual commodity throughput of more than 180,000 tons and located in an unincorporated area or in a city with a population of less than 7,500, outside the Minneapolis-Saint Paul Air Quality Control Region, is in compliance if the control equipment has a collection efficiency of not less than 85 percent by weight; and~~

E. ~~a discharge of particulate matter from control equipment that has a collection efficiency of less than 80 percent by weight.~~

Subp. 4. **Capture systems and control equipment.** The owner or operator of a commodity facility not required to control emissions under subpart 2 or 3 is not required to install capture systems and control equipment but shall unload, handle, clean, dry, and load commodities to minimize fugitive emissions to a level consistent with RACT. If a capture system is used, the particulate matter must be conveyed through control equipment that has a collection efficiency of not less than ~~85~~ 80 percent by weight.

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

**7011.1500 DEFINITIONS.**

Subpart 1. **Scope.** As used in parts 7011.1500 to 7011.1515 the following words shall have the meanings defined herein.

Subp. 1a. **Commenced.** “Commenced” has the meaning given in *Code of Federal Regulations*, title 40, section 60.2.

[For text of subs 2 to 14, see M.R.]

**7011.3500 DEFINITIONS.**

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

Subp. 3. **Existing landfill.** “Existing landfill” means a landfill that has accepted waste for disposal at any time since November 8, 1987, or has additional solid waste capacity available for future waste disposal, and for which construction, reconstruction, or modification was commenced, as defined in *Code of Federal Regulations*, title 40, section 60.2, before May 30, 1991.

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

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## Proposed Rules

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Subp. 5. [See repealer.]

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

### 7011.3505 STANDARDS OF PERFORMANCE FOR EXISTING MUNICIPAL SOLID WASTE LANDFILLS.

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

Subp. 4. **Reporting requirements.** The owner or operator of a landfill shall submit the reports required by *Code of Federal Regulations*, title 40, sections 60.752(a), 60.757(a)(1), 60.757(a)(3), and 60.757(b)(1)(i), on the following schedule.

A. The owner or operator of an active landfill, and the owner or operator of a closed existing landfill with a solid waste capacity greater than or equal to 2.5 million megagrams, ~~or~~ and 2.5 million cubic meters, shall submit an initial solid waste capacity report no later than the submittal of the next annual report required by part 7035.2585.

B. The owner or operator of an active landfill that proposes to increase the total solid waste capacity to greater than or equal to 2.5 million megagrams, ~~or~~ and 2.5 million cubic meters, shall submit an amended solid waste capacity report no later than the submittal of the solid waste management facility permit application that proposes an increase in permitted capacity.

C. The owner or operator of a landfill that must submit an NMOC emission rate report to comply with *Code of Federal Regulations*, title 40, section 60.757(b), shall submit the initial NMOC emission rate report no later than the submittal of the next annual report required by part 7035.2585 or the submittal of the solid waste management facility permit application that proposes an increase in permitted capacity, whichever occurs earlier.

Subp. 5. **Compliance times for equipment installation.** Each owner or operator of an existing landfill with a design capacity greater than or equal to 2.5 million megagrams, ~~or~~ and 2.5 million cubic meters, and with an NMOC emission rate of 50 megagrams per year or more, shall complete installation of gas collection and control equipment capable of meeting the conditions provided in *Code of Federal Regulations*, title 40, section 60.752(b)(2)(ii), within 30 months after January 28, 1997. The owner or operator of an existing landfill with a design capacity greater than or equal to 2.5 million megagrams, ~~or~~ and 2.5 million cubic meters, and an NMOC emission rate less than 50 megagrams per year on January 28, 1997, shall comply with this part within 30 months of the date of the first NMOC emission rate that equals or exceeds 50 megagrams per year.

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

### 7019.1000 NOTIFICATIONS OF DEVIATIONS WHICH ENDANGER HUMAN HEALTH OR THE ENVIRONMENT; SHUTDOWNS AND BREAKDOWNS.

Subpart 1. **Notification of deviations which endanger human health or the environment.** The owner or operator of an emission facility, in the event of any deviation, as defined in part 7007.0100, subpart 8a, which could endanger human health or the environment, shall notify, orally or ~~in writing by facsimile~~, the commissioner or the state duty officer ~~as soon as possible~~ immediately after discovery of the deviation ~~or immediately after when the deviation reasonably should have been discovered by the owner or operator~~. Within two working days of the discovery, the owner or operator shall submit to the commissioner a written description of the deviation stating:

- A. the cause of the deviation;
- B. the exact dates of the period of the deviation, if the deviation has been corrected;
- C. whether or not the deviation has been corrected;
- D. the anticipated time by which the deviation is expected to be corrected, if not yet corrected; and
- E. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the deviation.

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

Subp. 6. **Definitions.** "Applicable requirement" has the meaning given in part 7007.0100, subpart 7. "Compliance document" has the meaning given in part 7017.2005, subpart 2. "Immediately" means as soon as possible considering plant and personnel safety.

[For text of subp 7, see M.R.]

### 7025.0210 DEFINITIONS.

[For text of subs 1 to 11, see M.R.]

Subp. 12. **Owner.** "Owner" means a person, organization, corporation, or governmental or political entity, and its employees, to whom a steel structure belongs and who performs paint removal from the structure or who contracts for its removal; ~~or the representative of the owner who performs identification of lead in paint or notification.~~

[For text of subs 13 to 16, see M.R.]

Subp. 16a. **Representative of the owner.** "Representative of the owner" means any person, organization, corporation, contractor, or other entity and its employees, who performs or exercises control over any portion of a project subject to the provisions of

parts 7025.0200 to 7025.0380. This includes, but is not limited to, project design and specifications, identification and testing of paint, project notifications, and project oversight or supervision.

[For text of subps 17 to 20, see M.R.]

**Subp. 20a. Water body.** “Water body” means any river, stream, lake, pond, marsh, watercourse, waterway, spring, reservoir, drainage ditch, and any other body of surface water that is contained within, flows through, or borders on the state.

[For text of subps 21 to 24, see M.R.]

### **7025.0230 IDENTIFICATION OF LEAD IN PAINT.**

**Subpart 1. Testing required.** An owner, or representative of the owner, shall test a coating for total lead concentration, using the methods required by this part, before the owner or contractor removes the coating from the exterior of a steel structure, except as provided in subpart 2, items A and C, unless removal is to be conducted inside a building. The owner of a steel structure shall retain paint test records for a minimum of three years.

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

**Subp. 3. Calculation of lead concentration.** Where samples are analyzed from different parts of one structure, the calculation of lead concentration for the structure is the sum of the following product for each of the samples:

$$\begin{array}{r} \text{surface area of part represented} \\ \text{by sample as a percent of total} \\ \text{surface area of structure} \end{array} \quad \times \quad \begin{array}{r} \text{Pb concentration of} \\ \text{sample (\% or mg/cm}^2\text{)} \end{array}$$

such that:

$$(\text{area}_A \times \text{Pb}_A) + (\text{area}_B \times \text{Pb}_B) + \dots +$$

$$(\text{area}_N \times \text{Pb}_N) = \text{lead concentration (\% or mg/cm}^2\text{)}$$

where “A,” “B,” “N” are sample areas; “area” is the surface area of the part of the structure expressed in whole percent of total surface area, so that the sum of all surface areas is equal to 100 percent; and “Pb” is the concentration of total lead expressed in percent as a decimal or the weight of lead per surface area expressed in mg/cm<sup>2</sup> divided by 100.

### **7025.0240 NOTIFICATION.**

**Subpart 1. Notice required.** The owner, or representative of the owner, of a steel structure or the owner, or representative of the owner, of a painting facility shall provide notice as described in items A and B at least ten working days before the start of removal of lead paint from a total exterior surface area greater than 500 square feet on one steel structure or on more than one steel structure at one location during one calendar year. Stationary painting facilities that have applied for an MPCA air quality permit as required by chapter 7007, permits and offsets rules, because of whose only emissions only are due to paint removal and repainting operations, are exempt from notification.

A. The owner, or representative of the owner, must give written notice as required in subpart 2 to the adult residents of buildings, and to the owner or administrator of any child care or school buildings, within a distance to a single steel structure of 50 feet or twice the height of the structure, whichever is greater, but not to exceed 500 feet. Notification is required within 200 feet of a bridge portion. For multiple storage structures at one location, this distance is equal to the sum of the heights of individual structures from which lead paint is removed during one year, not to exceed 200 feet. The owner, or representative of the owner, must mail or deliver the notice to the owner or administrator of a child care or school building. The owner, or representative of the owner, must mail, deliver, or put on or under the door of each residence one notice for each single-family building and one notice for each unit of a multiunit building.

If the owner, or representative of the owner, postpones the beginning of paint removal more than five working days from the date stated in the written notices required by this subpart, the owner, or representative of the owner, shall redistribute each of the notices with the revised schedule for paint removal within five working days of the original starting date.

B. The owner, or representative of the owner, must mail, facsimile, or deliver written notice to the commissioner as required in subpart 3. Any corrections to the information provided in the notice shall be made in writing and received by the commissioner no later than the date the change is initiated. However, a change of the project starting date to an earlier starting date requires advance notification of ten working days.

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If the owner, or ~~contractor~~ representative of the owner, postpones the beginning of paint removal ~~more than five working days~~ from the date stated in the original written ~~notices required by this subpart, the owner shall, within those five days, redistribute each of the notices with the revised schedule for paint removal.~~ notice, the commissioner must be renotified before the original starting date of paint removal by a supplemental notice with the revised schedule. The owner, or representative of the owner, shall mail, facsimile, or deliver amended notifications to the commissioner.

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

Subp. 3. **Contents of notice to commissioner.** The notice required in subpart 1, item B, shall include:

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

G. a copy of the notice given to the adult residents and to the owner or administrator in subparts 1 and 2, with a list of addresses, within the distance required by subpart 1, that received notification;

H. the paint removal methods and the containment methods the owner or contractor ~~intends to will~~ use to comply with parts 7025.0260 to 7025.0300, 7025.0320 to 7025.0350, and 7025.0360 to 7025.0370;

[For text of items I and J, see M.R.]

~~Any corrections to the information provided in the notice shall be made in writing by a supplemental notice that the owner shall mail, facsimile, or deliver to the commissioner.~~

### 7025.0310 CLASSIFICATION OF STORAGE STRUCTURES.

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

Subp. 2. **Class of pollution control.** The class of pollution control necessary for lead paint removal from the storage structure is provided by the table in subpart 3. The class of pollution control is determined by the designated use of receptor properties, the distance to receptor properties, and a factor of potential risk for paint removal from the structure, where:

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

C. "Risk factor (RF)" is the calculation of potential risk for the steel structure and the values in the table in subpart 3 are the standards of risk factor for the designated properties.

Risk factor (RF) is the product of three variables:

(1) concentration of total lead in the exterior coatings of the steel structure, expressed in whole percent (%) as a decimal or the weight of lead per surface area expressed in  $\text{mg}/\text{cm}^2$  ~~divided by 100~~;

(a) for structures less than 15 feet in height, the concentration or weight is divided by one;

(b) for structures 15 feet or more, but less than 50 feet in height, the concentration or weight is divided by ten; and

(c) for structures 50 feet or more in height, the concentration or weight is divided by 100;

[For text of subitems (2) and (3), see M.R.]

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

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**Subp. 3. Table of required class of pollution control.**

	Receptor Property		
	Residential, Child Care, Playground, or School Property (A)		
Risk Factor (RF)	$\leq \leq 100$	$\geq 100$	$\geq 100$
	and	or	and
Distance (ft)	$\geq \geq 300$	$\leq 300$	$\leq 300$
Class	I	II	III
	Protected Natural Area, or Public Use Area, or Commercial Property (B)		
Risk Factor (RF)	$\leq \leq 200$	$\geq 200$	$\geq 200$
	and	or	and
Distance (ft)	$\geq \geq 200$	$\leq 200$	$\leq 200$
Class	I	II	III
	Industrial or Agricultural Property (C)		
Risk Factor (RF)	$\leq \leq 300$	$\geq 300$	$\geq 300$
	and	or	and
Distance (ft)	$\geq \geq 100$	$\leq 100$	$\leq 100$
Class	I	II	III

**7025.0340 CLASS II STORAGE STRUCTURE.**

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

Subp. 2. **Wet abrasive blasting.** If wet abrasive blasting is used to remove lead paint, the owner or contractor shall use the methods required in part 7025.0330, subparts 2 to 6, except curtains used must be rated by the manufacturer at not less than 85 percent impermeable. The owner or contractor shall use an amount of water such that dispersal of particulate matter is suppressed without loss of waste material from the ground cover by runoff.

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

Subp. 4. **Dry abrasive blasting within total enclosure.** If dry abrasive blasting within a total enclosure is used to remove lead paint, the owner or contractor shall use the methods required in part 7025.0330, subparts 2 to 6, except that the owner or contractor shall totally enclose the structure with ~~material rated by the manufacturer at not less than 100 percent~~ impermeable materials during lead paint removal from all parts of the steel structure, including the top surfaces.

**REPEALER.** Minnesota Rules, parts 7005.0100, subpart 4a; 7007.0100, subpart 28; 7011.0800; 7011.0805; 7011.0815; 7011.0820; 7011.0825; and 7011.3500, subpart 5, are repealed.

**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.

## 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 Marriage and Family Therapy

### Adopted Permanent Rules Relating to Licensing Requirements

The rules proposed and published at *State Register*, Volume 23, Number 4, pages 234-244, July 27, 1998 (23 SR 234), are adopted with the following modifications:

#### 5300.0100 DEFINITIONS.

Subp. 13. **Sexual contact.** "Sexual contact" means any of the following, whether or not occurring with the consent of a person with whom such conduct is prohibited by law or rule ~~specifically because the person is a licensee or applicant for licensure:~~

#### 5300.0250 RECIPROCITY.

Subpart 1. **Other states or countries recognized.** The board shall issue a marriage and family therapist license to an individual who holds a current license as a marriage and family therapist from another state or country if the board determines that the standards for licensure in effect when the individual was licensed in the other state or country are at least equivalent to or exceed the current requirements for licensure in Minnesota. If an applicant for licensure by reciprocity was licensed in another state or country without passing the written examination specified in part 5300.0240, subpart 3, but meets all other Minnesota requirements, the applicant may submit an application for licensure by reciprocity after passing the examination according to part 5300.0240, subpart 6. All applicants for licensure by reciprocity must pass the ~~oral state~~ examination specified in part 5300.0240, subpart 4.

#### 5300.0360 FEES.

The following fees in items A to K are nonrefundable and must be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, University Park Plaza Building, 2829 University Avenue SE, Suite 330, Minneapolis, MN 55414-3222:

B. written examination fee, ~~determined by the examination supplier not to exceed \$250;~~

F. annual renewal of license fee ~~not to exceed \$150 with the fee determined annually by the board at its regular June meeting, \$115;~~

J. penalty fee, \$75; ~~and~~

K. duplicate license fee, \$25; ~~and~~

~~L. annual emeritus license fee, \$30.~~

The written examination fee in item B will be determined by the professional examination service approved by the Association for Marriage and Family Therapy Regulatory Boards administering the examination.

The initial license fee in item D will be prorated accordingly, depending on the month in which the applicant is approved for licensure.

## Minnesota Racing Commission

### Adopted Permanent Rules Governing Pari-mutuel Betting on Horse Racing

The rules proposed and published at *State Register*, Volume 23, Number 17, pages 877-882, October 26, 1998 (23 SR 877), are adopted as proposed.

## Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* §§ 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

## Department of Labor and Industry

### Adopted Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference

The rules proposed and published at *State Register*, Volume 23, Number 19, pages 1188-1189, November 9, 1998 (23 SR 1188), are adopted as proposed.

## Department of Labor and Industry

### Occupational Safety and Health Division

### Correction to Proposed Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference

The Monday, November 9 issue of the *State Register*, Vol. 23, Number 19, pg. 1188, contained a typographical error in the Proposal Notice for the Department of Labor and Industry, Proposed Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference. In paragraph (A) under Summary of Changes, the reference to 1926.1001 should have read 1926.1101.

**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.

## 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 State Agricultural Society

### Minnesota State Fair

#### Meeting Notice

The 140th annual meeting of the Minnesota State Agricultural Society, governing body of the State Fair, will be held January 15, 16 and 17 at the Radisson South Hotel in Bloomington. The society's general business session is scheduled for 8 a.m. Sunday January 17 at the Radisson South, followed by a meeting of the society's board of managers.

Complete programs of all scheduled events will be available at the hotel.

## Department of Agriculture

### Agronomy & Plant Protection Services Division

#### Notice of Date Change of Minnesota Agricultural Response Compensation Board Meeting

Notice of date change for the Minnesota Agricultural Chemical Response Compensation Board (ACRRA Board) meeting scheduled for January 20, 1999. The re-scheduled ACRRA Board meeting will convene on January 25, 1997, at 9:00 a.m. This meeting will be held at Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota (Conference Room - 1).

Should you require additional information, please call the ACRRA Program at (651) 297-3490.

## Department of Finance

### Cash and Debt Management Division

#### Notice of Available Tax Exempt Bonding Authority

**NOTICE IS HEREBY GIVEN** pursuant to *Minnesota Statute* 474A.14 that on January 1, 1999 the total sum of \$236,270,000 of tax exempt bonding authority was available for calendar year 1999. Of this amount, \$64,193,000 was available for the Small Issue Pool; \$60,117,000 was available for the Housing Pool; \$10,699,000 was available for the Public Facilities Pool; and \$101,261,000 was available for entitlement issuers.

Available tax exempt bonding authority for entitlement issuers in 1999 consists of \$16,048,000 for the City of Saint Paul; \$21,398,000 for the City of Minneapolis; \$53,116,000 for the Minnesota Housing Finance Agency; and \$10,699,000 for Dakota County. For further information please contact Mr. Lee Mehrkens at (651) 296-1700.

Wayne Simoneau  
Commissioner



## Department of Health

### Family and Provider Compliance

#### Interagency Long Term Care Planning Committee

#### Request for Nominations for Advisory Review Panel

The Interagency Long Term Care Planning Committee (INTERCOM) is requesting nominations to the Advisory Review Panel for reviewing proposals for exceptions to the Nursing Home Moratorium Law (*Minnesota Statutes*, section 144A.071). The Advisory Review Panel consists of five members: two representatives from organizations that represent consumers of nursing home services; two representatives from organizations representing providers of nursing home services; and one who has a background in long-term care and either accounting, engineering, building construction, or design. An advisory review panel member may serve two consecutive terms. A term on the advisory review panel begins the first working day after the vote of the INTERCOM appointing a person to the panel.

Three of the positions on the panel are for three-year terms - one represents consumers of nursing home services, one represents providers of nursing home services, and one position is that with a background in long term care and either accounting, engineering, building construction, or design. These terms expired in December 1998.

A member of the advisory review panel must be nominated. Anyone can nominate an advisory review panel member. A nomination must be written, must state the name and address of the nominee, must include a description of the nominee's professional experience and training, and must state the position for which the person is being nominated. Questions may be directed to Maggie Friend, (651) 215-8726, or Mary Cahill, (651) 215-8725, at Minnesota Department of Health, Facility and Provider Compliance Division, P.O. Box 64900, St. Paul, Minnesota 55164-0900.

Nominations must be received no later than 4:00 p.m., Friday, January 29, 1999 by:

Linda Sutherland  
INTERCOM  
85 East Seventh Place  
P.O. Box 64900  
St. Paul, MN 55164-0900

## Pollution Control Agency

### Policy and Planning Division

#### Public Notice and Opportunity to Comment on Proposed Revisions to Minnesota's State Plan Governing Landfill Gas Emissions from Existing Municipal Solid Waste Landfills

**NOTICE IS HEREBY GIVEN**, that the Minnesota Pollution Control Agency (MPCA) intends to revise its State Plan to control landfill gas emissions from existing landfills by incorporating new rule amendments governing landfill gas emissions from existing municipal solid waste landfills. The rule amendments are proposed for adoption in this *State Register* as part of the notice entitled "NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING: Proposed Miscellaneous Amendments to Air Quality Rules, chapters 7005 (Definitions), 7007 (Permits), 7009 (Ambient Air Quality Standards), 7011 (Standards of Performance for Stationary Sources), 7019 (Reporting) and 7025 (Lead Paint Removal)". The landfill gas emissions rules are in Chapter 7011 (Standards of Performance for Stationary Sources).

The MPCA intends to submit the revised State Plan to the U.S. Environmental Protection Agency (EPA), in accordance with the *Code of Federal Regulations* at 40 CFR pt. 60, subp. B. The revised State Plan contains the rule amendments, upon adoption, and proof of public participation.

You have 30 days to submit written comments on the amended State Plan. Comments should be restricted to the amended State Plan. Opportunity to comment on the rule amendments governing municipal solid waste landfills is provided in the *State Register* notice mentioned above.

## Official Notices

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**MPCA Contact Person:** Written comments on the amended State Plan must be received by the MPCA by 4:30 p.m., Wednesday, February 10, 1999, and should be submitted to the MPCA contact person as follows: If interested persons wish to receive a copy of the amended State Plan or have comments or questions on the amended State Plan contact:

Margaret McCourtney  
Modeling & Standards  
Environmental Outcomes Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194  
1-800-657-3843 (MN Toll Free)  
Telephone: (651) 297-7894 FAX: (651) 297-7709  
E-mail: [margaret.mccourtney@pca.state.mn.us](mailto:margaret.mccourtney@pca.state.mn.us)

**Request for Meeting on State Plan:** During the 30-day public comment period, you may submit a written request that a public meeting be held on the revised State Plan to control landfill gas emissions from existing municipal solid waste landfills. Your request for a public meeting must be received by the MPCA contact person identified above by 4:30 p.m. Wednesday, February 10, 1999. A public meeting on the State Plan submittal will be held if anyone requests a meeting during the public comment period.

**Submittal of State Plan to EPA:** If no public meeting is requested on the amended State Plan to control landfill gas emissions from existing municipal solid waste landfills in Minnesota, the State Plan will be submitted to the EPA upon adoption of the rule amendments governing landfill gas emissions from existing municipal solid waste landfills.

Peder A. Larson  
Commissioner

## Public Employees Retirement Association (PERA)

### Notice of Meeting of the Board of Trustees

The regular meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, January 14, 1999, at 9:30 a.m., in the PERA offices, 514 St. Peter Street, Suite 200 - Skyway Level, Saint Paul, Minnesota.

## Public Utilities Commission

### Request for Comments on Planned Repeal of Rules Governing Contracts or Agreements Between a Public Energy Utility and an Affiliated Interest, *Minnesota Rules*, Part 7825.2100

**Subject of Rules.** The Minnesota Public Utilities Commission requests comments on its planned repeal of rules governing contracts or agreements between a public energy utility and an affiliated interest, *Minnesota Rules*, Part 7825.2100, in Docket No. E,G-999/R-98-1307. The Commission is considering repealing its rule that requires public energy utilities to receive a Commission order before entering into contracts or agreements with an affiliated interest, as follows:

#### **7825.2100 COMMISSION APPROVAL OF CONTRACT MODIFICATIONS.**

A public utility, prior to entering into a contract or agreement, or making any modifications or revisions to existing contracts or agreements with an affiliated interest, where the total consideration for such contract agreement is in excess of \$10,000 or five percent of the capital equity of the utility, whichever is less, shall petition for and receive approval from the commission by formal written order.

Contracts or agreements requiring commission approval which are entered into after January 1, 1975, without commission approval shall be null and void. Upon determining a contract or agreement null and void, the commission may require any consideration received by the affiliated interest for such contract or agreement to be remitted to the public utility.

Information presented to the department shall be verified under oath by the president, a vice-president, or secretary of the reporting public utility, and is effective as of the date of verification.

Public energy utilities would remain subject to *Minnesota Statutes*, section 216B.48, which generally invalidates contracts or agreements between public energy utilities and affiliate interests unless the Commission approves the contract or arrangement. The Commission addressed the procedures for an energy utility to obtain Commission approval of a contract or agreement with an affiliate interest in *In the Matter of a Commission Investigation into Procedures for Reviewing Public Utility Affiliated Interest*

*Contracts and Arrangements*, Docket No. E,G-999/CI-98-651, ORDER INITIATING REPEAL OF RULE, GRANTING GENERIC VARIANCE, AND CLARIFYING INTERNAL OPERATING PROCEDURES (September 14, 1998).

**Persons Affected.** The repeal of this rules would likely affect public energy utilities and their affiliates, as well as their customers and competitors. The Commission will establish a list of persons who wish to receive notices pertaining to this rulemaking.

**Statutory Authority.** *Minnesota Statutes*, section 216A.05, grants the Commission the authority to prescribe rules with respect to the control and conduct of the businesses coming within its jurisdiction. Section 216B.08 grants the Commission the authority to make rules in furtherance of the purposes of its authorizing statutes. Section 216B.09 grants the Commission the authority to fix rules with respect to a public energy utility's services. Section 216B.48 gives the Commission jurisdiction over the relationship between a public energy utility and its affiliate interests.

**Public Comment.** The Commission invites interested persons or groups to submit comments or information on these planned rules in writing or orally until 4:30 p.m. on February 11, 1999. Interested persons or groups may also request to be included on the Commission's list of persons who wish to receive notices pertaining to this rulemaking.

**Agency Contact Person.** Written or oral comments, requests for copies of the Commission's September 14, 1998 Order, or questions and requests for more information on this planned rulemaking should be addressed to Eric Witte, Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, Minnesota 55101-2147, (voice) (651) 296-7814, (FAX) (651) 297-7073. **All communications in this matter should include a reference to Docket No. E,G-999/R-98-1307.**


Burl W. Haar  
Executive Secretary

This Request for Comments can be made available in alternative formats (i.e., large print or audio tape) by calling (651) 297-4596 (voice), (651) 297-1200 (TTY), or (800) 627-3529 (TTY relay service).

## Office of the Secretary of State

### Secretary of State Certifies Chapter 325K - Minnesota Electronic Authentication Act - Effective

The secretary of state certifies that rules have been adopted that permit the use of the provisions of the Minnesota Electronic Authentication Act, *Minnesota Statutes*, chapter 325K. The secretary of state will be ready to begin licensing certification authorities after January 15, 1999.



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## Professional, Technical & Consulting Contracts

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

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

## Department of Commerce

### Enforcement and Licensing Division

#### Notice of Request of Proposals for Notary Public Commission Renewal Processing

The Department of Commerce, Enforcement and Licensing Division is soliciting proposals from individuals and organizations qualified to process the renewal of approximately 100,000 Notary Public commissions pursuant to *Minnesota Statutes* Chapter 359. Services to be performed include mailing post cards to all Notaries Public in Minnesota, receiving completed commission renewals from Notaries Public, receiving and accounting for accompanying renewal fees, and mailing renewed commissions. The term of the contract is May 1, 1999 through February 1, 2000.

This request does not obligate the STATE to complete the work contemplated in this request and the STATE reserves the right to cancel this solicitation if it is considered in its best interest.

To request a complete copy of this Request for Proposal, please mail or fax your request to

Julie Kosmolski  
Licensing Director  
Minnesota Department of Commerce  
133 East Seventh Street  
St. Paul, Minnesota 55101  
FAX (651) 296-2866

Proposals must be received at the Minnesota Department of Commerce by 4:00 p.m. Central Time on February 16, 1999. Late proposals will not be considered.

## Department of Employee Relations

### Request for Proposals (RFP) for Managed Behavioral Health Services

The Minnesota Department of Employee Relations (DOER) administers the State Employee Group Insurance Program (SEGIP), which arranges health care benefits on behalf of State and University of Minnesota eligibles — a total of more than 150,000 covered lives. We are currently exploring possible modifications in our current health plan-based managed competition health care purchasing model, as well as an alternative model of health care delivery through primary care-centered health systems known as care systems.

This RFP is seeking proposals from qualified organizations to provide managed behavioral health services in the event that the SEGIP changes its purchasing model to one which utilizes care systems rather than healthplans.

The vendor will make available comprehensive managed behavioral health services to all State employees and other eligibles. The services will be at least equivalent to those required under State law and rule for HMOs, including State benefit mandates, and may be further modified as a result of collective bargaining agreements between the state and the bargaining units representing State workers. The vendor should have capabilities for administering behavioral health services on a carve-out basis, including claims adjudication, member materials and member services, data reporting, and other administrative responsibilities. The vendor should have the capability to work effectively with a broad range of care systems, one or more administrators responsible for care system claims adjudication and other services, and other potential carve-out vendors, including a Pharmacy Benefits Manager, a data warehouse, and a vendor for managed chiropractic services.

A responders' conference is scheduled for 1:30-3:30 p.m. on Wednesday, January 27, 1999, at the following address:

Room 302  
Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155.

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## Professional, Technical & Consulting Contracts

The purpose of the conference will be to address questions regarding this RFP. Answers to questions and any additional information from the conference will also be mailed to any party that requests a copy of the RFP. Attendance at the responders' conference is not required in order to submit a response to the RFP.

Copies of the complete RFP may be obtained by contacting Joan Pirri-Rechtzigel at:

Minnesota Department of Employee Relations  
200 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
Tel. (651) 296-2705  
FAX: (651) 296-5445  
E-mail: [joan.pirri-rechtzigel@state.mn.us](mailto:joan.pirri-rechtzigel@state.mn.us)

Please also contact Ms. Pirri-Rechtzigel for reservations and directions to the responders' conference. Reservations are not mandatory but will aid us in planning the conference.

Further questions should be directed only to David K. Haugen at the address below. Contacts with individuals involved in this project other than Mr. Haugen or Ms. Pirri-Rechtzigel are strictly prohibited.

David K. Haugen  
Minnesota Department of Employee Relations  
200 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
Tel. (651) 296-3159  
FAX: (651) 296-5445  
E-mail: [David.Haugen@state.mn.us](mailto:David.Haugen@state.mn.us)

Information regarding this RFP will also be posted to the Minnesota Department of Employee Relations (DOER) internet home-page at: <http://www.doer.state.mn.us>.

Responses to the RFP are due to Mr. Haugen at the above address by 4:00 p.m. Monday, March 15, 1999.

## Higher Education Services Office

### Deadline Extension for Request for Proposals for Developing Curriculum on Higher Education Options

The Higher Education Services Office (HESO) is requesting proposals from qualified professionals for the development of a curriculum on higher education options for elementary and middle school students. A key audience is students of color, low income, or no previous post-secondary education. The curriculum must include interactive features and be tailored for use on the Service Office web page.

Proposals must be submitted by **January 25, 1999**.

The Request for Proposals (RFP) does not obligate the Services Office to complete this project, and the Services Office 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 \$30,000.

Copies of the complete RFP are available from:

Communications  
Minnesota Higher Education Services Office  
1450 Energy Park Drive, Suite 350  
St. Paul, MN 55108-5227  
(651) 642-0554

# Professional, Technical & Consulting Contracts

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## Department of Human Services

### Notice of Request for Proposals for the Acquisition and Implementation of a Collection System for the Collection of Multiple Debts

#### Purpose

The purpose of this Request for Proposal (RFP) is to acquire and implement a Collection System for use by the Reimbursement Division in the collection of multiple debt types owed to the Department of Human Services (DHS), for the State of Minnesota.

#### Background

The DHS Reimbursement Division bills and collects for an array of services and support provided to certain individuals with mental illness, chemical dependency, traumatic brain injuries, developmental disabilities, or in need of nursing facility level of care. The Reimbursement Division is also responsible for the collection of debts owed by businesses such as banks, counties, and other governmental agencies. Many of the collections are based on an "ability to pay" formula, and balances must be adjusted when there is a change in a client's income.

The Reimbursement Division is currently collecting receivables without a collection system. All accounts are worked from billing systems that include no collection functionality, other than aging and minimal tracking.

Collection cases currently exceed 12,000. These cases are managed by seven collection officers and one supervisor. These users are centrally located. The number of users must be expandable to fifty, with some staff requiring view-only capabilities. Some of these users may be located at remote sites. The collection case load volume could double with acquisition of an automated collection system that interfaces with MAPS ARS and other billing systems.

#### Objective

DHS plans to enhance its collection practices by centralizing all work from multiple billing systems into one integrated collection system. The Project DHS intends to implement will lead to the consolidation of its collection efforts, and will be similar to collection systems used by most private sector collection agencies.

DHS is interested in software programs that can be merged with existing infrastructure to enhance receivable management and reportability, and that can better position the department for future trends.

#### Inquiries

The complete Reimbursement Division Collection System RFP may be obtained by contacting Jennifer Hyser at the address or telephone number below. Questions regarding this proposal may be addressed solely and only to:

Ms. Jennifer Hyser  
Department of Human Services  
Reimbursement Division  
444 Lafayette Road  
St. Paul, MN 55155-3824  
Voice: (651) 296-4568  
FAX: (651) 297-3030

Questions are due in writing or by fax on Wednesday, 01/13/99, at 4:00 P.M.

#### Proposals

All proposals must be received by:

Ms. Buffy Lindell  
Department of Human Services  
Reimbursement Division  
c/o Information Desk - First Floor  
444 Lafayette Road  
St. Paul, MN 55155-3824

No later than **4:00 P.M. on Monday, February 1, 1999**. Late proposals and faxed proposals will not be considered. Late proposals received by mail will be returned unopened.

## Department of Human Services

### Notice of Request for Proposals to Acquire and Implement Integrated Pharmacy and Dietary Systems

NOTICE OF THIS RFP WAS PUBLISHED INCORRECTLY ON DECEMBER 28, 1998

#### **Purpose**

The purpose of this Request for Proposal (RFP) is to acquire and implement integrated Pharmacy and Dietary systems (hereafter "Project") for all state operated health care services for the State of Minnesota, Department of Human Services (DHS).

#### **Background**

DHS provides an array of services and support to certain individuals with mental illness, chemical dependency, traumatic brain injuries, developmental disabilities, and in need of nursing facility level of care. These individuals are served through State owned and operated campuses, and through a network of community based facilities. A total of eight inpatient campus facilities with over 160 physicians and 2,000 utilized beds serve over 5,000 admissions annually. The dollar volume generated is currently in excess of \$145 million per year. In addition, another 5,000 clients receive outpatient, group home, day training and habilitation (DT&H), crisis, and other services provided by the network annually. Group homes, DT&H, and crisis services produce additional revenue in excess of \$34 million.

#### **Objective**

DHS plans to enhance its billing practices by moving from an all inclusive per diem rate to an itemized fee for service billing system. To support this move, DHS intends to implement new Dietary and Pharmacy systems. DHS also intends to implement a new clinical system to support this move, and the new Dietary and Pharmacy systems need to interface with this new system.

DHS is interested in obtaining systems that best meet the service requirements and that are most competitively priced. DHS prefers to acquire operationally integrated Dietary and Pharmacy systems from a single vendor, which eliminates the need to develop an interface between these two systems. DHS will entertain responses from vendors who submit proposals solely for a Dietary or Pharmacy system that include a plan for integration.

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

#### **Inquiries**

Questions regarding this proposal may be addressed solely and only to:

Ms. Terry Gailliot  
Department of Human Services  
State Operated Services  
444 Lafayette Road  
St. Paul, MN 55155-3826  
Voice: (651) 282-6203  
FAX: (651) 297-1539

Questions are due in writing or by fax on Friday, 02/05/99 at 3:00 P.M. CST.

#### **Proposals**

All proposals must be received by:

Ms. Terry Gailliot  
Department of Human Services  
State Operated Services Support  
c/o Information Desk - First Floor  
444 Lafayette Road  
St. Paul, MN 55155-3826

no later than **3:00 P.M. CST ON MONDAY, FEBRUARY 22, 1999**. Late proposals and any faxed proposals will not be considered. Late proposals received by mail will be returned unopened to the submitter.

# Professional, Technical & Consulting Contracts

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## Department of Trade and Economic Development

### Minnesota Agricultural and Economic Development Board

#### Request for Proposals for Pricing Agent

##### Request for Proposal

The Minnesota Agricultural and Economic Development Board (the "Board") is requesting proposals for the assistance of a Pricing Agent to assist the Board in establishing and negotiating interest rates with associates and underwriting firms. The Board anticipates issuing additional obligations in the form of taxable and tax-exempt bond issues. Loans and guarantees. The scope of the work to be performed would include, but may not be limited to:

1. Research of recent comparable bond issues.
2. Preparing of pricing negotiation strategies.

##### Background

The Minnesota Agricultural and Economic Development Board (the "Board") was created in 1987 under *Minnesota Statutes*, Chapter 41A, and is the legal successor to the Minnesota Energy and Economic Development Authority. The State of Minnesota Department of Trade and Economic Development provides administrative staff support to the Board. The Board was created to provide financial assistance to qualified businesses in the form of loans, guarantees and other financial obligations including the issuance of tax-exempt or taxable revenue bonds.

##### Program

The Board operates the Minnesota Small Business Development Loan Program (the "Loan Program") which are secured loans to businesses to finance capital expenditures, including land, buildings and other capital improvements. Businesses that qualify for loans are generally small businesses as defined by the United State Small Business Administration (13 *Code of the Federal Regulations* Part 121) and must meet certain qualifications established by rules adopted by the Board. Businesses applying for assistance under the Loan Program are reviewed and evaluated to determine feasibility and financial condition to determine repayment ability of the loans.

Since 1984 the Board has issued over \$70,000,000 in loans and guarantees in connection with the Loan Program for 42 businesses. The Board currently has 21 loans outstanding totaling \$38,885,000. The Board has the capacity to issue an additional \$20,000,000 in loans.

##### General Guarantee Fund

In connection with the Loan Program, a guarantee fund has been created pursuant to the Loan Program requirements. Bonds issued in connection with the Loan Program are entitled to the benefits of the guarantee fund. As of December 1, 1998 the guarantee fund has a balance of approximately \$14,000,000.

##### Additional Information

Copies of the following documents are available upon request:

1. *Minnesota Statutes* 41A.
2. General Bond Resolution.
3. Official Statement dated July 7, 1998.
4. List of Loan Program borrowers.

##### Submission of Proposals

All proposals must be sent to and received by the Contracting Party, who is:

Paul Moe, Executive Director  
Minnesota Agricultural and Economic Development Board  
500 Metro Square  
121 7th Place East  
Saint Paul, MN 55101  
(651) 297-1391

no later than 4:00 p.m. January 29, 1999. Late proposals will not be considered. Submit five (5) copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with Responder's name and address clearly written on the outside. To facilitate proper handling, proposals should be marked with the words "PRICING AGENT" prominently displayed on the outside of the



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## Professional, Technical & Consulting Contracts

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

### Proposal Content:

Proposal should contain the following information:

1. Description of the firm's experience with taxable and tax-exempt transactions.
2. Responder's access to market data.
3. Similar or related engagements.
4. Public Agency or other references.
5. Description of key individuals that will provide services.
6. Proposed fees. Fee proposals should be based on an hourly rate and on a transaction basis. Assume a bond issue of \$2,000,000.
7. Provide the name, address, phone number, and fax number of the contact person for Responder.

### Evaluation and Award

The Board reserves the right to accept or reject any and all proposals, in whole or in part, or to permit cure of minor irregularities and to conduct discussions with all qualified responders in any manner necessary to serve the best interest of the Board. All proposals received will be evaluated for the purpose of selecting the proposal that most closely meets the requirements of the Board. The following areas of consideration will be used in making the selection.

1. Contractor qualifications - This criterion includes the ability of the contractor to meet the terms of the request especially experience in the area of a Pricing Agent or similar function.
2. Professional Personnel - This refers to the competence of professional personnel who would be assigned to the job by the Contractor. Qualification will be measured by education and experience, with particular reference to experience on projects similar to that described in the request.
3. Cost - While this is weighed heavily, it will not normally be the deciding factor in the selection process.

### Public Status

Pursuant to *Minnesota Law*, all proposals submitted in response to the request become property of the State of Minnesota. Such proposals shall also constitute public records and shall be available for viewing and reproduction by any person.

### Project Costs

The Board has estimated that the cost of this project should not exceed \$10,000 per year.

### Project Completion Date

The contract is expected to be for two years with an option of extending for an additional two years.

### 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.

## Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

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

### Dakota County, Minnesota

#### Notice of Intent to Qualify Firms for Transportation Planning, Engineering, and Construction Services

Dakota County intends to qualify firms for professional engineering, construction administration, plan design, traffic engineering, and transportation planning services in 1999 for the following projects:

1. Northern Dakota County Sub Area Transportation Study
2. County State Aid Highway 33 Design
3. County State Aid Highway 50 Design
4. County State Aid Highway 56 Design
5. County State Aid Highway 23 Construction Administration
6. County State Aid Highway 31 Construction Administration

Statement of Qualifications (SOQ) submittal information can be obtained by contacting:

Pat Vinje, Office Specialist at 891-7100.

Deadline for delivery of the SOQ is January 25, 1999 at 4:00 p.m. CST.

### University of Minnesota

#### Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.



# Admin MINNESOTA

117 University Avenue • St. Paul, Minnesota 55155  
Metro Area 651-297-3000  
Toll Free 1-800-657-3757  
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Metro Area 651-282-5077 Greater MN 1-800-657-3706

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