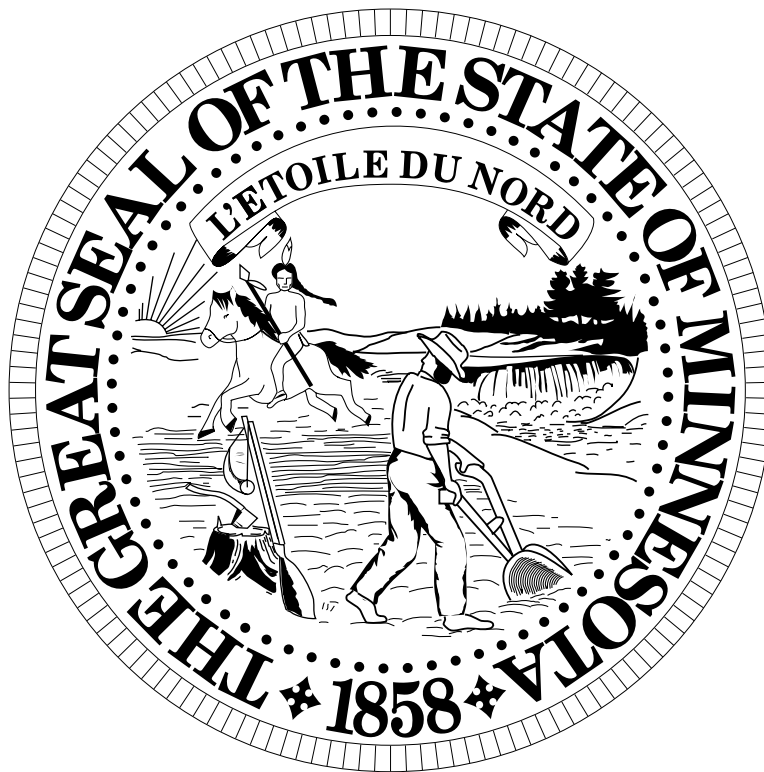


State of Minnesota

State Register

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Monday 20 December 1999

Volume 24, Number 25

Pages 843-926

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, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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Printing Schedule and Submission Deadlines

Vol. 24 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
#25	Monday 20 December	Noon Wednesday 8 December	Noon Tuesday 14 December
#26	Monday 27 December	Noon Wednesday 15 December	Noon Tuesday 21 December
#27	Monday 3 January 2000	Noon Wednesday 22 December	Noon Tuesday 28 December
#28	Monday 10 January 2000	Noon Wednesday 29 December	Noon Tuesday 4 January 2000

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Publication Number: 326630. (ISSN 0146-7751)

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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:

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Room 175 State Office Building, St. Paul, MN 55155

Minnesota Rules: Amendments & Additions

Volume 24, Issues #14-25
(issues #1-13 cumulative appeared in #13)..... 846

Proposed Rules

Pollution Control Agency

Animal feedlots and storage, transportation and
utilization of animal manure 848

Teaching Board

Institution and teacher preparation program approval 885

Adopted Rules

Revenue Department

Lawful gambling taxes; annual audits and review 893

Official Notices

Agriculture Department

Minnesota Rural Finance Authority public hearing on
issuance of agricultural development revenue bonds for:
• 235 acres of bareland in Carimona Township,
Fillmore County 895
• 150 acres of bare farmland and farm improvements in
Hendricks Township, Lincoln County 895
• 95 bred heifers and 45 dairy cows in Belvidere Township
Goodhue County 896
• 68 acres of bare farmland in Midway Township,
Cottonwood County 896

Minnesota Comprehensive Health Association

Meeting of the Enrollee Appeal Committee on Wednesday
29 December 1999 897

Housing Finance Agency

Hearing on issuance of rental housing bonds in the
maximum principal amounts on Thursday,
06 January 1999 897

Human Services Department

Comments sought on the Federal Alcohol and Drug Abuse
Block Grant and availability of a statement describing
the intended use of funds for Federal Fiscal Year 2000 897
CY 2000 Disproportionate Population Adjustment for
Inpatient Hospitals Cost Index: Medical Assistance
Program 898

Teaching Board

Comments sought on planned amendments to rules
governing examinations for teacher licenses 898
Comments sought on planned amendments to rules
governing teacher licensure 899

Transportation Department

Appointment and meeting of State Aid Variance
Committee 913
Petition for variance from State Aid requirements from:
• City of Blaine for bicycle path width and
clear zone 914
• City of Chanhassen for design speed 914
• County of Sherburne for design speed 915
• County of Martin for bridge width 915
• City of East Grand Forks for design speed 916
• City of Minneapolis for street width 916
• City of Bemidji for after-the-fact-plan approval -
construction requirement 917

State Grants & Loans

Administration Department

STAR Program (A System of Technology to Achieve
Results) grant for developing an information and
referral service for assistive technology 917

Health Department

Letters of interest or intent to apply for request for
proposal for local tobacco prevention projects
and populations-at-risk projects 918
Proposals sought for grants for statewide special
projects and/or technical assistance and
training 919

Professional, Technical & Consulting Contracts

Colleges and Universities, Minnesota State (MnSCU)

Minneapolis Community & Technical College seeks proposals
for the aviation centers vending services in Eden
Prairie 920
Winona State University requests sealed bids for a dynamic
mechanical analyzer 921

Higher Education Services Office

Intent to issue a request for proposals for an automated
library system 921
Proposals sought for evaluation of early intervention
programs 921

Minnesota Historical Society

Bids sought for printing services for a casebound,
jacketed book of photographs and text -
Minnesota In The Civil War 922
Bids sought for printing services for a split-run of
Minnesota In Our Time, a book of 150-line screen
duotone photographs and text 922

Human Services Department

Proposals sought for professional and technical
consulting services to assist in improving work
processes and to move towards quality performance 922

Veterans Homes Board

Proposals sought for dental care services for
Minneapolis Veterans Home 923

Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission

Call for bids for roll towels 923

Metropolitan Council

Proposals sought for communication and meeting
facilitation services 924
Proposals sought for design and construction support
services 924

Project Interconnect

Request for proposals for telecommunications services and
equipment 925

University of Minnesota

Bid Information Service (BIS) available for all potential
vendors 925

Certificates of Assumed Name

Air Ride Taxi Airport Service: file #230148 (Second
Run) 925

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 issue 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.

Volume 24, Issues #14-25

Administration Department

1350.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1200; .1400; .1700; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900; .3200; .3400; .3500; .3800; .4100; .4500; .4600; .4900; .5300; .5500; .5800; .5900; .6300; .6400; .6500; .6600; .6700; .6800; .7000; .7100; .7200; .7205; .7300; .7700; .7900; .8000; .8100; .8300; .8500; .8600; .8700; .8800; .8900; .9000; .9100; .9200 (proposed).....	684
1350.3600; .3700 (proposed repealer).....	684

Agriculture Department

1550.0020-.0060; .0080; .0160-.0190; .0290; .0380; .0420-.0510; .0550; .0560; .0850; .1610; .2160; .2270; .2290; .2300; 1555.0020-.0140; .0160-.0210; .0230-.2130 (repealed).....	547
1555.6730; .6800; .6840; .6845 (adopted).....	547

Arts Board

1900.0310; .0410; .1010; .1620; .1710; .1810; .1910; .2010; .2110; .4010 (adopted).....	663
---	-----

Barber Examiners Board

2100.9300 (adopted).....	581
--------------------------	-----

Chiropractic Examiners Board

2500.2115; .2120; .2125; .2130; .2135 (proposed).....	603
---	-----

Commerce Department

2747.0010; .0020; .0030; .0040; .0050; .0060 (proposed).....	477
--	-----

Commerce Department

2747.0010; .0020; .0030; .0040; .0050; .0060 (adopted).....	800
---	-----

Children, Families and Learning Department

3525.0200; .0750; .1310; .1325; .1327; .1331; .1335; .1337; .1341; .1343; .1345; .1350; .1354; .2335; .2340; .3800; .3900; .4000; .4100; .4200; .4300; .4600; .4700; .4750; .4770; (proposed exempt).....	608
3525.0200 s.6a, 11a; .1150; .1325 s.2; .1354 s.2; .1356; .2405 s.2, 3; .2420; .2650; .3000; .3150; .3200; .3500 (proposed repealer exempt).....	608

Environmental Quality Board

4410.4300; .4600 (adopted).....	517
---------------------------------	-----

Health Department

4626.0010; .2000; .2005; .2010; .2015; .2020; .2025 (adopted).....	605
--	-----

Health Department

4685.2800 (proposed).....	641
---------------------------	-----

Higher Education Services Office

4830.0300 (adopted).....	518
--------------------------	-----

Housing Finance Agency

4900.0010 (proposed).....	703
---------------------------	-----

4900.0010 s.17; .0370; .0380; .0381; .0550; .0560; .0570; .0580; .0581; .0582; .0583; .0584; .0710; .0720; .0730; .0740; .1110; .1120; .1130; .1140; .1150; .1160; .1170; .1180; .1600; .1610; .1620; .1630; .1640; .1650; .2200; .2210; .2220; .2230; .2240; .2250; .2260; .2270; .2300; .2310; .2320; .2330; .2340 (proposed repealer).....	703
---	-----

4900.0010; .0510; .0592; .0620; .0630; .0640; .0650; .0770; .0780; .1315; .1331; .1345; .1375; .3220; .3230; .3250; .3300; .3310; .3320 (proposed).....	705
---	-----

4900.3210 s.6, 10, 13, 14, 16; .3220 s.5, 6, 7, 8; .3270 s.1; .3290; .3310; s.4, 5, 7, 8, 10, 12; .3330; .3340; .3350; .3360 (proposed repealer).....	705
---	-----

Labor and Industry Department

5207.1000 (adopted exempt).....	519
---------------------------------	-----

Medical Practice Board

5600.0600; .0700 (adopted).....	713
---------------------------------	-----

5600.0800; .0900; .1000 (repealed).....	713
---	-----

5600.2500 (proposed).....	761-Nov29,1999
---------------------------	----------------

Natural Resources Department

6216.0350 (adopted expedited emergency).....	740
--	-----

6216.0350 (expedited emergency repealed).....	740
---	-----

6133.0075; 6230.020; .0250; .0400; .0500; .0700; .1600; 6232.1250; .2200; .2800; .2900; .3300; .4100; .4700; 6234.0800; .1600; .1700; .1800; 6236.0810; .0900; 6240.0100; .0300; .0700; .1600; .1700; .1850; .1900; .2300; 6284.0500 (adopted).....	644
---	-----

6234.1700; .1800; .1850 (adopted expedited emergency).....	714
--	-----

6240.2100 s. 4; and emergency amendments:	
---	--

6230.0400 s.21 (22 SR 532, 09/29/97);	
---------------------------------------	--

6230.0500 (22 SR 532, 09/29/97);	
----------------------------------	--

Minnesota Rules: Amendments and Additions

<p>6230.0700 s.2, 3, 6 (22 SR 532, 09/29/97); 6232.2800 s. 4 (22 SR 2013, 05/18/98); 6232.4100 s. 20, 24a, 24b, 24c, 27, 28, 29c (22 SR 2303, 06/22/98); 6232.4700 s. 62, 93, 94 (23 SR 529, 08/31/98); 6236.0810 (23 SR 1484, 01/04/99) (repealed) 644</p> <p>Podiatric Medicine Board 6900.0160; .0250; .0300 (proposed)..... 543 6900.0010, s.3a, 4a; .0020 s.8a; .0250 s.3; .0500 (proposed repealer)..... 543</p> <p>Pollution Control Agency 7001.0020; 7002.0210; .0240; .0250; .0030; .0040; .0050; .0270; .0280; 7020.0200; .0205; .0250; .0300; .0350; .0400; .0405; .0505; .0535; .1600; .2000; .2002; .2003; .2005; .2010; .2015; .2025; .2100; .2110; .2120; .2125; .2150; . 2225 (proposed) 848 7020.0100; .0300 s.7, 20; .0400; .0500; .0600; .0700; .0800; .0900; .1600 s.3, 4, 5 (proposed repealer) 848</p>	<p>Public Utilities Commission 7825.2100 (repealed) 645</p> <p>Revenue Department 8100.0100; .0200; .0300; .0500 (proposed)..... 577 8100.0100, s.5a (proposed repealer)..... 577</p> <p>Revenue Department 8122.0510; .0550; .0600 (adopted)..... 893</p> <p>Water and Soil Resources Board 8400.0300; .1300 (proposed) 760-Dec6,1999</p> <p>Teaching Board 8700.7600 (proposed) 885 8700.7600 s.2 (proposed repealer) 885</p> <p>Teaching Board 8710.5250 (proposed) 738</p> <p>Human Services Department 9505.0324 (proposed) 736</p>
--	--

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*.

Minnesota Pollution Control Agency

Proposed Permanent Rules Relating to Animal Feedlots and Storage, Transportation, and Utilization of Animal Manure

NOTICE OF HEARING

Proposed Amendment to Rules Governing Animal Feedlots and Storage, Transportation, and Utilization of Animal Manure, *Minnesota Rules*, Parts 7001.0020, and 7002.0210 to 7002.0280 and Chapter 7020

Public Hearing. The Minnesota Pollution Control Agency (MPCA) intends to adopt rules after a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The MPCA will hold a public hearing on the above-entitled rules as follows:

In **Little Canada** on January 24, 2000, at Capitol View Complex Auditorium, 70 West County Road B2 (0.4 mile north of Highway 36 on Rice Street and County Road B2), starting at 10:00 a.m.;

In **Alexandria** on January 25, 2000, at Douglas County Public Works Center, 509 3rd Avenue West (1/4 mile west of Broadway (TH29) on 3rd Avenue), starting at 1 p.m. until 4 p.m. and resuming at 6 p.m. until 8:30 p.m.;

In **Crookston** on January 26, 2000, at University of Minnesota Crookston Northwest Agricultural Research Center, Youngquist Auditorium, 2900 University Avenue (one mile north of Crookston at Junction 2 and 75), starting at 2 p.m. until 4 p.m. and resuming at 6 p.m. until 8:30 p.m.;

In **Brainerd** on January 31, 2000, at Paul Bunyan Nature Learning Center, 1308 County Road 49 North (371 north 3 miles to Pine Beach Road (77) and 49 then east 1/4 mile), starting at 1 p.m. until 4 p.m. and resuming at 6 p.m. until 8:30 p.m.;

In **Willmar** on February 1, 2000, at Willmar Public Library, 410 - 5th Street SW (Highway 71 to Super America then west on Trott Avenue for five blocks to 5th Street) starting at 1 p.m. until 4 p.m. and resuming at 6 p.m. until 8:30 p.m.;

In **Hadley** on February 2, 2000, at Hadley Community Center, Main Street (six miles west of Slayton on Highway 30), starting at 1 p.m. until 4 p.m. and resuming at 6 p.m. until 8:30 p.m.;

In **New Ulm** on February 3, 2000, at New Ulm Country Club, One Golf Drive (next to Flandreau State Park), starting at 1 p.m. until 4 p.m. and resuming at 6 p.m. until 8:30 p.m.;

In **Lewiston** on February 7, 2000, at Lewiston Community Center, 75 Rice Street (one block south of Highway 14), starting at 1 p.m. until 4 p.m. and resuming at 6 p.m. until 8:30 p.m.;

In **Owatonna** on February 8, 2000, at Steele County Community Center, 1380 South Elm (on the fairgrounds), starting at 1 p.m. until 4 p.m. and resuming at 6 p.m. until 8:30 p.m.;

In **Collegeville** on February 9, 2000, at St. John's University Science Center Auditorium (I-94, west of St. Cloud, exit County Road 159, auditorium is east of Abby Church), starting at 1 p.m. until 4 p.m. and resuming at 6 p.m. until 8:30 p.m.;

In **Little Canada** on February 11, 2000, at Capitol City Complex, 70 West County Road B2 (0.4 mile north of Highway 36 on Rice Street and County Road B2), starting at 10 a.m. and continuing until the hearing is completed.

Hearings on each day (afternoon or evening) may be terminated earlier than the identified end time if all questions are asked and all public comment has been completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. The hearing will be conducted by **Administrative Law Judge Allan W. Klein**, who can be reached at:

Office of Administrative Hearings,
100 Washington Square, Suite 1700
Minneapolis, Minnesota 55401-2138
telephone: 612-341-7609 and fax: 612-349-2665
E-mail: allan.klein@state.mn.us

The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

Subject of Rules, Statutory Authority, and Agency Contact Person. The subject of the hearing will be the proposed amendments under *Minnesota Rules*, parts 7001.0020, and 7002.0210 to 7002.0280 and Chapter 7020. Chapter 7020 regulates the collection, transportation, storage, processing, and disposal of livestock manure for the prevention and abatement of environmental pollution. Parts 7002.0210 to 7002.0280 establish permit fees. Part 7001.0020 relates to permit issuance procedures. The agency proposes to repeal parts 7020.0100; 7020.0300, subparts 7 and 20; 7020.0400; 7020.0500; 7020.0600; 7020.0700; 7020.0800; 7020.0900; and 7020.1600, subparts 3, 4, and 5.

In January 1999, the Office of the Legislative Auditor finished an extensive evaluation of the MPCA environmental regulatory program for animal feedlots, manure storage areas and pastures (feedlot program). The Auditor's report raised concerns in several areas of the program. The MPCA has been working to re-design the feedlot program to: 1) better assess existing environmental concerns relating to animal feedlots, manure storage areas, and pastures; 2) better track environmental progress made in this area; 3) place more effort on field presence for purposes of identifying pollution hazards; 4) work in closer partnership with facility owners, when ever possible, to develop problem solving solutions and ensure the viability of the operation; 5) increase the role of the delegated counties; 6) improve permit processing times; 7) increase regulatory focus on higher impact problems; and 8) be in compliance with the March 1999, United States Department of Agriculture (USDA)/Environmental Protection Agency (EPA) Unified National Strategy for Animal Feeding Operations. The rule amendments are part of the program re-design effort and are needed to develop and implement these goals.

The MPCA is aware that air issues are an area of concern. The MPCA proposes to require air emission plans for animal feedlots and manure storage areas with 1,000 or more animal units. However, the MPCA is not proposing to establish air standards specific to livestock operations at this time. Instead, the MPCA is focusing on researching the problem and is conducting air emission pilot projects and monitoring projects. For a summary of the MPCA's efforts in this area, see the March 1999 report titled, *MPCA Feedlot Air Quality Summary: Data Collection, Enforcement and Program Development*. A copy can be viewed on the MPCA Internet web site at <http://www.pca.state.mn.us/hot/feedlots.html#fact> under "Reports." Or, request a free copy by calling Linda Grant at 651-296-8326.

The MPCA has been working to develop the proposed rule amendments for approximately four years and has made an extensive public participation effort. Three Request for Comment notices have been published in the *State Register*, the most recent in August 1998. The rule development process has benefited from the dedicated efforts of the Feedlot and Manure Management Advisory Committee (FMMAC). FMMAC members include representatives from Clean Water Action, Minnesota Farmers Union, Minnesota Association of Townships, Minnesota Cattlemen's Association, University of Minnesota, liquid and solid manure commercial applicators, Minnesota Turkey Growers Association, Minnesota Extension Service, Minnesota Coalition for Environmental Advocacy, Minnesota Pork Producers Association, Minnesota Lakes Association, and the Minnesota Legislature. This summer alone, six meetings were held with the FMMAC members, which had a large impact on the content of the proposed rules. The

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

MPCA conducted eight information meetings around the state during November 1999 to present the concepts being proposed in the rule amendments. The MPCA is continuing to look at the rules as proposed and changes may be offered at the public hearing.

The proposed amendments create four major parts in the rules: 1) registration program for animal feedlots, manure storage areas, and pastures; 2) permit program; 3) requirements for counties accepting delegation to process permits; and 4) standards for discharge, design, construction, operation and closure.

Under the registration program portion of the proposed rules, the MPCA is proposing:

- To require registration, which consists of submitting to the MPCA or delegated county basic facility information: location, animal type and numbers, animal holding area description, proximity to surface waters, type of manure storage areas, and distance to wells.
- All pastures, and animal feedlots and manure storage areas with 50 animal units or 10 animal units in shoreland are required to register by October 1, 2001.
- Registration can be done through a registration form, submittal of a permit application, or inclusion on county level II or III inventory completed after October 1, 1997.
- No registration fee.
- Penalty for failing to register by the deadline.

The MPCA will use the registration information to better assess the environmental issues related to animal feedlots, manure storage areas and pastures, and to prioritize inspection, education, and compliance efforts, which will result in more effective environmental regulation. The MPCA believes that this tool will help make environmental regulation more effective and efficient. The Minnesota Environmental Quality Board is currently developing a generic environmental impact statement (GEIS) on animal agriculture, which also includes a statewide inventory of facilities. The registration program being proposed by the MPCA requires more complete and accurate facility information than the inventory information needed for the GEIS because the GEIS will be used to develop broader state policies. The intent of the registration program is to establish a statewide tool that will allow the MPCA and delegated counties to focus staff and other resources on issues that will result in the greatest environmental gains.

The MPCA considered many different permitting options and seriously considered requiring all animal feedlots and manure storage areas to be regulated by a permit that addresses the on-going operation of the specific facility. However, after reviewing the existing state and county resources, the MPCA concluded that more environmental benefit would be achieved by having more pollution control officers addressing problems in the field than it would receive from utilizing those staff to process permits. As a result, the MPCA is proposing to require operating permits for facilities with 1,000 or more animal units due to the large amounts of manure produced and/or stored at these facilities and the associated environmental risks. Most facilities with less than 1,000 animal units will be required to have a permit to regulate construction or address a pollution hazard. The MPCA has attempted to minimize and streamline the permitting process by placing many of the requirements currently issued in permits in the rules for all persons storing, transporting, disposing, or utilizing animal manure or process wastes.

Under the permit program portion of the proposed rules, the MPCA is proposing:

- that SW-A permits, five-year permits and certificates of compliance issued under the existing rules expire on the effective date of the rule amendments.
- to utilize four permit tools under the new permit system: National Pollutant Discharge Elimination System (NPDES) permit, State Disposal System (SDS) permit, Construction short-form permit, and Interim permit.
- to require animal feedlots, manure storage areas and pastures (facilities) that meet the federal definition of "concentrated animal feeding operation," to have the construction and on-going operation regulated under an NPDES permit.
- to require facilities with 1,000 or more animal units to have the construction and on-going operation regulated under an NPDES or SDS permit.
- to require a permit for construction, management or operating practices that are different than those stated in the rules.
- to require construction that results in the addition of animal unit capacity, with a final capacity within the range of 300 to 999 animal units, to be regulated under a Construction short-form permit. The permit requirements for Construction short-form permit are included in the rules, which allows the MPCA to issue the permits without a public notice. This permit is designed for quick processing and issuance.
- to require pollution hazards identified through an inspection to be corrected under an Interim permit, SDS permit or NPDES permit. Most pollution hazards at facilities with less than 1,000 animal units will be regulated by an Interim permit. Interim permits will have a 24-month term. If the site-specific corrective measures require a longer term, an SDS or NPDES permit will be required.

- no permit for open lot portions of feedlots with fewer than 300 animal units if there is a runoff problem from one or more of the open lots (a pollution hazard) and the owner has met the registration requirements and certified acceptance of the interim corrective measures for October 1, 2003 and agreement to achieve compliance with water quality discharge standards by October 1, 2009.
- no permit for pastures that maintain a vegetative cover of perennial grasses or forages and temporary supplemental feeding devices are located outside special protection areas (e.g. protected waters and wetlands and intermittent streams and ditches, excluding drainage ditches with berms and segments of intermittent streams that are grassed waterways).
- no permit for construction that adds animal units and the final total capacity is less than 300 animal units as long as the siting, design, construction, inspection, and notifications to MPCA or delegated county and design engineer are done in accordance with the standards for discharge, design, construction, operation and closure.

Some delegated counties are concerned that the proposed rules will not require a permit for construction at a facility with less than 300 animal units. A permit or certificate of compliance would be required for this activity under the current rules. The MPCA proposes that no permit is required if the construction meets the siting, design, inspection and notification requires stated in the rules. However, if plans and specifications or construction is found to violate or have the potential to violate the rules, the facility is defined as a pollution hazard and the rules require an interim permit to address the problems.

The delegated counties are a fundamental part of the MPCA regulatory program. The MPCA wants to ensure that the procedures and systems established under the proposed rules are workable for these counties and do not impede them in their efforts to resolve pollution issues and protect the environment. Due to the level of concern raised by representatives of the delegated counties, the MPCA encourages comments regarding the importance of having permits to regulate construction that is being performed according to the rules at facilities with less than 300 animal units.

Although location and zoning decisions are made by local units of government, the permitting process proposed by the MPCA does establish some methods for concerned citizens to make comments and express their concerns about activities to be permitted by the MPCA.

Under the permit fees portion of the rules, the MPCA is proposing:

- no MPCA fees for Construction short-form, Interim, and SDS permits that regulate facilities with less than 1,000 animal units.
- no fee change for NPDES permits. Under the current program, NPDES permits are charged an \$85 application fee, a \$1,230 annual fee for an individual permit or \$260 for a general permit, and 50 percent of the annual fee for a modification.
- the same fees for SDS permits that regulate facilities with 1,000 or more animal units that are currently charged for NPDES permits. However, these fees are proposed to be delayed until July 2, 2001, and will receive required Legislature review.

Under the county delegation portion of the proposed rules, the MPCA is proposing

- to allow delegated counties to issue Construction short-form permits and Interim permits for almost all facilities with less than 1,000 animal units.
- clarify that the delegated county programs must include inspections, permit issuance, registration assistance and maintenance, complaint response and resolution procedures and facility owner assistance.
- to provide flexibility through a delegation agreement to allow counties to establish goals in each of the program areas that are appropriate for available county resources, the number and type of facilities within the county jurisdiction, and the type and number of existing pollution issues, and remain consistent with MPCA's efforts to effectively implement and administer the Chapter 7020 programs.
- to establish a process that is more interactive between the MPCA and the delegated counties.

Under the standards for discharge, design, construction, operation and closure portion of the proposed rules, the MPCA is proposing to establish standards and requirements. Many of these standards are being proposed to codify existing program policy and permit requirements. The proposed standards include:

- hydrogen sulfide ambient air quality standard exemption, which provides an exemption from the state hydrogen sulfide standard during agitation and pump-out events for a maximum of 17 days.

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Proposed Rules

- compliance program including interim standards for small, open lots with runoff problems. The interim standards require initial action for minimizing runoff by October 1, 2003, and reaching full compliance with the water quality discharge standards by October 1, 2009.
- location requirements and limitations for shoreland, floodplains and sensitive geographical conditions.
- transportation of manure.
- livestock access restrictions to surface waters.
- animal feedlot or manure storage area closure, which requires that the manure is removed from the site and vegetation is grown in open lots within one year after operation has stopped.
- liquid manure storage areas, which establish site selection, design, construction and notification, inspection, and operation requirements for liquid manure storage.
- poultry barn floors.
- manure stockpiling sites, which establish two categories of stockpiles for storing solid manure: short term (storage for up to 180 days with possible 180-day extension if weather prevents land application) and permanent (designed for longer than 180-day storage and requires a permit to construct).
- manure compost sites.
- land application of manure, which requires manure nutrient testing and soil testing, the development of a manure management plan, and record keeping; clarifies "agronomic rates;" and establishes setbacks for land applying manure near surface waters.

Anyone that owns a pasture, animal feedlot or manure storage area that is permitted or unpermitted, or that stores, transports, disposes, or utilizes animal manure, process wastewaters, or process-generated wastewaters is proposed to comply with the standards for discharge, manure utilization, and facility design, construction, operation and closure as they apply to individual situations.

The rules are specifically designed to address three key areas: 1) prevent water pollution from land application of manure and to promote better utilization of available nutrients, 2) minimize and prevent manure runoff from open-lot feedlots, and 3) continue practices that will insure construction for new facilities, facility replacement and facility expansion that will result in operations that are environmentally protective.

The proposed rules are authorized by *Minnesota Statutes*, including:

- sections 115.03, subd. 1, paragraph (e) (1), (2), (3), (4) and (7), (f) and (g), which provides the MPCA with the powers and duties to modify rules and standards in order to prevent, control or abate water pollution.
- section 115.03, subdivision 5, which provides authority to adopt rules that are applicable for state participation in the National Pollutant Discharge Elimination System program.
- section 116.07, subdivisions 2 and 4, which requires the MPCA to adopt standards for the collection, transportation, storage, processing, and disposal of solid waste and other materials that may tend to cause pollution and for the prevention and abatement of water, air, and land pollution.
- section 116.07, subdivision 4d, paragraph (a), which provides the MPCA authority to collect permit fees and establish related rules.
- section 116.07, subdivision 7, which allows counties to assume responsibility for processing applications for permits required by the pollution control MPCA for livestock feedlots, poultry lots or other animal lots and directs the MPCA to adopt rules governing the issuance and denial of these permits.

MPCA has additional authorities under the federal delegation for the NPDES program. Authorities specific to the regulation of animal feedlots include

- title 40 Code of Federal Regulations, part 122, which addresses the generic EPA NPDES state-delegated permit program regulations.
- Section 122.23, which establishes the Concentrated Animal Feeding Operation (CAFO) permitting regulations.

A copy of the proposed rules is published in the State Register or can be viewed on the MPCA Internet web site "News/Public Notice" page at <http://data.pca.state.mn.us/cgi-bin/pubPDF.pl> A copy of the rules will not be attached to the notice as mailed. A free electronic copy (Microsoft Word 6.0) or photocopy of the rules is available upon request by calling Linda Grant at 651/296-8326. However, as an effort to save state funds, only one copy will be sent per request. If you have questions about the proposed rules, please call the MPCA contact person, Mary Osborn, at (651) 296-8711, or send correspondence, including rule comments, to Ms. Osborn at

Minnesota Pollution Control Agency
Policy and Planning Division
Community and Area Wide Section
520 Lafayette Road North
St. Paul, Minnesota 55155

TTY users may call the MPCA teletypewriter at 651-282-5332 or 800-657-3864.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available for review at the MPCA's St. Paul office and at the Office of Administrative Hearings. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may be reviewed and copies obtained at the cost of reproduction from either the MPCA or the Office of Administrative Hearings. MPCA's costs are \$40 for a paper copy and \$8 for an electronic copy in Microsoft Word (6.0 version) on 3-1/2 inch computer disk. The statement can also be viewed on the MPCA web page at <http://data.pca.state.mn.us/cgi-bin/pubPDF.pl>

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

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

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

Modifications. The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate.

Adoption Procedure After The Hearing. After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the MPCA adopts the rules and files them with the Secretary of State, or ask to register with the MPCA to receive notice of future rule proceedings, and can make these requests at the hearing or in writing to the MPCA contact person stated above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

Order. I order that the rulemaking hearing be held at the dates, times, and locations listed above.

Dated: 10 December 1999

Gordon E. Wegwart, P.E.
Assistant Commissioner
Commissioner's Office

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Proposed Rules

7001.0020 SCOPE.

Except as otherwise specifically provided, parts 7001.0010 to 7001.0210 apply to ~~the following: items A to J.~~

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

F. An agency permit required for the construction or operation of ~~a an animal feedlot; manure storage area, or pasture, or for the correction of a pollution hazard.~~ However, parts 7001.0040 to 7001.0070 do not apply to these permits. ~~Parts, 7001.0050, 7001.0100, subparts 4 and 5, and 7001.0110 do not apply to animal feedlot interim and construction short-form permits issued under chapter 7020.~~

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

7002.0210 SCOPE.

Parts 7002.0210 to 7002.0310 apply to all persons required to obtain a permit from the Minnesota Pollution Control Agency as described in part 7001.0020, items C, ~~D, and E~~ to F.

7002.0240 PAYMENT OF FEES.

A person submitting a fee shall make the fee payable to the "Minnesota Pollution Control Agency" and submit it to the director of ~~the Water Quality Division~~ Minnesota Pollution Control Agency Fiscal Services.

7002.0250 APPLICATION FEE.

A person who applies for a permit to construct, install, modify, or operate a facility, or applies for a permit modification as described in part 7001.0190, excluding interim and construction short-form permits issued under chapter 7020, shall submit with the application the appropriate application fee. Failure to submit the fee renders the application incomplete and the agency shall suspend processing of the application until the fee is received. Application fees are nonrefundable.

7002.0270 ANNUAL FEE.

All persons required to obtain a permit listed in part 7002.0310, subparts 1, 2, and 3, shall pay an annual fee for processing of the permit and enforcement of applicable statutes and rules as described in items A to ~~E~~ F. The annual fee shall be paid within 30 days of receipt of an invoice from the agency.

A. A permittee holding a new or reissued permit after February 3, 1992, is subject to the fees established in part 7002.0310. A permittee holding an unexpired permit on February 3, 1992, shall continue to comply with the payment schedules in part 7002.0305 until the permit expires.

B. A permittee applying for a permit modification according to part 7001.0190, subpart 1, shall pay an additional fee equal to 50 percent of the permittee's annual fee as established in part 7002.0310.

C. A permittee holding an unexpired permit on February 3, 1992, that applies for the permit modification according to part 7001.0190, subpart 1, shall pay a modification fee as established in part 7002.0305.

D. An applicant for reissuance of an expired permit under part 7001.0160 must pay fees set in part 7002.0310.

E. A permittee or applicant for an individual storm water permit must pay fees set in part 7002.0310, subpart 2, item B, under "other nonmunicipal."

F. A permittee or applicant for permits issued under chapter 7020 must pay fees as follows:

(1) NPDES permits, fees set in part 7002.0310, subpart 2, item B, under "other nonmunicipal";

(2) SDS permits that regulate 1,000 or more animal units, the same fees required under subitem (1) after July 2, 2001;

(3) interim permits, no fees; and

(4) construction short-form permits, no fees.

7002.0280 NOTIFICATION OF ERROR.

A person who thinks that an annual fee for a specific facility is in error shall provide written notice of the error to the director of the ~~Division of Water Quality~~ Minnesota Pollution Control Agency Fiscal Services, along with the assessed fee. If the director of the ~~Division of Water Quality~~ Minnesota Pollution Control Agency Fiscal Services finds, upon reviewing the data, that the assessed fee was in error, the overpayment shall be refunded to the permittee or credited to the permittee's account.

GENERALLY**7020.0200 SCOPE.**

~~The provisions of parts 7020.0200 to 7020.0900 govern~~ This chapter governs the storage, transportation, disposal, and utilization of animal manure and process wastewaters and the application for and issuance of permits ~~and certificates of compliance~~ for construction and operation of animal manure management and disposal or utilization systems for the protection of the environment. This chapter does not address wastes from fish. This chapter does not preempt the adoption or enforcement of zoning ordinances or plans by counties, townships, or cities to address manure and process wastewaters from animal feedlots, manure storage areas, and pastures.

7020.0205 INCORPORATION BY REFERENCE.

For the purposes of parts 7001.0020 and 7020.0200 to 7020.2225, the documents in items A to N are incorporated by reference. These documents are subject to frequent change.

A. *Annual Book of American Society for Testing and Materials* (ASTM), Part 4, ASTM D 1557, Test Methods for Moisture-Density Relations of Soils and Soil-Aggregate Mixtures Using 10-lb (4.54-kg) Rammer and 18-in. (457-mm) Drop. 1978 Edition. This publication is available through the Minitex interlibrary loan system.

B. *Annual Book of American Society for Testing and Materials* (ASTM), Part 4, ASTM D 4318, Test Method for Liquid Limit, and Plasticity Index of Soils. 1984 Edition. This publication is available through the Minitex interlibrary loan system.

C. *Annual Book of American Society for Testing and Materials* (ASTM), Part 4, ASTM D 422, Method for Particle-Size Analysis of Soils. 1972 Edition. This publication is available through the Minitex interlibrary loan system.

D. *Annual Book of American Society for Testing and Materials* (ASTM), Part 4, ASTM D 698, Test Methods for Moisture-Density Relations of Soils and Soil-Aggregate Mixtures Using 5.5-1b (2.49-kg) Rammer and 12-in. (304.8-mm) Drop. 1978 Edition. This publication is available through the Minitex interlibrary loan system.

E. *Code of Federal Regulations*, title 40, part 412, Feedlots Point Source Category. This publication is available through the Minitex interlibrary loan system.

F. *Code of Federal Regulations*, title 40, section 122.23, Concentrated Animal Feeding Operations. This publication is available through the Minitex interlibrary loan system.

G. *Protected Waters and Wetlands Maps*, 1999. Minnesota Department of Natural Resources, Division of Waters. These maps are available through the Minnesota Bookstore, 117 University Ave., St. Paul, MN 55155. These maps are available for viewing at the County Auditor's offices, County Soil and Water Conservation District offices, Watershed District offices, Minnesota Department of Natural Resources offices, and through the Minitex interlibrary loan system at the Minnesota Department of Natural Resources Internet site at the following address: <http://www.dnr.state.mn.us/waters/wetlands/pwi/index.html>.

H. *United States Geological Survey Quadrangle Maps*, 7.5- and 15-minute maps, United States Department of the Interior Geological Survey, 1999. These maps are available through the Minitex interlibrary loan system from the Minnesota Pollution Control Agency library. They are available for viewing at the Minnesota Department of Administration and county offices, and may be ordered from the United States Geological Survey Internet site at the following address: <http://mappings.usgs.gov/mac/find-maps.html>.

I. *Minnesota Natural Resources Conservation Service Practice Standard, Waste Storage Pond* (Code No. 425), November 1991, or *Waste Storage Facility* (Code No. 313), January 1998. This publication is available through the Minitex system.

J. *Feedlot Inventory Guidebook*, Minnesota Board of Water and Soil Resources, June 1991. This publication is available through the Minitex interlibrary loan system.

K. United States Department of Agriculture, Natural Resource Conservation Service, *Natural Range and Pasture Handbook*, Chapter 5, Management of Grazing Lands, Part 2(i), September 1997. This publication is available through the Minitex interlibrary loan system.

L. *An Evaluation System to Rate Feedlot Pollution Potential*, United States Department of Agriculture, Agricultural Research Service, April 1982. This publication is available through the Minitex interlibrary loan system.

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Proposed Rules

M. Minnesota Natural Resources Conservation Service, Conservation Practice Standard, Prescribed Grazing, Code No. 528A, July 1998. This publication is available through the Minitex interlibrary loan system.

N. Minnesota Natural Resources Conservation Service, Conservation Practice Standard, Heavy Use Area Protection, Code No. 561, Second Draft, November 1991. This publication is available through the Minitex interlibrary loan system.

7020.0250 SUBMITTALS AND RECORDS.

Subpart 1. Accuracy of submittals. An owner who fails to submit relevant facts or who has submitted incorrect information in a submittal shall, upon becoming aware of the failure or incorrect information, promptly submit to the commissioner or county feedlot pollution control officer the supplementary facts or corrected information.

Subp. 2. Record retention, access to records, and inspections.

A. A person required to keep records under this chapter shall maintain at the animal feedlot or manure storage area, or at the person's business address, for three years from the date the record was made, unless otherwise specified, all information required to be recorded under applicable state and federal rules. The person shall make these records available for examination and copying upon request of the commissioner, county feedlot pollution control officer, or agent of the commissioner and shall, upon request, submit these records to the commissioner, county feedlot pollution control officer, or agent of the commissioner within 30 days.

B. A person storing, transporting, disposing, or utilizing animal manure or process wastewaters shall provide the commissioner, county feedlot pollution control officer, or agent of the commissioner access to the animal feedlot, animal holding area, manure storage area, pasture, or other area where manure or process wastewaters are stored, in transport, or utilized, including allowing the collection of samples, and records to the extent provided under Minnesota Statutes, section 115.04, or other law, upon presentation of credentials.

C. Nothing in this subpart limits the commissioner's or agency's authority under Minnesota Statutes, section 115.04, or other law.

7020.0300 DEFINITIONS.

Subpart 1. Scope. All terms employed in these animal feedlot rules this chapter for which definitions are given in Minnesota Statutes, sections ~~115.07~~ 115.01 and 116.06, shall have the meaning ascribed to them therein given in those sections. For the purposes of this chapter, the terms specified in this part shall have the meanings ascribed to them.

Subp. 1a. Aboveground manure storage area. "Aboveground manure storage area" means a manure storage area for which all portions of the liner are located at or above the elevation of the natural ground level.

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

Subp. 4. Animal manure or manure. "Animal manure" or "manure" means poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials.

Subp. 5. Animal unit. "Animal unit" means a unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for any animal feedlot, manure storage area, or pasture calculated by multiplying the number of animals of each type in items A to J by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of parts 7020.0200 to ~~7020.0900~~ 7020.2225, the following equivalents multiplication factors shall apply:

A. one mature dairy ~~cow~~, cattle (whether milked or dry):

(1) over 1,000 pounds, 1.4 animal unit; or

(2) under 1,000 pounds, 1.0 animal unit;

B. one slaughter steer, feeder cattle, or heifer, 1.0 animal unit;

~~C. one horse, 1.0 animal unit;~~

~~D. C.~~ one swine;

(1) over 55 pounds, 0.4 animal unit; or

(2) under 55 pounds, 0.05, animal unit;

~~E. one duck, 0.2 animal unit;~~

D. one horse, 2.0 animal units;

~~F. E.~~ one sheep or lamb, 0.1 animal unit;

~~G. one swine under 55 pounds, 0.05 animal unit;~~

F. chickens:

(1) one laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit;

(2) except as required in subitem (1):

(a) one chicken over three pounds, 0.01 animal unit; or

(b) one chicken under three pounds, 0.003 animal unit;

~~H.~~ G. one turkey:

(1) over five pounds, 0.018 animal unit; or

(2) under five pounds, 0.005 animal unit;

~~I.~~ F. one chicken, 0.01 animal unit.**~~H.~~ G. one duck, 0.2 animal unit;**

I. for animals not listed in items A to ~~F~~ H, the number of animal units shall be defined as the average weight of the animal in pounds divided by 1,000 pounds; and

J. when a person accepts manure produced by animals not owned or managed by that person, the number of animal units for the manure must be calculated by summing the number of animal units calculated under subitems (1) and (2).

(1) When the total animal units, calculated according to items A to I, are known for all manure storage areas, animal feedlots, and pastures where the manure was produced, the animal units are the sum of the animal units that produced the manure.

(2) When the animal units and the animal type are not known for all manure storage areas, animal feedlots, and pastures where the manure was produced, animal units are calculated by dividing the quantity of manure handled annually in pounds by 4,000.

Subp. 5a. Concentrated animal feeding operation or CAFO. “Concentrated animal feeding operation” or “CAFO” means animal feedlots and manure storage areas meeting the definition of a CAFO in Code of Federal Regulations, title 40, section 122.23, and clarified under Minnesota Statutes, section 116.07, subdivision 7c.

Subp. 6. Certificate of compliance. “Certificate of compliance” means a letter from the commissioner or the county feedlot pollution control officer to the owner of an animal feedlot or manure storage area stating that the feedlot or manure storage area meets agency requirements.

Subp. 6a. Commencement of construction. “Commencement of construction” means to begin or cause to begin, as part of a continuous program, the placement, assembly, or installation of facilities or equipment; or to conduct significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities, necessary for the placement, assembly, or installation of facilities or equipment at:

A. a new or expanded animal feedlot; or

B. a new, modified, or expanded manure storage area.

Subp. 7. [See repealer.]

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

Subp. 7b. Composite liner. “Composite liner” means a manure storage area liner which is designed to achieve a theoretical seepage rate of 1/560 inch per day or less and consists of a geomembrane liner, geosynthetic clay liner, or other comparable material, laid over a constructed cohesive soil liner having a thickness of two feet or greater.

Subp. 7c. Compost. “Compost” means a humus-like product derived from the controlled microbial degradation of organic material. Only manure that has completed the composting processes described in part 7020.2150, subpart 2, is compost.

Subp. 8. Corrective or protective measure. “Corrective or protective measure” means a practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot, manure storage area, or pasture to a level in conformity with agency rules.

Subp. 8a. Construction short-form permit. “Construction short-form permit” means a permit issued for an animal feedlot or manure storage area according to parts 7020.0505 and 7020.0535.

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Proposed Rules

Subp. 9. **County feedlot pollution control officer.** “County feedlot pollution control officer” means ~~a county~~ an employee or officer of a delegated county who is knowledgeable in agriculture and who is designated by the county board to ~~receive and process animal feedlot permit applications~~ perform the duties under part 7020.1600.

Subp. 9a. **Delegated county.** “Delegated county” means a county that has applied for and received authorization pursuant to part 7020.1600, subpart 3, item C, to implement an animal feedlot program.

Subp. 9b. **Design engineer.** “Design engineer” means a professional engineer licensed in the state of Minnesota or a Natural Resources Conservation Service (NRCS) staff person having NRCS approval authority for the project.

Subp. 9c. **Discharge.** “Discharge” means the addition of a pollutant to waters of the state, including a release of animal manure, manure-contaminated runoff or process wastewater from an animal feedlot, a manure storage area or pasture by leaking, pumping, pouring, emitting, emptying, dumping, escaping, seeping, leaching, or any other means. Discharge includes both point source and nonpoint source discharges. Seepage from a manure storage area that has been permitted or demonstrated to be properly designed, constructed, and operated is not a discharge.

[For text of subp 11, see M.R.]

Subp. 11a. **Expansion or expanded.** “Expansion” or “expanded” means construction or any activity that has resulted or may result in an increase in animal units at an animal feedlot or an increase in storage capacity of a manure storage area that is not located at an animal feedlot.

[For text of subp 12, see M.R.]

Subp. 12a. **Flow distance.** “Flow distance” means the distance runoff travels from the source of the runoff to waters of the state.

Subp. 13. **Interim permit.** “Interim permit” means a permit issued by the commissioner or the county feedlot pollution control officer ~~which expires no longer than ten months from the date of issue~~ in accordance with parts 7020.0505 and 7020.0535.

Subp. 13a. **Intermittent streams.** “Intermittent streams” means all water courses identified as intermittent streams on United States Geological Survey quadrangle maps.

Subp. 13b. **Manure-contaminated runoff.** “Manure-contaminated runoff” means a liquid that has come into contact with animals or animal manure and drains over land from any animal feedlot, manure storage area, pasture, or animal manure land application site.

Subp. 14. **Manure storage area.** “Manure storage area” means ~~an area associated with an animal feedlot~~ where animal manure, process wastewaters, or runoff containing animal manure is process-generated wastewaters are stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for these parts or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed according to part 7020.2000, subpart 3, are not manure storage areas.

Subp. 15. **New animal feedlot.** “New animal feedlot” means an animal feedlot or manure storage area:

A. constructed and established, or operated at a site where no animal feedlot or manure storage area existed previously; or where a preexisting animal feedlot

B. that existed previously and has been abandoned or unused for a period of five three years or more.

Subp. 16. **National Pollutant Discharge Elimination System (NPDES) permit or NPDES permit.** “National Pollutant Discharge Elimination System ~~(NPDES)~~” permit” or “NPDES” means a permit issued by the agency for the purpose of regulating the discharge of pollutants from ~~point sources including concentrated animal feeding operations~~ CAFOs.

Subp. 17. **Owner.** “Owner” means all persons having possession, control, or title to an animal feedlot, manure storage area, or pasture.

Subp. 18. **Pastures.** “Pastures” means areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover of perennial grasses or forages is maintained during the growing season ~~except in the immediate vicinity of~~ and temporary supplemental feeding or watering devices are located outside special protection areas.

Subp. 18a. **Permanent stockpiling site.** “Permanent stockpiling site” means a manure storage area where manure is stored or processed that does not meet the requirements of part 7020.2125, subpart 2.

Subp. 19. **Permit.** “Permit” means a document issued by the agency, ~~at no charge to the applicant, or county animal feedlot pollution control officer~~ which contains may contain requirements, conditions, and compliance or schedules relating to for achieving compliance with the discharge standards, management of animal manure pollutants construction, or operation of animal holding areas, manure storage areas, and pastures. Permits issued under this chapter are NPDES, state disposal system, interim, and construction short-form permits.

Subp. 19a. **Pollution hazard.** “Pollution hazard” means an animal feedlot, manure storage area, or pasture that:

A. does not comply with the requirements of parts 7020.2000 to 7020.2225 and has not been issued an SDS or NPDES permit establishing an alternative construction or operating method; or

B. presents a potential or immediate source of pollution to waters of the state as determined by inspection by a county feedlot pollution control officer or agency staff taking into consideration the following:

(1) the size of the animal feedlot or manure storage area;

(2) the amount of pollutants reaching or that may reach waters of the state;

(3) the location of the animal feedlot or manure storage area relative to waters of the state;

(4) the means of conveyance of animal manure or process wastewater into waters of the state; and

(5) the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal manure or process wastewater into waters of the state.

Subp. 19b. **Process-generated wastewaters.** “Process-generated wastewaters” means water directly or indirectly used in the operation of an animal feedlot or manure storage area for any of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other feedlot facilities; direct contact swimming, washing, or spray cooling of animals; and dust control.

Subp. 19c. **Process wastewaters.** “Process wastewaters” means process-generated wastewater and precipitation, including rain or snow, which comes into contact with manure, litter, bedding, or other raw material or intermediate or final material or product used in or resulting from the production of animals, poultry, or direct products, such as milk or eggs.

Subp. 20. [See repealer.]

Subp. 20a. **Separation distance to bedrock.** “Separation distance to bedrock” means the distance between stored manure and fractured bedrock.

Subp. 21. **Shoreland.** “Shoreland” means land, as defined in *Minnesota Statutes*, section 103F.205, subdivision 4, located within the following distances from the ordinary high water elevation of public waters:

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

Subp. 21a. **Short-term stockpiling site.** “Short-term stockpiling site” means a manure storage area where manure is stored or processed according to part 7020.2125, subparts 1 to 3.

Subp. 22. **Sinkhole.** “Sinkhole” means a surface depression ~~which is connected to~~ caused by a collapse of soil or overlying formation above fractured or cavernous bedrock (generally limestone) by a channel or collapse of the overlying formation.

Subp. 23. **Special protection area.** “Special protection area” means land within 300 feet of all:

A. protected waters and protected wetlands as identified on Department of Natural Resources protected waters and wetlands maps; and

B. intermittent streams and ditches identified on United States Geological Survey quadrangle maps, excluding drainage ditches with berms and segments of intermittent streams which are grassed waterways.

Subp. 24. **State disposal system permit or SDS permit.** “State disposal system permit” or “SDS permit” means a state permit for a disposal system that may be processed in accordance with parts 7001.0040; 7001.0050; 7001.0100, subparts 4 and 5; and 7001.0110.

Subp. 25. **Unpermitted or noncertified liquid manure storage area.** “Unpermitted or noncertified liquid manure storage area” means a liquid manure storage area that is in operation and:

A. the owner does not have an agency or delegated county permit or certificate of compliance for the manure storage area and was required to apply for and obtain a permit or certificate of compliance prior to the construction or operation of the manure storage area; or

B. the owner has not complied with the preoperational requirements of part 7020.2100 and permit requirements, if applicable.

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Proposed Rules

Subp. 26. Waters of the state. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portions of the state.

REGISTRATION PROGRAM

7020.0350 REGISTRATION REQUIREMENTS FOR ANIMAL FEEDLOTS, MANURE STORAGE AREAS, AND PASTURES.

Subpart 1. Registration data. After October 1, 2001, the agency and all delegated counties shall maintain registration data for animal feedlots, manure storage areas, and pastures. The registration data must include the information required in a Level II feedlot inventory as described in the *Feedlot Inventory Guidebook* and must contain the following:

- A. date the registration form was completed;
- B. name and address of all owners of the animal feedlot, manure storage area, or pasture;
- C. facility location according to township, county, section, and quarter section;
- D. permit or certificate number for owners that have been issued an agency or delegated county feedlot permit or certificate of compliance;
- E. types of animal holding areas including pastures, confinement barns, and open lots;
- F. number and types of animals in the areas listed in item E;
- G. identity of surface waters within 1,000 feet of the facility;
- H. presence and type of manure storage areas;
- I. shortest distance from an animal holding area or manure storage area to a well;
- J. the name of the person that completed the registration form; and
- K. additional information needed to evaluate high priority environmental issues related to animal feedlots, manure storage areas, and pastures.

Subp. 2. Owners required to register. Owners of the following facilities are required to register with the commissioner or delegated county:

- A. an animal feedlot, manure storage area, or pasture with 50 or more animal units; and
- B. an animal feedlot, manure storage area, or pasture with ten or more and fewer than 50 animal units, that is located within shoreland.

Subp. 3. Initial registration schedule and requirements. Owners required to register under subpart 2 shall comply with at least one of the following by October 1, 2001:

- A. the owner shall submit the information in subpart 1, on a form provided by the commissioner, to the commissioner or delegated county feedlot pollution control officer;
- B. the owner shall submit a permit application to the commissioner or delegated county after the effective date of this part; or
- C. the owner shall be listed on a feedlot inventory that:
 - (1) is a Level II or Level III inventory as described in the Feedlot Inventory Guidebook that contains the information under subpart 1, items A and E to J;
 - (2) is current as of October 1, 1997;
 - (3) contains the information required under subpart 1, items B to D; and
 - (4) has been submitted to the commissioner.

Subp. 4. Registration requirements after October 1, 2001. Owners of animal feedlots, manure storage areas, and pastures required to register under subpart 2 shall comply with items A and B, as applicable.

A. Owners of facilities not in operation prior to October 1, 2001, shall register with the commissioner or delegated county prior to or upon commencement of operation. Owners shall comply with at least one of the following:

- (1) the owner shall submit the information in subpart 1, on a form provided by the commissioner; or
- (2) the owner shall submit a permit application to the commissioner or delegated county.

B. Owners shall update their registrations prior to the registration update deadlines which shall be established by adding four-year increments to the initial registration deadline of October 1, 2001. Owners shall register at least once during each of the four-year registration update intervals by meeting one of the following:

(1) the owner shall comply with item A, subitem (1) or (2); or

(2) the owner shall be listed on a feedlot inventory that:

(a) is a Level II or Level III inventory as described in the *Feedlot Inventory Guidebook* that contains the information under subpart 1, items A and E to J;

(b) has been updated within the applicable four-year registration interval;

(c) contains the information required under subpart 1, items B to D and K; and

(d) in its updated form has been submitted to the commissioner, including the information in unit (c).

Subp. 5. Penalties for failure to register. Owners of animal feedlots, manure storage areas, and pastures who do not register in accordance with subparts 1 to 4 are subject to a penalty.

PERMIT PROGRAM

7020.0400 PERMITS AND CERTIFICATES ISSUED PRIOR TO EFFECTIVE DATE OF THIS PART.

Subpart 1. SW-A permits. All owners with SW-A permits shall comply with the permitting requirements in parts 7020.0400 to 7020.0535. Upon application for a permit under parts 7020.0405 to 7020.0535, the SW-A permit must be reconsidered pursuant to this chapter and chapter 7001. Any SW-A permit terms and conditions that are inconsistent with the requirements of parts 7020.2000 to 7020.2225 are superseded as of the effective date of this part.

Subp. 2. Certificates of compliance. All owners with certificates of compliance shall comply with the permitting requirements in parts 7020.0400 to 7020.0535.

Subp. 3. Interim A and interim B permits. An owner with an Interim A or Interim B permit that has not expired on the effective date of this part shall comply with items A and B.

A. If the requirements for which an Interim A permit was issued are not complete on the effective date of this part, the owner shall apply, prior to the expiration date of the Interim A permit, for a construction short-form, SDS, or NPDES permit as required under part 7020.0405.

B. If the requirements for which an Interim B permit was issued are not complete on the expiration date of the Interim B permit, the owner shall comply with part 7020.0535, subpart 5, except that the owner shall complete the notification requirement prior to the expiration date of the Interim B permit.

Subp. 4. NPDES and SDS permits. NPDES and SDS permits issued prior to the effective date of this part remain in effect to the extent provided by the issued permit terms and conditions.

7020.0405 PERMIT REQUIREMENTS.

Subpart 1. Permit required. Four types of permits are issued under this chapter and chapter 7001: interim permits, construction short-form permits, SDS permits, and NPDES permits. The owner shall apply for a permit as follows:

A. an NPDES permit for the construction and operation of an animal feedlot or manure storage area that meets the criteria for CAFO;

B. unless required to apply for a permit under item A, an SDS permit under the following conditions:

(1) the construction and operation of an animal feedlot or manure storage area that has been demonstrated not to meet the criteria for CAFO and is capable of holding 1,000 or more animal units or the manure produced by 1,000 or more animal units;

(2) the facility does not comply with all applicable requirements of parts 7020.2000 to 7020.2225 and the pollution hazard cannot be, or has not been, corrected under the conditions in part 7020.0535 applicable to interim permits;

(3) the owner is proposing an alternative construction or operating method that achieves equivalent environmental results to those requirements in parts 7020.2000 to 7020.2225. An SDS permit is required for alternative operational methods while these operational methods are employed; or

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Proposed Rules

(4) the facility is one for which conditions or requirements other than those in parts 7020.2000 to 7020.2225 were assumed:

(a) as a mitigation measure in an environmental impact statement; or

(b) in obtaining a negative declaration in an environmental assessment worksheet;

C. unless required to obtain a permit under items A and B, an interim permit for facilities identified as a pollution hazard; or

D. unless required to obtain a permit under items A to C, a construction short-form permit for an animal feedlot or manure storage area proposing to construct or expand to a capacity of 300 animal units or more, or the manure produced by 300 animal units or more. However, if a facility is determined to be a pollution hazard and the owner is proposing to expand to a capacity of 300 animal units or more, or the manure produced by 300 animal units or more, the owner shall apply for an interim permit under item C.

Subp. 2. Expansion and stocking limitations. Prior to expansion, an owner required to apply for a construction or operating permit under subpart 1 shall have obtained the permit, or permit modification, as applicable. An owner issued an interim permit that authorizes construction for an expansion shall not stock the expansion prior to the fulfillment of all permit conditions related to the correction of the pollution hazard for which the interim permit was issued.

Subp. 3. No permit required. The owner of an animal feedlot or manure storage area is not required to apply for a permit for:

A. a feedlot or manure storage area that meets the requirements of part 7020.2003, subparts 4 to 6;

B. a pasture that has not been identified as a pollution hazard and complies with the applicable requirements of parts 7020.2000 to 7020.2225; or

C. a short-term stockpile or compost site if the owner is not an owner of an animal feedlot or manure storage area other than a short-term stockpile or composting site.

Subp. 4. Change of ownership. Prior to the change in the ownership or control of an animal feedlot or manure storage area issued a permit under this chapter, the new owner shall submit to the commissioner or county feedlot pollution control officer the information required in item A or B, as applicable. If the commissioner or county feedlot pollution control officer determines that the new owner meets the requirements for obtaining the permit, then the commissioner or the county feedlot pollution control officer shall issue the permit to the new owner. The new owner shall submit:

A. a request for permit modification according to part 7001.0190 for facilities covered under an SDS or NPDES permit; or

B. a change of ownership form provided by the commissioner.

7020.0505 PERMIT APPLICATIONS AND PROCESSING PROCEDURES.

Subpart 1. Submittals. Permit applications must be submitted according to items A and B. An application is complete when all applicable information in subpart 4 and application fees under parts 7002.0250 and 7002.0310 have been received by the commissioner or the county feedlot pollution control officer, as appropriate. Incomplete permit applications must not be processed by the commissioner or delegated county feedlot pollution control officer.

A. NPDES and SDS permit applications must be submitted to the agency in accordance with this part and chapter 7001, with a copy submitted to the delegated county.

B. Interim permit and construction short-form permit applications must be submitted to the agency or delegated county in accordance with this part and part 7020.0535.

Subp. 2. Permit application submittal schedule. An owner of an animal feedlot, manure storage area, or pasture required to apply for a permit under part 7020.0405, subpart 1, shall apply in accordance with the following schedule:

A. the following facilities that are in existence on or before the effective date of this part must submit a permit application by June 1, 2000:

(1) a CAFO; and

(2) an animal feedlot or manure storage area capable of holding 1,000 animal units or more for which the owner has demonstrated that the facility does not meet the CAFO criteria;

B. a CAFO as determined through the case-by-case determination process under *Code of Federal Regulations*, title 40, section 122.23(c), shall submit a permit application by the submittal deadline established by the commissioner's written request. The owner has at least 30 days to submit the permit application;

C. an animal feedlot, manure storage area, or pasture, that is new or expands after the effective date of this part and required to apply for an SDS or NPDES permit, shall submit a permit application at least 180 days prior to the planned date of commencement of construction or expansion;

D. an animal feedlot, manure storage area, or pasture that is new or expanding after the effective date of this part, and is required to apply for a construction short-form permit, shall submit a permit application at least 90 days prior to the planned date of commencement of construction or expansion; and

E. a facility determined to be a pollution hazard shall submit a permit application by the submittal deadline established by the commissioner or the county feedlot pollution control officer's written request. The owner has at least 15 days to submit the permit application.

Subp. 3. Permit application format. A permit application for an NPDES, SDS, interim, or construction short-form permit must be on a form provided by the commissioner or the county feedlot pollution control officer.

Subp. 4. Content of permit application.

A. An application for a permit must contain the following:

- (1) the names and addresses of the owners and the signature of at least one of the owners;
- (2) the legal name and business address of the facility, if different than the owner;
- (3) the location of the facility by county, township, section, and quarter section;
- (4) a list of all animal types, and the maximum number of animals of each animal type that can be confined within each lot, building, or area at the animal feedlot;
- (5) a list of all existing and proposed manure storage areas, including plans and specifications as required in part 7020.2100 for proposed liquid manure storage areas and part 7020.2125 for permanent stockpile sites;
- (6) the total number of animal units the facilities listed in subitems (4) and (5) will be capable of holding after completing construction or expansion;
- (7) the soil type or texture and depth to saturated soils at the facility as identified in the USDA Soil Survey Manual or a site-specific soils investigation. If applicable, submittal of the soils investigation information required in parts 7020.2100 to 7020.2225, meets this requirement;
- (8) an aerial photograph showing the location of all wells, buildings, surface tile intakes, lakes, rivers, and watercourses within 1,000 feet of the proposed facility;
- (9) the number of acres available for land application of manure;
- (10) if applying for an SDS or NPDES permit, a manure management plan that meets the requirements under part 7020.2225, subpart 4;
- (11) if applicable, a description of all conditions that make the facility a pollution hazard and a description of the corrective and protective measures proposed to correct the pollution hazard;
- (12) additional questions needed to evaluate high priority environmental issues related to the facility; and
- (13) if applying for an NPDES permit, a supplemental federal application form.

B. In addition to the requirements of item A, a permit application for an animal feedlot or manure storage area for 1,000 animal units or more, or the manure produced by 1,000 animal units or more, must contain:

- (1) an air emission plan that includes:
 - (a) methods and practices that will be used to minimize air emissions resulting from animal feedlot or manure storage area operations including manure storage area start-up practices, loading, and manure removal;
 - (b) measures to be used to mitigate air emissions in the event of an exceedance of the state ambient hydrogen sulfide standard; and
 - (c) a complaint response protocol describing the procedures the owner will use to respond to complaints directed at the facility, including:
 - i. a list of each potential odor source at the facility;
 - ii. a determination of the odor sources most likely to generate significant amounts of odors; and

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Proposed Rules

iii. a list of anticipated odor control strategies for addressing each of the significant odor sources;

(2) a pollution prevention plan for eliminating or reducing toxic pollutants, hazardous substances, and hazardous wastes at animal feedlot or manure storage area operations; and

(3) an emergency response plan that includes a description of the procedures that will:

(a) contain, minimize, and manage an unauthorized discharge;

(b) provide notification to the proper authorities; and

(c) mitigate any adverse effects of an unauthorized discharge.

C. In addition to the requirements of items A and B, an owner proposing to construct or expand an animal feedlot or a manure storage area shall also submit, on a form provided by the commissioner, certification and documentation that the owner has notified the local zoning authority, as required under part 7020.2000, subpart 5, of the proposed new or expanded animal feedlot or manure storage area, or that no such local zoning controls exist.

D. In addition to the requirements of items A to C, an owner proposing to construct or expand an animal feedlot or manure storage area with the capacity of 500 animal units or more shall also certify and document, on forms provided by the commissioner, that the notification requirements under part 7020.2000, subpart 4, have been met.

E. The owner of an animal feedlot or manure storage area shall submit additional information relating to the facility design, construction, or operation as requested by the commissioner or county feedlot pollution control officer to evaluate compliance with applicable federal and state rules.

Subp. 5. Application processing. Permit applications must be processed according to items A to C.

A. NPDES and SDS permits must be processed according to the procedures under this part and part 7001.0020, item F.

B. The agency and delegated county shall issue, reissue, revoke and reissue, or modify a permit according to part 7001.0140 and other applicable agency rules.

C. Construction short-form and interim permit applications must be processed in accordance with parts 7020.0505 and 7020.0535. County feedlot pollution control officers shall also process permit applications according to part 7020.1600, subpart 4.

Subp. 6. Application for variance. Any person may apply for a variance from any requirement of parts 7020.2000 to 7020.2225 in order to avoid undue hardship. A variance must be applied for and acted upon by the agency according to Minnesota Statutes, section 116.07, subdivision 5, and other applicable statutes and rules.

7020.0535 CONSTRUCTION SHORT-FORM AND INTERIM PERMITS.

Subpart 1. Applicability. This part applies to owners that apply for construction short-form and interim permits required under part 7020.0405.

Subp. 2. Permit applications submitted prior to effective date of this part. If an owner has submitted a complete permit application for construction of an animal feedlot or manure storage area prior to the effective date of this part and is eligible for a construction short-form permit, the owner may request to have the original application voided, returned, or, upon receipt of a construction short-form permit application by the commissioner or county feedlot pollution control officer, to have the original application submittals incorporated into the construction short-form permit application. Complete construction short-form permit applications submitted under this subpart must be considered received by the commissioner or county feedlot pollution control officer on the date the original completed permit application for an agency permit was received.

Subp. 3. Delegated county procedures for denial and revocation.

A. In the case of a denial of a permit application by the county feedlot pollution control officer, the applicant must be informed in writing by the county of the reasons for denial and must be informed of appeal procedures under chapter 7001. The applicant shall retain all rights of fundamental fairness afforded by law and the applicant may make an appeal to the agency to review the county's action. The denial by a county shall be without prejudice to the applicant's right to an appearance before the agency to request a public hearing or to file a further application after revisions are made to meet objections specified as reasons for denial.

B. In order for a delegated county to revoke a permit, a copy of the permit together with a written justification for revocation must be submitted to the commissioner for review. The commissioner shall, after receipt of the justification for revocation from the county, review the matter within 60 days to determine compliance with applicable agency rules. The county must receive written approval of the permit revocation from the commissioner before taking action. If a revocation has been approved by the commissioner, the applicant must be informed in writing by the county of the reasons for revocation and the applicant shall retain all rights of appeal afforded under chapter 7001. Revocation without reissuance of the permit must follow the requirements under part 7001.0180.

Subp. 4. No circumvention. An owner that obtains a construction short-form or interim permit is subject to enforcement action for construction or operation without a permit if the commissioner or county feedlot pollution control officer later determines that the animal feedlot or manure storage area does not qualify for the construction short-form or interim permit that was issued and that the owner is required to apply for and obtain an SDS or NPDES permit.

Subp. 5. Duration of construction short-form and interim permits. All construction short-form and interim permits expire within 24 months of the date of issuance. If the work for which a construction short-form permit was issued is not complete upon expiration of the permit, the expiration date of the permit may be extended by no more than 24 months if the owner complies with items A and B. If the pollution hazard for which an interim permit was issued is not corrected upon expiration of the permit, the expiration date may be extended by no more than 90 days if:

A. the facility is currently eligible for the same permit; and

B. the owner notifies the commissioner or county feedlot pollution control officer at least 90 days prior to the expiration of the permit. The notification shall include:

(1) the name of the owner, and the name of the facility if different from the owner;

(2) the permit number;

(3) the reason the work may not be completed prior to expiration of the permit;

(4) the estimated amount of time required to complete the work; and

(5) if the animal feedlot under construction or expansion will be capable of holding 500 animal units or more, or the manure storage area under construction or expansion will be capable of holding the manure produced by 500 animal units or more when completed, the notification requirements under part 7020.2000, subpart 4, on a form provided by the commissioner, submitted to the commissioner or delegated county feedlot pollution control officer. In addition to the information required under part 7020.2000, subpart 4, the notification must include the date on which the original permit was issued and the new proposed completion date.

Subp. 6. Construction short-form permit content. A construction short-form permit issued by the commissioner or county feedlot pollution control officer must state: "The permittee shall comply with *Minnesota Rules*, parts 7020.2000 to 7020.2225, and all applicable requirements." The permit must also identify at least the following information:

A. the permit number;

B. the owners' names and addresses;

C. the legal name of the animal feedlot, or manure storage area if different from that of the owner;

D. the location of the facility by county, township, section, and quarter section;

E. the existing and proposed animal types and types of animal holding areas;

F. the maximum number of animal units authorized at the facility after construction or expansion is complete; and

G. the types of existing and proposed manure storage areas. Design plans and specifications for proposed manure storage areas shall be incorporated by reference into the permit.

The general conditions in part 7001.0150, excluding subpart 3, item P, must be incorporated by reference in all construction short-form permits.

Subp. 7. Interim permit content. An interim permit issued by the commissioner or county feedlot pollution control officer must include at least the information in subpart 6 and the following:

A. the corrective and protective measures required to bring the facility into compliance with parts 7020.2000 to 7020.2225;

B. the schedule under which the corrective and protective measures must be completed; and

C. additional requirements related to the specific site or operation as determined necessary to ensure compliance with applicable rules and requirements.

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Proposed Rules

Subp. 8. Expansion stocking limitations. An owner issued an interim permit that authorizes construction for an expansion shall not stock the expansion prior to the fulfillment of all permit conditions related to the correction of the pollution hazard for which the interim permit was issued.

DELEGATED COUNTY PROGRAM

7020.1600 COUNTY PROCESSING PROCEDURE FOR ANIMAL FEEDLOT PERMIT APPLICATIONS AUTHORITIES AND REQUIREMENTS FOR DELEGATED COUNTIES.

Subpart 1. Scope. A county delegation process consists of the following:

- A. the county board resolution;
- B. commissioner authorization;
- C. a delegation agreement signed by the county board and commissioner;
- D. periodic review of the delegation agreement; and
- E. when applicable, withdrawal from the program by the county board or revocation of authorization to administer the program by the commissioner.

Subp. 2. County feedlot pollution control officer requirements. A delegated county animal feedlot program shall require the county feedlot pollution control officer to:

- A. administer animal feedlots, manure storage areas, and pasture registration programs according to part 7020.0350;
- B. locate and register all animal feedlots, manure storage areas, and pastures that remain unregistered by the date required under part 7020.0350;
- C. distribute permit application and registration forms to owners required to make application for a permit. Permit application forms must contain the information required in part 7020.0505, subpart 3;
- D. review permit applications and issue construction short-form and interim permits in accordance with part 7020.0535, and in the approved delegation agreement;
- E. inspect all animal feedlots, manure storage areas, and pastures in accordance with the approved delegation agreement;
- F. review and process complaints;
- G. provide assistance to owners in completing permit applications;
- H. maintain a record of all correspondence and material relating to permit applications, inspections, and complaints;
- I. submit an annual report to the commissioner by April 1 of each year, in a format requested by the commissioner, that includes the following:
 - (1) all newly acquired and updated registration information required under part 7020.0350;
 - (2) inspection summary information from the previous year;
 - (3) permitting summary information from the previous year;
 - (4) complaint and complaint response summary information from the previous year;
 - (5) outreach and education summary information from the previous year; and
 - (6) summary of the progress toward achieving the goals identified in the approved delegation agreement and, if applicable, proposed adjustments to the goals or plans to meet the goals in the approved delegation agreement; and
- J. complete the required county feedlot pollution control officer training necessary to perform the duties described under this part assigned to the county feedlot pollution control officer.

~~Subpart 1 Subp. 3. Duties of county board Resolutions and delegation agreements. Any Minnesota county board desiring To assume responsibility for processing animal feedlot permit applications shall: administering the delegated county feedlot program under this part, a Minnesota county board shall complete the requirements in items A to D. Counties that have received delegation authorization from the commissioner prior to the effective date of this subpart may administer the delegated county feedlot program provided that the requirements of item B are completed by June 1, 2001. Delegation agreements must be reviewed and revised by the commissioner and the county annually to determine if the requirements of item B are being fulfilled and to establish new goals.~~

~~A. Submit to the commissioner a resolution duly adopted by the county board requesting permission to process animal feedlot permit applications administer the animal feedlot program in the county. Such resolution shall be accompanied by a statement describing the permit application processing procedure to be used by the county.~~

B. Submit to the commissioner, for review and approval, a delegation agreement that contains:

(1) inspection goals for facilities with fewer than 300 animal units:

(a) at existing facilities for the purposes of identifying pollution hazards;

(b) at new and expanding facilities for which construction activities have commenced; and

(c) for determining compliance with discharge standards and schedules for existing open lot facilities eligible under part 7020.2003, subparts 3 to 6;

(2) inspections conducted at facilities with 300 to 999 animal units for the facilities meeting the conditions under subitem (1), units (a) and (b);

(3) permitting goals;

(4) registration goals, including locating and registering facilities that remain unregistered after the date required under part 7020.0350;

(5) complaint response and resolution goals;

(6) owner assistance goals; and

(7) staffing levels available to achieve the stated goals.

~~B. C.~~ Receive written approval authorization from the agency authorizing the processing of animal feedlot permit applications within the county commissioner to administer the program identified in subpart 1.

~~C. D.~~ Designate a county feedlot pollution control officer as having the primary responsibility for the animal feedlot permit program and charge the person with the following duties: in subpart 2.

(1) distribute permit application forms made available by the commissioner to those required to make application for the permit;

(2) provide, where requested, assistance to applicants to ensure that application forms are properly completed;

(3) receive and review completed application forms and conduct such inspections as necessary to determine if the proposed animal feedlot will comply with applicable state rules and applicable local ordinances; and

(4) maintain a record of all correspondence and material relating to animal feedlot applications, certificates of compliance, and interim permits issued by the county.

Subp. 2. **4. Permit application processing procedures.** The processing of permit applications for animal feedlot permits by a delegated county board, as defined in *Minnesota Statutes*, section 116.07, subdivision 7, clauses (a), (b), and (c), shall be accomplished conducted according to the following procedure: procedures in items A to D.

A. ~~For animal feedlots with less than 1,000 animal units where manure is used as a domestic fertilizer and with no potential pollution hazard, the county feedlot pollution control officer shall provide a certificate of compliance to the agency and the applicant stating that the animal feedlots comply with all aspects of parts 7020.0200 to 7020.0900 and that no animal feedlot permit is required.~~ The county feedlot pollution control officer shall process permit applications and issue construction short-form and interim permits according to this part and part 7020.0535, except as directed in item B.

B. ~~For animal feedlots of less than 300 animal units where manure is used as a domestic fertilizer and where all potential pollution hazards have been mitigated by protective or corrective measures the county feedlot pollution control officer shall provide a certificate of compliance to the agency and to the applicant stating that the animal feedlots comply with parts 7020.0200 to 7020.0900 and that no animal feedlot permit is required.~~ The county feedlot pollution control officer shall forward to the commissioner for issuance all permit applications and all other applicable documents, comments, and recommendations for the following:

(1) all facilities that are required to apply for a permit under part 7020.0405, subpart 1, item A or B;

(2) all facilities where all animal manure is not used as domestic fertilizer;

(3) all facilities with 500 or more animal units that are proposing liquid manure storage areas within 1,000 feet of an open or filled sinkhole, a known cave, a resurgent spring, a disappearing stream, a karst window, or a blind valley;

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Proposed Rules

(4) all facilities with 500 or more animal units that are within a vulnerable drinking water supply management area, as described on a Minnesota Department of Health approved wellhead protection plan; and

(5) all facilities for which an application for a variance under part 7020.0505, subpart 6, is submitted.

C. The county feedlot pollution control officer ~~shall~~ may forward to the commissioner, ~~with recommendations and comments, all animal feedlot permit applications which fall within the following categories:~~

(1) ~~animal feedlots of 1,000 animal units or more;~~

(2) ~~animal feedlots of more than 300 animal units where a potential pollution hazard has been mitigated through corrective or protective measures;~~

(3) ~~animal feedlots with a potential pollution hazard which has not been mitigated by corrective or protective measures;~~

(4) ~~animal feedlots where manure is not used as domestic fertilizer; or~~

(5) ~~animal feedlots for which further technical review is desired by the county feedlot pollution control officer. any permit application when technical assistance or permit issuance by the commissioner is desired with a statement of the action desired from the agency. The commissioner shall process all complete permit applications forwarded by the county with a request to issue a permit, and shall notify the county of the status of the review and of any intended action.~~

D. The county feedlot pollution control officer shall forward to the commissioner permit applications for facilities that are eligible for the exemption under part 7020.2100, subpart 2, item C, for review and approval before a permit can be issued by the county feedlot pollution control officer.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

~~Subp. 6. 5. **Withdrawal by county from review process.** A delegated county no longer wishing to continue in the application review process have delegation authority shall submit a resolution to the commissioner stating its reasons for withdrawal and the effective date of withdrawal to the commissioner.~~

~~Subp. 7. 6. **Revocation of county review authority.** If the agency finds that a county program is not meeting the requirements of these parts this chapter, the agency may, after giving the county written notice and an opportunity to respond, revoke its approval of the county's application review authority delegation.~~

STANDARDS FOR DISCHARGE, DESIGN, CONSTRUCTION, OPERATION, AND CLOSURE

7020.2000 OVERVIEW.

Subpart 1. In general. An owner of pastures, animal feedlots, and manure storage areas, and a person storing, transporting, disposing, or utilizing animal manure, process wastewaters, or process-generated wastewaters, shall comply with parts 7020.2000 to 7020.2225.

Subp. 2. Animal manure and wastewaters not used as domestic fertilizer. Animal manure, process wastewaters, or process-generated wastewaters not used as domestic fertilizer must be treated or disposed of in accordance with applicable rules. An owner not using manure or process wastewaters as domestic fertilizer shall apply for a permit according to part 7020.0405, subpart 1, item A or B.

Subp. 3. Manure packs and mounding. Manure accumulations created by manure packs or mounding must be removed annually and applied on land in accordance with part 7020.2225.

Subp. 4. Newspaper notification of proposed construction or expansion. An owner of an animal feedlot or manure storage area proposing to construct or expand an animal feedlot capable of holding 500 or more animal units, or a manure storage area capable of holding the manure produced by 500 or more animal units, shall publish in a newspaper of general circulation within the affected area a notification not later than ten business days after the permit application is submitted to the agency or delegated county. The notification must contain the following information:

A. the names of the owners or the legal name of the facility;

B. the location of the facility by county, township, section, and quarter section;

C. the types of animals and the types of confinement buildings, lots, and areas at the animal feedlot;

D. the total number of each type of animal the facility will be capable of holding after construction;

E. the types of manure storage areas; and

F. for manure storage areas, the total quantity of manure that each area can hold.

Subp. 5. Government notifications of proposed construction or expansion. An owner proposing to construct or expand an animal feedlot or manure storage area shall notify the government authorities listed in items A and B. Notification must be on a form provided by the commissioner and include the information in subpart 4, items A to E.

A. The commissioner, or in a delegated county the county feedlot pollution control officer, at least 30 days prior to commencement of construction of a new animal feedlot or manure storage area or an expansion of an existing animal feedlot or manure storage area with fewer than 300 animal units after construction. Notification under this item is complete if the owner is proposing construction or modification of a liquid manure storage area and has submitted plans and specifications in accordance with part 7020.2100, subpart 4.

B. All local zoning authorities, including county, town, and city zoning authorities, of the proposed construction or expansion.

Subp. 6. Record of livestock owners and manure sources. Owners of animal feedlots or manure storage areas that raise livestock that are not owned by them or store manure not produced at their facilities must record and retain on file the names of the livestock or manure source owners for at least the most recent three years.

7020.2002 HYDROGEN SULFIDE AMBIENT AIR QUALITY STANDARD APPLICABILITY.

The owner of an animal feedlot is exempt from the state hydrogen sulfide standard in part 7009.0080 during agitation and pump-out of a liquid manure storage area for a maximum of 17 days annually if the requirements in items A to C are met. This part expires on July 1, 2005. Nothing in this part limits the emergency powers authority of the Minnesota Pollution Control Agency in *Minnesota Statutes*, section 116.11.

A. The owner shall notify the commissioner or county feedlot pollution control officer prior to agitation and pumping events. Notification must include the anticipated start date and the anticipated number of days of the agitation and pumping event.

B. The owner shall inject or incorporate the manure within 24 hours of land application.

C. The owner shall implement best management practices for control of odor during agitation and pumping as defined by the University of Minnesota and as published by the agency in the *State Register*.

7020.2003 WATER QUALITY DISCHARGE STANDARDS.

Subpart 1. Animal feedlots, manure storage areas, and pastures. Manure-contaminated runoff, process wastewater, or process-generated wastewater from any animal feedlot, including CAFOs; manure storage area or pasture flowing into a sinkhole; fractured bedrock; well; surface tile intake; mine; or quarry is prohibited.

Subp. 2. CAFOs and facilities with 1,000 animal units or more. An owner of an animal feedlot or manure storage area that is a CAFO or is capable of holding 1,000 animal units or more, or the manure produced by 1,000 animal units or more, shall comply with the effluent limitation requirements of *Code of Federal Regulations*, title 40, part 412.

Subp. 3. Other facilities. An owner of an animal feedlot or manure storage area shall comply with the effluent limitations in part 7050.0215 unless the animal feedlot or manure storage area is subject to the effluent limitation requirements in subpart 2 or if the owner of the animal feedlot is subject to and meets all of the requirements in subpart 4.

Subp. 4. Eligible open lot feedlots with fewer than 300 animal units. Owners of animal feedlots having fewer than 300 animal units and having open lots meeting the eligibility requirements in items A to D shall comply with subparts 5 and 6. If the facility expands to 300 or more animal units, the facility is not eligible under this subpart. This subpart applies only to open lots that existed on the effective date of this part; discharges from other parts of the animal feedlot, including manure storage areas, must comply with the effluent limitations in part 7050.0215 and other applicable federal and state requirements.

A. The animal feedlot is not a new animal feedlot.

B. The animal feedlot has manure-contaminated runoff from one or more open lots and:

(1) the manure-contaminated runoff does not create or maintain an immediate threat to human health or the environment;

and

(2) the facility has not been designated a CAFO.

C. The owner has registered the animal feedlot in accordance with part 7020.0350.

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Proposed Rules

D. The owner has submitted a certification, on a form provided by the commissioner, agreeing to comply with subparts 5 and 6. The certification form shall contain a provision for a conditional waiver of civil penalties for past violations of part 7050.0215 caused solely by passive manure-contaminated runoff from open lots and for failure to apply for a permit provided the owner maintains compliance with subparts 5 and 6.

Subp. 5. Interim corrective measures for eligible open lots. An owner meeting the eligibility requirements of subpart 4 shall:

A. operate and manage the animal feedlot to minimize discharges from eligible open lots at all times; and

B. comply with the following by October 1, 2003:

(1) install and have operational:

(a) diversions that prevent precipitation and snowmelt from building roofs and upslope land from flowing onto or through the animal feedlot or manure storage area; and

(b) vegetated buffer areas or filter strips that have 100 feet or more of nonchannelized flow through perennial grasses or forages for all runoff from the open lots; and

(2) install and have operational interim corrective and protective measures that have been demonstrated, through completion of "An Evaluation System To Rate Feedlot Pollution Potential" (the model) by a person who has completed training in use of the model, to achieve a 50 percent or greater reduction in discharges of phosphorus and biochemical oxygen demand loading. The percent reduction in discharges must be based on a comparison of the corrective and protective measures in operation at the facility on the effective date of this part and the proposed interim corrective and protective measures and practices. The owner shall maintain records of the model results until completing the requirements of subpart 6, and make the model results available to the commissioner or county feedlot pollution control officer upon request.

Subp. 6. Final corrective measures for eligible open lots. An owner meeting the requirements of subpart 4 shall:

A. except as required in item B, comply with part 7050.0215 for all eligible open lots by October 1, 2009; and

B. if the owner is proposing an expansion, comply with subpart 2 or 3, as applicable, prior to an increase in the number of animal units at the animal feedlot.

7020.2005 LOCATION RESTRICTIONS AND EXPANSION LIMITATIONS.

Subpart 1. Location restrictions. Except as provided in items A and B, a new animal feedlot or manure storage area must not be constructed within shoreland, a floodplain, 300 feet of a sinkhole, 100 feet of a private well, or 1,000 feet of a community water supply well or other wells serving a school or child care center that are in a geologic setting according to part 4720.5550, subpart 2, item D, subitem (2).

A. A new animal feedlot or manure storage area may be constructed in the Red River of the North floodplain if it is a minimum of 1,000 feet from the ordinary high water mark.

B. An animal feedlot or manure storage area located in shoreland meeting part 7020.0300, subpart 15, item B:

(1) that has been unused for less than ten years is a pollution hazard and may resume operation after applying for and obtaining an interim permit under part 7020.0405, subpart 1, item C; or

(2) that has been unused for ten years or more must not resume operation.

Subp. 2. Shoreland expansion limitations. An existing animal feedlot or manure storage area located in shoreland may not expand to 1,000 animal units or more. An existing animal feedlot or manure storage area expanding in shoreland shall not locate any portion of the expanded animal feedlot or manure storage area closer to the ordinary high water mark than any existing portion of the animal feedlot or manure storage area.

Subp. 3. Floodplain expansion limitations. An existing animal feedlot or manure storage area located in a floodplain may not expand except if it is in the Red River of the North floodplain and is a minimum of 1,000 feet from the ordinary high water mark.

7020.2010 TRANSPORTATION OF MANURE.

Animal manure hauled on federal, state, or local highways, roads, or streets must be hauled in such a way as to prevent manure from leaking, spilling, or otherwise being deposited in the right-of-way. Manure deposited on a public roadway must be removed and properly disposed of by the hauler of the manure.

7020.2015 LIVESTOCK ACCESS TO WATERS RESTRICTION.

Subpart 1. CAFOs and facilities with 1,000 or more animal units. Animals of a CAFO or of a facility with 1,000 or more animal units must not be allowed to enter waters of the state.

Subp. 2. **Non-CAFO animal feedlots.** Except as required in subpart 1, by October 1, 2001, animals of a non-CAFO animal feedlot must be fenced to prohibit entry to, and must not be allowed to enter, a lake classified by the Minnesota Department of Natural Resources as a natural environment lake, recreational development lake, or a general development lake, as defined in part 6120.3000.

Subp. 3. **Pastures.** Except as required in subpart 1, by October 1, 2001, animals on pastures must be restricted from access to a lake classified by the Minnesota Department of Natural Resources as a natural environment lake, recreational development lake, or a general development lake, as defined in part 6120.3000, by:

A. prohibiting entry to the lake; or

B. allowing controlled access to the lake in accordance with a plan conforming to: the controlled access options in part 2(i) of the *Management of Grazing Lands in United States Department of Agriculture, Natural Resources Conservation Service (NRCS), Natural Range and Pasture Handbook* Chapter 5; *Minnesota NRCS Conservation Practice Standard, Prescribed Grazing*, Code No. 528A, or *Heavy Use Area Protection*, Code No. 561. The plan must be maintained by the owner and made available to the commissioner or county feedlot pollution control officer upon request.

7020.2025 ANIMAL FEEDLOT OR MANURE STORAGE AREA CLOSURE.

The owner of an animal feedlot or manure storage area is responsible for closure and shall:

A. within one year of ceasing operation, remove and land apply manure and manure-contaminated soils from manure storage areas and animal holding areas in accordance with part 7020.2225;

B. as soon as practicable after completing the requirements of item A, reduce soil nitrogen by growing alfalfa, grasses, or other perennial forage for at least five years; and

C. within 60 days after final closure, submit a certified letter to the commissioner or county feedlot pollution control officer stating that the animal feedlot or manure storage area has been closed according to the requirements in this part. The letter must identify the location of the animal feedlot or manure storage area by county, township, section, and quarter section.

7020.2100 LIQUID MANURE STORAGE AREAS.

Subpart 1. **General.** This part describes site restrictions and requirements for design, construction, maintenance, and operation of liquid manure storage areas. An owner shall submit a permit application, as applicable, under part 7020.0405, subparts 1 and 2. Except as required in subpart 2, all liquid manure storage areas must be designed, constructed, and operated in accordance with subparts 3 to 7.

Subp. 2. **Site restrictions.** Except as provided in item C, the construction or expansion of a liquid manure storage area is prohibited in the areas identified under part 7020.2005 and items A and B.

A. A manure storage area with a capacity of more than 250,000 gallons in an area where geologic conditions are suitable for sinkhole development and where four or more sinkholes exist within 1,000 feet of the proposed site.

B. In areas which are susceptible to soil collapse or sinkhole formation, the minimum separation distance to bedrock and the manure storage area liner design standards and prohibitions must be in accordance with subitems (1) to (3).

(1) Animal feedlots or manure storage areas with fewer than 300 animal units that contribute to liquid manure storage areas at the facility must comply with the following:

(a) where the separation distance to bedrock is less than five feet, construction of a liquid manure storage area is prohibited; and

(b) where the separation distance to bedrock is five feet or more and less than 20 feet, the manure storage area liner must be concrete-lined, aboveground, or composite-lined according to subpart 3, item B, subitem (2) or (3).

(2) Animal feedlots and manure storage areas with 300 or more and fewer than 1,000 animal units that contribute to liquid manure storage areas at the facility shall comply with the following:

(a) except as provided in unit (c), where the separation distance to bedrock is less than ten feet, construction of a liquid manure storage area is prohibited;

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Proposed Rules

(b) where the separation distance to bedrock is ten feet or more and less than 30 feet, the manure storage area liner must be concrete-lined, aboveground, or composite-lined according to subpart 3, item B, subitem (2) or (3); and

(c) where the separation distance to bedrock is five feet or more and less than ten feet, the manure storage area must be:

i. an aboveground manure storage area;

ii. concrete-lined with a secondary liner consisting of a synthetic liner, HDPE liner, or one foot or greater cohesive soil liner; and

iii. composite-lined with at least a three-foot compacted cohesive soil liner under the synthetic liner.

(3) Animal feedlots or manure storage areas with 1,000 or more animal units that contribute to liquid manure storage areas at the facility shall comply with the following:

(a) except as provided in unit (c), where the separation distance to bedrock is less than 15 feet, construction of a liquid manure storage area is prohibited;

(b) where the separation distance to bedrock is 15 feet or more and less than 40 feet, the manure storage area liner must be concrete-lined, aboveground, or composite-lined according to subpart 3, item B, subitem (2) or (3); and

(c) where the separation distance to bedrock is ten feet or more and less than 15 feet, the manure storage area must be:

i. an aboveground manure storage area;

ii. concrete-lined with a secondary liner consisting of a synthetic liner, HDPE liner, or one foot or greater cohesive soil liner; and

iii. composite-lined with at least a three-foot compacted cohesive soil liner under the synthetic liner.

C. Where construction or modification is required to correct a pollution hazard at an existing animal feedlot or manure storage area having fewer than 300 animal units, construction or modification is not prohibited. Construction or modification under this item must not result in an expansion of the animal feedlot or manure storage area to 300 animal units or greater.

Subp. 3. Design standards.

A. A new or modified liquid manure storage area at an animal feedlot or manure storage area with 1,000 animal units or more must be designed to provide a minimum of nine months of storage capacity.

B. Liquid manure storage area liners must comply with the following:

(1) non-concrete-lined manure storage areas must be designed and constructed to achieve a maximum theoretical seepage rate of not more than 1/56 inch per day throughout the design life of the manure storage area;

(2) concrete-lined manure storage areas must be designed and constructed with: water stops or joint sealant materials at all construction joints; sealing of all cracks which may extend through the concrete liner with appropriate sealing materials; and a floor having a concrete thickness of not less than five inches, and steel reinforcing based on subgrade drag theory in American Concrete Institute, Slabs on Grade, ACI-360; and

(3) composite-lined or aboveground manure storage areas must be designed and constructed to achieve a maximum theoretical seepage rate of not more than 1/560 inch per day throughout the design life of the manure storage area.

C. Water supply systems, fuel lines, electrical conduit, or other equipment not solely functioning as part of the manure handling or transfer system must not be designed or constructed to penetrate the liner of a liquid manure storage area. Piping and equipment functioning as part of the manure handling or transfer system which penetrates the liner of a liquid manure storage area must be identified in the design plans and specifications. The design plans and specifications must include details on the location and purpose of the penetrations, dimensions of the penetrations, and the methods and materials used to provide a seal between each penetration and the liner.

Subp. 4. Design plans and specifications. The owner shall prepare and submit to the commissioner or county feedlot pollution control officer design plans and specifications meeting the requirements of items A to N with a permit application or at least 90 days prior to the commencement of construction. Design plans and specifications, except plans and specifications for concrete-lined manure storage areas having a capacity of 20,000 gallons or less, must be prepared and signed by a design engineer.

A. Results and interpretation of a site and soils investigation that includes the information and requirements in subitems (1) to (10).

(1) An analysis of foundation soils for suitability for the proposed manure storage area including conditions that may lead to failure of constructed dikes or walls.

Proposed Rules

(2) Soil profile information in subitem (5) that must be obtained and recorded at a minimum of two locations within the boundaries of the proposed manure storage area for the first one-half acre of surface area. A minimum of one additional location is required for each additional one acre of manure storage area surface area. Sufficient soil records must be obtained to represent the range of soil conditions throughout the proposed manure storage area site.

(3) Except as required in subitem (4), the information in subitem (5) must be recorded to a depth of at least five feet below the bottom of the proposed liquid manure storage area.

(4) In areas that are susceptible to soil collapse or sinkhole formation, the information in subitem (5) must be recorded to a depth of at least ten feet below the bottom of the proposed liquid manure storage area, or until bedrock is encountered.

(5) Each soils record must identify the soil texture, depth to the regional water table, and depth to the seasonal high water table.

(6) The soil profile information must be obtained by a method that can identify abrupt changes in soil texture and sand lenses of one-half inch or greater throughout the soil profile.

(7) In areas susceptible to soil collapse or sinkhole formation, a map of the proposed site showing the location of all open and filled sinkholes, depression areas in the landscape, known caves, resurgent springs, disappearing streams, karst windows, and blind valleys within one-half mile of the proposed site location.

(8) An evaluation of potential for groundwater intrusion and damage to the storage area liner.

(9) Where a perimeter drainage tile system is required to control the elevation of the water table or saturated soils in accordance with item J, the design plans and specifications for the drain tile system must include provisions to:

(a) lower the elevation of the water table or saturated soils to below the bottom of the manure storage area liner;

(b) locate the drainage tile a horizontal distance of at least two feet outside the footing of a concrete-lined manure storage area;

(c) install a dedicated drain tile system for each manure storage area; and

(d) install a dedicated tile riser, manhole, or other access which allows collection of tile-water samples for each dedicated drain tile system.

(10) Additional information relating to the proposed manure storage area as requested by the commissioner to evaluate compliance with federal and state rules.

B. The following information if the proposed manure storage area is located in a Minnesota Department of Health approved drinking water supply management area as delineated according to chapter 4720:

(1) the location of the animal feedlot, manure storage area, and land application sites on a map of the Minnesota Department of Health approved drinking water supply management area;

(2) a copy of the vulnerability assessment of the drinking water supply management area from an approved wellhead protection plan according to part 4720.5210, subparts 2 and 3;

(3) a description of the vulnerability of the specific sites for manure storage areas and land application as described in the vulnerability assessment; and

(4) a copy of all parts of the drinking water supply management area or source water protection plan which pertain to animal feedlots, manure storage areas, and land application of manure.

C. The estimated storage capacity by volume and time period based on the volume of manure, manure-contaminated runoff, and process wastewaters generated.

D. In addition to the designed storage volume in item C, allowance for the greater capacity of the following for manure storage areas open to precipitation or subject to discharge of runoff into the manure storage area:

(1) a volume capacity for precipitation and runoff without overflow for a 25-year, 24-hour or greater precipitation or rain-fall event; or

(2) a freeboard depth of not less than one foot.

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Proposed Rules

E. A plan for a preconstruction conference that includes the design engineer, contractors, the owner, and the inspector required under subpart 6.

F. Specifications for the liquid manure storage area liner according to the applicable liner design standard identified under subparts 2 and 3.

G. When soil is used as a liner material, location and volume of liner soil available, testing protocol, and predesign test results for soil plasticity index, sieve analysis, and optimal moisture content.

H. A site plan that identifies the locations of predesign soil investigations conducted under item A relative to the proposed manure storage area.

I. Plan details and specifications for all liner penetrations according to subpart 3, item C.

J. Measures for control of water table or saturated soils.

K. A quality assurance and quality control plan which includes specifications for inspections and ASTM testing methods and frequencies.

L. Specifications for liner material protection from damage during construction or subsequent facility operation resulting from the following:

(1) drying and cracking during and after liner construction;

(2) manure agitation and pumping;

(3) freezing and thawing;

(4) hot weather construction;

(5) erosion; and

(6) other physical damage.

M. Special site considerations.

N. A plan for operation, periodic inspection, and maintenance of the manure storage area.

Subp. 5. Construction and notification requirements.

A. The owner shall construct the manure storage area according to the design plans and specifications submitted to the commissioner or the county feedlot pollution control officer. Proposed engineering changes or modifications to the design plans and specifications, related to the liner specifications, location, depth, or separation distance to bedrock, must be submitted to the commissioner or county feedlot pollution control officer prior to commencement of construction related to the proposed change.

B. An owner shall notify the commissioner or county feedlot pollution control officer and the design engineer of intent to construct a minimum of three business days prior to commencement of construction. Notification must be completed by letter, telephone, or facsimile and include:

(1) the permit number, if applicable;

(2) the owner's name, and the name of the facility if different than the owner;

(3) the site location by county, township, section, and quarter section;

(4) the design engineer's name; and

(5) the name of the contractor responsible for installing the liner.

C. An owner shall notify the commissioner or county feedlot pollution control officer within three business days following completion of construction of the manure storage area liner. Notification for vertical concrete-lined walls under this item must be completed before backfilling the walls. Notification information must meet the requirements in item B.

D. The owner shall submit a construction report to the commissioner or county feedlot pollution control officer within 60 days of the completion of any new or modified manure storage area. The report must be prepared and signed by the design engineer and must contain an assessment of whether the completed manure storage area conforms to the design plans and specifications submitted to the commissioner or county feedlot pollution control officer. The commissioner may require manure removal from the manure storage area and corrective actions if the construction report indicates that the completed manure storage area does not conform to the design plans and specifications.

Subp. 6. Inspections of liquid manure storage areas. An owner constructing a liquid manure storage area, except for a concrete-lined manure storage area with a capacity of 20,000 gallons or less, shall have inspections completed during the construction process which comply with items A to D.

A. The inspector must be one or more of the following:

(1) a professional engineer licensed in the state of Minnesota;

(2) a qualified Natural Resources Conservation Services staff person; or

(3) if the manure storage area has a concrete liner, an American Concrete Institute or Minnesota Department of Transportation concrete field testing technician grade/level I certified and concrete field inspector level II certified.

B. During construction of each manure storage area under this subpart, the inspector shall record on a form provided by the commissioner, observations related to conformance to the design plans and specifications and construction standards of the following:

(1) subgrade conditions prior to liner placement including soil texture, strength and moisture content, and presence of any frozen soils;

(2) location and proper functioning of the perimeter drainage tile system, if required, and inspection/monitoring access;

(3) for all concrete-lined manure storage areas:

(a) reinforcing steel size, grade, spacing, cover, and that steel is free of loose rust, oil, or other debris;

(b) concrete quality including air entrainment, temperature, strength, and water-cement ratio;

(c) handling, placement, consolidation, and finishing of concrete;

(d) curing and protection of concrete after placement, including hot and cold weather protective measures;

(e) location, forming, and surface preparation of construction, contraction, and expansion joints;

(f) placement of flexible waterstop materials in joints; and

(g) application of surface applied or injected crack and joint sealant materials;

(4) repair of construction defects; and

(5) conformance to the liner penetration prohibitions under subpart 3, item C.

C. The contractor responsible for installation of the liner shall certify on a form provided by the commissioner that the manure storage area was constructed in conformance with the design plans and specifications and construction standards for all applicable stages of construction in item B.

D. The owner shall ensure that the following information is submitted to the design engineer for incorporation into the construction report required in subpart 5, item D:

(1) the name and qualifications of the inspector;

(2) the inspection form required in item B; and

(3) the liner contractor's certification form required in item C.

Subp. 7. Operation and maintenance. The owner of a manure storage area shall operate and maintain the manure storage area according to the operation and maintenance plan submitted in accordance with subpart 4, item N.

7020.2110 UNPERMITTED OR NONCERTIFIED LIQUID MANURE STORAGE AREAS.

Subpart 1. Schedule for facilities with 1,000 animal units or more or construction after June 3, 1991. An owner that has 1,000 or more animal units, or that uses an unpermitted or noncertified liquid manure storage area for which construction commenced after June 3, 1991, shall, by October 1, 2001:

A. reconstruct the manure storage area according to part 7020.2100;

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Proposed Rules

B. complete closure of the manure storage area according to part 7020.2025 and notify the commissioner or county feedlot pollution control officer at least three days prior to the date when the manure storage area will be closed. Notification must be completed by letter, telephone, or facsimile and include:

- (1) the permit number, if applicable;
- (2) the owner's name, and the name of the facility if different than the owner;
- (3) the site location by county, township, section, and quarter section; and
- (4) the dates when closure will take place; or

C. submit a copy of the original design plans and specifications for the manure storage area that were prepared by a design engineer prior to the actual time of construction and a construction certification report signed by a design engineer that certifies that the liquid manure storage area was designed and constructed according to applicable rules and regulations and standard engineering principles and practices at the time of construction.

Subp. 2. Schedule for facilities with fewer than 1,000 animal units. Except as required in subpart 1 or as provided in subpart 3, an owner that uses an unpermitted or noncertified liquid manure storage area and has fewer than 1,000 animal units shall, by October 1, 2003:

A. complete one of the provisions under subpart 1, items A to C; or

B. the owner shall have a design engineer conduct a soils investigation and submit a soils investigation report to the commissioner or county feedlot pollution control officer that complies with the following:

(1) the soils report must demonstrate that the liquid manure storage area meets *Minnesota Natural Resources Conservation Service Practice Standard*, Code No. 425, November 1991, or Code No. 313, January 1998, design and construction criteria for:

- (a) sealing and lining waste storage ponds;
- (b) vertical separation to groundwater; and
- (c) vertical separation to bedrock;

(2) the soil profile information in subitem (5) must be obtained and recorded for at least two equally spaced locations around the perimeter of the liquid manure storage area for each quarter acre of manure storage surface area or portion thereof, and be within a horizontal distance of not more than 50 feet outside the top of the manure storage area sidewall;

(3) except as required in subitem (4), the information in subitem (5) must be recorded to a depth of at least five feet below the bottom of the liquid manure storage area;

(4) in areas that are susceptible to soil collapse or sinkhole formation, the information in subitem (5) must be recorded to a depth of at least ten feet below the bottom of the liquid manure storage area, or until bedrock is encountered;

(5) each soils record must identify the soil texture, depth to the regional water table, and depth to the seasonal high water table; and

(6) the soil profile information must be obtained by a method that can identify abrupt changes in soil texture and sand lenses of one-half inch or greater throughout the soil profile.

Subp. 3. Schedule for open lot feedlots with fewer than 300 animal units. Owners meeting the eligibility requirements under part 7020.2003, subpart 4, that must complete closure or reconstruction of the manure storage area according to subpart 1, item A or B, shall comply with items A and B.

A. By October 1, 2003, the owner shall notify the commissioner or county feedlot pollution control officer that the manure storage area will be closed or reconstructed by October 1, 2009. Notification must be completed by letter, telephone, or facsimile and also include:

- (1) the owner's name, and the name of the facility if different than the owner; and
- (2) the site location by county, township, section, and quarter section.

B. By October 1, 2009, the owner shall complete closure or reconstruction.

7020.2120 POULTRY BARN FLOORS.

Subpart 1. General. This part describes the requirements for construction and recordkeeping for poultry barn floors. Owners of poultry barns at which abandonment of the facility exposes the barn floor shall remove and land apply all manure and manure-contaminated soil according to part 7020.2225.

Subp. 2. Construction requirements for concrete-lined or asphalt-lined floors. All new concrete-lined or asphalt-lined poultry barn floors must be constructed and maintained according to the following:

- A. the floor thickness must be a minimum of 3.5 inches for concrete and a minimum of two inches for asphalt;
- B. the floors must be inspected by the owner or operator after each cleaning of the poultry barn floors; and
- C. cracks and joints, which may extend through the concrete-lined or asphalt-lined floor, must be sealed.

Subp. 3. Construction requirements for soil-lined floors. All new soil-lined poultry barn floors must be constructed and maintained according to items A to E.

A. The completed thickness of the constructed soil liner must be:

(1) 12 inches or more of compacted soil; or

(2) eight inches or more of compacted soil placed over an underlayment that consists of:

(a) three inches of sand consisting of at least 80 percent particles passing a number 4 sieve, less than ten percent particles passing a number 200 sieve, and no particles greater than one inch. Particle size analyses must be performed according to ASTM D-422; or

(b) a geo-textile fabric that weighs at least 12 ounces per square yard and has a minimum hydraulic conductivity of 0.30 cm/sec.

B. Soils used for construction of the floor must meet the following requirements:

(1) have at least 30 percent particles passing a number 200 sieve, less than 20 percent retained on a number 4 sieve, and no rocks greater than three inches in diameter. Particle size analyses must be performed according to ASTM D-422;

(2) have a plasticity index greater than seven percent according to ASTM D-4318;

(3) be placed in a minimum of two lifts, each lift being a minimum of four inches of in-place thickness;

(4) be maintained at a moisture content of zero to five percent above optimum as determined by ASTM D-698 or ASTM D-1557 during construction; and

(5) be compacted:

(a) with at least three passes of a sheepsfoot or padfoot-type compaction equipment with feet that extend through the loose lift of soil into the previous lift; or

(b) until achievement of 90 percent of standard proctor density. The density must be verified according to ASTM 2922, at a frequency of one sample per 3,000 square feet.

C. The poultry barn floor must be placed at least three feet above bedrock or the water table.

D. The soil liner must be refurbished with at least a two-inch lift of soils meeting the requirements of item B, prior to the floor thickness being diminished by two inches from the thickness required in item A.

E. Cracks that may extend through the floor must be repaired.

F. The floor must not be saturated at any time during the service life of the floor.

Subp. 4. Construction requirements for polyvinyl chloride (PVC) lined floors.

A. A seamless or factory seamed PVC liner having a thickness of not less than 30 mils must be placed at a depth of at least six inches below the final elevation of the poultry barn floor.

B. The upper six inches of the floor must be constructed of protective material that meets manufacturer's recommendations and provides adequate protection of the PVC liner. This protective layer must not consist of any particles that will inflict damage to the liner.

Subp. 5. Recordkeeping. The owner shall record and retain on permanent file the results of all testing required in subpart 3 and make these records available to the commissioner or county feedlot pollution control officer upon request.

Subp. 6. Notifications of construction. An owner shall notify the commissioner or county feedlot pollution control officer of intent to construct a minimum of three business days prior to commencement of construction and within three business days following completion of construction. Notification must be completed by letter, telephone, or facsimile and include:

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Proposed Rules

- A. the permit number, if applicable;
- B. the owner's name, and the name of the facility if different than the owner;
- C. the site location by county, township, section, and quarter section; and
- D. the name of the contractor responsible for installing the floor.

7020.2125 MANURE STOCKPILING SITES.

Subpart 1. General. This part describes requirements for permitting, design, construction, location, operation, and maintenance of short-term and permanent stockpiling sites. Stockpiling sites must comply with part 7020.2005 and items A to D.

A. Manure stockpiling sites must be located and constructed such that manure-contaminated runoff from the site does not discharge to waters of the state.

B. Manure must not be placed on a stockpiling site unless a three-to-one horizontal-to-vertical ratio can be maintained or the manure has at least a 15 percent solids content.

C. The use of rock quarries, gravel or sand pits, bedrock, and any mining excavation sites for stockpiling manure is prohibited.

D. The size of a short-term stockpile must not exceed a volume based on agronomic needs of the crops on 320 acres of fields and must not exceed the agronomic needs of the crops on the tract of land on which the stockpile is to be applied. The agronomic needs of the crops must comply with the application rates in part 7020.2225.

Subp. 2. Additional requirements for short-term stockpiling. By October 1, 2001, all short-term stockpile sites must:

A. have the manure removed from the site within 180 calendar days of the date from when the stockpile is initially established and land applied in accordance with part 7020.2225, unless weather and soil conditions prohibit land application of the manure and the owner complies with the following:

(1) the owner shall land apply the manure in accordance with part 7020.2225 within one year of the date when the stockpile was initially established; and

(2) prior to the end of the 180-day period identified in this item, the owner shall submit to the commissioner or county feedlot pollution control officer, on a form provided by the commissioner, a short-term stockpile extension notification which identifies:

(a) the weather and soil conditions that prevented the removal and land application of the manure within the 180-day period; and

(b) the location of each short-term stockpile that will remain after the 180-day period;

B. except for a site located within the confines of an animal feedlot containing less than 100 animal units of hooved animals, not be used during the calendar year preceding or following the calendar year in which the site is used. A vegetative cover must be established on the site for at least one full growing season prior to reuse;

C. not be located within:

(1) 300 feet of flow distance and at least 50 feet horizontal distance, to waters of the state, sinkholes, rock outcroppings, open tile intakes, and any uncultivated wetlands which are not seeded to annual farm crops or crop rotations involving perennial grasses or forages;

(2) 300 feet of flow distance to any road ditch that flows to the features identified in subitem (1) or 50 feet of any road ditch where subitem (1) does not apply;

(3) 100 feet of any private water supply or abandoned well and 200 feet from any private well with less than 50 feet of watertight casing and that is not cased through a confining layer at least ten feet thick; and

(4) 100 feet from field drain tile that are three feet or less from the soil surface;

D. maintain a minimum distance of two feet between the base of the stockpile and the seasonal high water table or saturated soils, as identified in the most recent USDA/NRCS soil survey manual or based on a site-specific soils investigation; and

E. be prohibited:

(1) on land with greater than six percent slope;

(2) on land with slopes between two and six percent, except where clean water diversions and erosion control practices are installed; and

(3) on soils where the soil texture to a depth of five feet is coarser than a sandy loam as identified in the most recent USDA/NRCS soil survey manual or based on a site-specific soils investigation.

Subp. 3. Recordkeeping for short-term stockpile sites. The owner of the short-term stockpile site shall maintain records for each stockpile site containing the information in items A to E. Records must be kept on file for at least three years for all short-term stockpiling by the owner of the animal feedlot at which the manure was produced and be made available to the commissioner or county feedlot pollution control officer upon request. The records must include:

- A. the location of the stockpile;
- B. the date on which each stockpile was established;
- C. the volume of manure stockpiled;
- D. the nutrient analysis of the manure; and
- E. when the stockpiled manure was land applied.

Subp. 4. Additional requirements for permanent stockpile sites. By October 1, 2001, all permanent stockpile sites must comply with this part. The owner shall also install a liquid manure storage area according to part 7020.2100 to collect and contain manure-contaminated runoff, if necessary to comply with the requirements of part 7020.2003. An owner shall submit a permit application, as applicable, under part 7020.0405, subpart 1.

- A. The owner shall comply with part 7020.2005.
- B. The stockpile site liner must:

(1) have a completed thickness of at least two feet and be constructed of soils having a hydraulic conductivity of 1×10^{-7} cm/sec or less upon completion of construction; or

(2) have other liner materials which achieve a hydraulic conductivity less than 1×10^{-7} cm/sec.

C. The site must be constructed using diversion structures, elevated platform construction, or other devices to prevent surface waters from entering and passing through the stockpile site. Where upgradient slopes are greater than two percent, clean water diversions must be constructed that surround at least the three upgradient sides of the stockpile site. Diversions must be of sufficient height to prevent outside water from passing over them during snowmelt or rainfall events less than the 25-year, 24-hour storm event.

D. A permanent stockpile site must be operated and maintained in a manner so as to protect the integrity and structural reliability of the manure storage area.

E. An owner shall notify the commissioner or county feedlot pollution control officer of intent to construct a minimum of three days prior to commencement of construction and within three days following completion of construction. Notification must be completed by letter, telephone, or facsimile and include:

- (1) the permit number, if applicable;
- (2) the owner's name, and the name of the facility if different than the owner;
- (3) the site location by county, township, section, and quarter section; and
- (4) the name of the contractor responsible for installing the permanent stockpile liner.

F. The owner shall comply with subpart 2, item D.

7020.2150 MANURE COMPOST SITES.

Subpart 1. General. An owner composting only manure at a manure compost site shall comply with subparts 2 and 3. An owner composting manure and solid wastes shall comply with part 7035.2836, subparts 4 to 7. An owner composting dead animals shall comply with part 1719.4000.

Subp. 2. Operational requirements. An owner of a manure compost site meeting the requirements of subpart 1 shall comply with items A to C.

- A. The owner shall comply with part 7020.2125.

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Proposed Rules

B. If operating a compost site under part 7020.2125, subparts 1 to 3, the owner shall comply with part 7020.2125, subpart 4, item C.

C. The owner shall produce finished compost by a process to further reduce pathogens (PFRP). The temperature and retention time for the material being composted must be monitored and recorded each day. The owner shall comply with one of the PFRP methods in subitems (1) to (3).

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

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

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

Subp. 3. Recordkeeping and reporting requirements. An owner of a manure compost site that is required to apply for and obtain a permit under part 7020.0405, subpart 1, item A or B, must:

A. analyze mature manure compost and maintain records of the results for:

(1) pH;

(2) moisture content;

(3) particle size;

(4) NPK ratio; and

(5) soluble salt content; and

B. if the owner's NPDES or SDS permit requires submittal of an annual report, include the following information in the annual report:

(1) the quantities and sources of manure and bulking agents delivered to the facility;

(2) temperature and retention time data for all compost produced; and

(3) the information recorded under item A.

7020.2225 LAND APPLICATION OF MANURE.

Subpart 1. In general.

A. Manure must not be applied to land in a manner that will:

(1) result in a manure discharge to waters of the state during the process of applying manure, except that manure application is allowed onto seasonally saturated soils that are seeded to annual farm crops or crop rotations of perennial grasses or legumes; or

(2) cause pollution of waters of the state due to manure-contaminated runoff.

B. Manure application into road ditches is prohibited.

C. All manure applications to land must meet the requirements of this part except where specifically exempted.

D. When ownership of manure is transferred for application to land not owned or leased by the owner of an animal feedlot or manure storage area with 100 or more animal units, any person receiving the manure shall:

(1) comply with the manure management plan completed by the owner of the animal feedlot where the manure was produced; and

(2) complete the manure management plan requirements in subpart 4, except for provisions that were completed by the owner of the animal feedlot where the manure was produced.

Subp. 2. Manure nutrient testing requirements. Manure from all manure storage areas and stockpile sites storing manure produced from more than 100 animal units must be tested by the owner of the animal feedlot for nitrogen and phosphorus content according to items A to E.

A. The manure must initially be tested once per year for at least three years.

B. Manure must be tested during subsequent years following changes in conditions affecting manure nutrient content including unusual climatic conditions, or changes in manure storage and handling, livestock types, or livestock feed.

C. Ongoing manure nutrient testing must continue at least once every four years unless more frequent testing is required under item B or in a permit.

D. The nutrient analysis must be conducted using a laboratory certified by the Minnesota Department of Agriculture or commissioner-approved on-farm sampling and analysis.

E. Manure sampling must be conducted so that a representative sample is obtained in accordance with University of Minnesota Extension Service recommendations.

Subp. 3. Nutrient application rate standards.

A. Manure application rates must be limited as described in subitems (1) to (3) so that the estimated plant available nitrogen from all nitrogen sources does not exceed expected crop nitrogen needs for nonlegume crops and expected nitrogen removal for legumes.

(1) Expected crop nitrogen needs, crop nitrogen removal rates, and estimated plant available nitrogen from manure and legumes must be based on the most recent University of Minnesota Extension Service published recommendations.

(2) Estimated plant available nitrogen from organic nitrogen sources, including manure, may deviate up to 20 percent from University of Minnesota Extension Service estimates where site nutrient management history, soil conditions, or cool weather warrant additional nitrogen application. When crop nitrogen deficiencies are visible or measured, remedial nitrogen applications above the 20 percent deviation can be made.

(3) Nitrogen sources include commercial fertilizer nitrogen, soil organic matter, irrigation water, legumes grown during previous years, and manure applied for the current year and previous years.

B. Manure application to land in special protection areas must also comply with the requirements in subpart 6.

Subp. 4. Manure management plan requirements.

A. An owner or operator of an animal feedlot with 100 or more animal units shall prepare and retain on file a manure management plan that complies with item D according to the following schedule:

(1) upon application for an NPDES, SDS, or construction short-form permit;

(2) an owner with 300 or more animal units that is not required to obtain an NPDES, SDS, or construction short-form permit shall prepare a manure management plan by October 1, 2002;

(3) an owner with 100 or more and fewer than 300 animal units shall prepare a manure management plan by October 1, 2005; and

(4) the owner of a new or expanded animal feedlot or manure storage area that has 300 animal units or more after October 1, 2002, or that has 100 animal units or more after October 1, 2005, shall prepare a manure management plan within one year of exceeding the applicable animal unit threshold.

B. A manure management plan that complies with the requirements of item D must be on file at the animal feedlot or manure storage area and submitted to the commissioner or delegated county in accordance with the schedule in item A when any one of the following conditions applies:

(1) when an owner submits a permit application to the commissioner for an NPDES or SDS permit;

(2) when manure is to be applied to fields in special protection areas or within 300 feet of open tile intakes and that:

(a) have average soil phosphorus test levels exceeding 75 ppm using the Bray P1 test or 60 ppm using the Olsen test; or

(b) have slopes that exceed six percent;

(3) when manure is to be applied to fields outside of special protection areas that have average soil phosphorus test levels exceeding 150 ppm using the Bray P1 test or 120 ppm using the Olsen test, then the manure management plan must be submitted prior to the dates in item A, subitems (2) and (3); and

(4) the manure management plan is requested by the commissioner or county feedlot pollution control officer.

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Proposed Rules

C. The manure management plan must be reviewed by the owner each year and adjusted for any changes in the amount of manure production, manure nutrient test results, fields available for receiving manure, crop rotations, or other practices which affect the available nutrient amounts or crop nutrient needs on fields receiving manure.

D. Except as provided in item E, the manure management plan must contain:

(1) a description of the manure storage/handling system and the expected annual amount of manure and manure nutrients which will need to be land applied;

(2) application methods, equipment, and calibration procedures;

(3) maps or aerial photos showing field locations and acreage available for applying manure;

(4) a description of manure nutrient testing methods and frequency and the expected nutrient content of the manure to be applied;

(5) planned manure application rates and assumptions used to determine these rates, including assumptions of crop nitrogen and phosphorus needs and nitrogen and phosphorus supplied from all manure and nonmanure sources;

(6) total manure nitrogen and phosphorus rates to be applied on each field and for each crop in the rotation;

(7) expected first and second year plant available nutrients from manure;

(8) expected months of application;

(9) a description of protective measures as described in this subitem to minimize the risk of surface water and groundwater contamination when applying manure in a floodplain, special protection area, soils with less than three feet above limestone bedrock, and land within 300 feet of all surface tile intakes, sinkholes without constructed diversions, and uncultivated wetlands. Protective measures include, but are not limited to, soil and water conservation measures, timing of application, methods of application, manure application rates, and frequency of application;

(10) for application onto frozen or snow-covered soil, the following information about the fields which may receive the manure:

(a) field location;

(b) land slopes;

(c) proximity of fields to surface waters;

(d) expected months of application for each field; and

(e) tillage and other conservation measures used to minimize risk of manure-contaminated runoff;

(11) Bray P1 or Olsen soil phosphorus test results from soil samples taken in the upper six inches of soil for all fields receiving manure. The soil phosphorus test results must have been taken within four years from the time of preparing or updating the manure management plan;

(12) a description of how phosphorus from manure is to be managed to minimize phosphorus transport to surface waters resulting from soil phosphorus build-up to levels stated in item A, subitems (2) and (3), or which are otherwise more specifically defined by the University of Minnesota Extension Service as levels that will likely lead to surface water or groundwater quality degradation for different types of soils, soil management, and locations, and as published by the agency in the *State Register*;

(13) plans for soil nitrate testing in accordance with University of Minnesota Extension Service recommendations; and

(14) type of cover crop to be planted when manure is to be applied in June, July, or August to fields that have been harvested and would otherwise not have active growing crops for the remainder of the growing season.

E. When ownership of manure is to be transferred for application to fields not owned or leased by the owner of the animal feedlot or manure storage area, the owner of the animal feedlot where the manure was produced need not include the requirements in item D, subitems (3), (5) to (7), (10), and (11) in the owner's manure management plan. Any person receiving the manure shall comply with subpart 1, item C.

Subp. 5. Recordkeeping.

A. Any person receiving manure from a facility with 100 or more animal units shall maintain records of manure application on file, which include all nutrient additions for the cropland where the manure is applied:

(1) for the most recent six years for manure application within special protection areas; and

(2) for the most recent three years on land not covered under subitem (1).

B. Cropland management records kept in accordance with item A must contain the following information:

- (1) field locations and cropland acreage where manure is applied;
- (2) volume or tonnage of manure applied on each field;
- (3) manure test nitrogen and phosphorus content, as required by subpart 2;
- (4) dates of application;
- (5) dates of manure incorporation when incorporating within ten days;
- (6) expected plant-available amounts of nitrogen and phosphorus released from manure and commercial fertilizers on each field where manure is applied;
- (7) a description of changes to the manure management plan, including documentation of the justification for any remedial nitrogen applications that exceed the nitrogen rate standard in subpart 3; and
- (8) soil nutrient test results.

C. Where manure is transferred for application to fields not owned or leased by the owner of the animal feedlot which produced the manure, the animal feedlot which produced the manure must meet the following requirements:

- (1) the manure records for the most recent three years must be kept on file and must contain the following information:
 - (a) the volume or tonnage of manure delivered;
 - (b) the nutrient content of the manure delivered;
 - (c) the name and address of any commercial hauler or applicator who received the manure; and
 - (d) the location where the manure was applied and rate of application; and
- (2) commercial applicators spreading manure onto land not owned or leased by the owner of the animal feedlot which produced the manure shall keep records, in accordance with subitem (1). A copy of these records must be submitted to the owner of the animal feedlot which produced the manure no later than 60 days following land application.

Subp. 6. Manure application requirements in special protection areas.

A. Manure must not be applied to frozen or snow-covered soils in special protection areas.

B. Manure applied to unfrozen soils in special protection areas must comply with subitem (1) or (2).

(1) A vegetative buffer must be maintained that:

(a) consists of perennial grasses or forages;

(b) is a minimum of 100 feet wide along lakes and perennial streams and 50 feet wide in other special protection areas;

and

(c) does not receive manure applications from any animal feedlot or manure storage area.

(2) The following practices must be complied with:

(a) manure must not be applied within 25 feet of the protected water, protected wetland, intermittent stream, or drainage ditch in the special protection area;

(b) manure must be injected or incorporated within 24 hours and prior to rainfall; and

(c) manure must be applied at a rate and/or frequency which will not allow soil phosphorus levels to increase over any six-year period with the following exception: soil phosphorus may be increased to 21 ppm (Bray P1) or 16 ppm (Olsen) when soil testing indicates soil phosphorus test concentrations are less than these values.

C. Manure application by a traveling gun, center pivot, or other irrigation equipment that allows liquid application of manure to travel more than 50 feet in the air is prohibited in special protection areas.

Subp. 7. Manure application for land within 300 feet of open tile intakes. Manure applied within 300 feet of open tile intakes must be injected or incorporated within 24 hours of application according to the schedule in items A and B unless other agency-approved water quality protection management practices are implemented in this 300-foot zone.

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Proposed Rules

A. All liquid manure applied within 300 feet of open tile intakes must be injected or incorporated within 24 hours of application from the date this part becomes effective.

B. All types of manure applied within 300 feet of open tile intakes must be injected or incorporated within 24 hours of application by October 1, 2004.

Subp. 8. Application near sinkholes, mines, quarries, and wells.

A. Manure must not be applied to land within 50 feet of an active or inactive water supply well, sinkhole, mine, or quarry.

B. Manure must be incorporated within 24 hours of surface application when applied to land that slopes towards a sinkhole and is less than 300 feet from the sinkhole except that no setback incorporation is necessary where diversions prevent manure-contaminated runoff from entering the sinkhole.

REPEALER. Minnesota Rules, parts 7020.0100; 7020.0300, subparts 7 and 20; 7020.0400; 7020.0500; 7020.0600; 7020.0700; 7020.0800; 7020.0900; and 7020.1600, subparts 3, 4, and 5, are repealed.

Annual Book of American Society for Testing and Materials (ASTM), Part 4, ASTM D 1557, Test Methods for Moisture-Density Relations of Soils and Soil-Aggregate Mixtures Using 10-lb (4.54-kg) Rammer and 18-in. (457-mm) Drop. 1978 Edition. This publication is available through the Minitex interlibrary loan system.

Annual Book of American Society for Testing and Materials (ASTM), Part 4, ASTM D 4318, Test Method for Liquid Limit, and Plasticity Index of Soils. 1984 Edition. This publication is available through the Minitex interlibrary loan system.

Annual Book of American Society for Testing and Materials (ASTM), Part 4, ASTM D 422, Method for Particle-Size Analysis of Soils. 1972 Edition. This publication is available through the Minitex interlibrary loan system.

Annual Book of American Society for Testing and Materials (ASTM), Part 4, ASTM D 698, Test Methods for Moisture-Density Relations of Soils and Soil-Aggregate Mixtures Using 5.5-lb (2.49-kg) Rammer and 12-in. (304.8-mm) Drop. 1978 Edition. This publication is available through the Minitex interlibrary loan system.

Code of Federal Regulations, title 40, part 412, Feedlots Point Source Category. This publication is available through the Minitex interlibrary loan system.

Code of Federal Regulations, title 40, section 122.23, Concentrated Animal Feeding Operations. This publication is available through the Minitex interlibrary loan system.

Protected Waters and Wetlands Maps, 1999. Minnesota Department of Natural Resources, Division of Waters. These maps are available through the Minnesota Bookstore, 117 University Ave., St. Paul, MN 55155. These maps are available for viewing at the County Auditor's offices, County Soil and Water Conservation District offices, Watershed District offices, Minnesota Department of Natural Resources offices, and through the Minitex interlibrary loan system at the Minnesota Department of Natural Resources Internet site at the following address: <http://www.dnr.state.mn.us/waters/wetlands/pwi/index.html>

United States Geological Survey Quadrangle Maps, 7.5- and 15-minute maps, United States Department of the Interior Geological Survey, 1999. These maps are available through the Minitex interlibrary loan system from the Minnesota Pollution Control Agency library. They are available for viewing at the Minnesota Department of Administration and county offices, and may be ordered from the United States Geological Survey Internet site at the following address: <http://mappings.usgs.gov/mac/find-maps.html>

Minnesota Natural Resources Conservation Service Practice Standard, Waste Storage Pond (Code No. 425), November 1991, or Waste Storage Facility (Code No. 313), January 1998. This publication is available through the Minitex system.

Feedlot Inventory Guidebook, Minnesota Board of Water and Soil Resources, June 1991. This publication is available through the Minitex interlibrary loan system.

United States Department of Agriculture, Natural Resource Conservation Service, Natural Range and Pasture Handbook, Chapter 5, Management of Grazing Lands, Part 2(i), September 1997. This publication is available through the Minitex interlibrary loan system.

An Evaluation System to Rate Feedlot Pollution Potential, United States Department of Agriculture, Agricultural Research Service, April 1982. This publication is available through the Minitex interlibrary loan system.

Minnesota Natural Resources Conservation Service, Conservation Practice Standard, Prescribed Grazing, Code No. 528A, July 1998. This publication is available through the Minitex interlibrary loan system.

Minnesota Natural Resources Conservation Service, Conservation Practice Standard, Heavy Use Area Protection, Code No. 561, Second Draft, November 1991. This publication is available through the Minitex interlibrary loan system.

Board of Teaching

Proposed Permanent Rules Relating to Institution and Teacher Preparation Program Approval

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

Proposed Amendments to Rules Relating to Institutional Program Approval for Teacher Preparation, *Minnesota Rules*, Part 8700.7600, including repeal of subpart 2

Introduction. The Board of Teaching intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:00 p.m. on February 7, 2000, a public hearing will be held in Conference Center Room 13/14, Department of Children, Families, and Learning Building, 1500 Highway 36 West, Roseville, Minnesota 55113, starting at 9:00 A.M. on Wednesday, February 23, 2000. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after February 7, 2000, and before February 23, 2000.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Michael Tillmann at The Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113. His phone number is (651) 582-8833. TTY users may call the Board of Teaching at (651) 582-8201.

Subject of Rules and Statutory Authority. The proposed rules are about institutional program approval for teacher preparation. The statutory authority to adopt the rules is *Minnesota Statutes*, 122A.09, subdivision 4. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:00 p.m. on Monday, February 7, 2000, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:00 p.m. on February 7, 2000. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

Cancellation of Hearing. The hearing scheduled for February 23, 2000, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 582-8833 after February 7, 2000, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7604, and FAX (612) 349-2665.

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

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

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the State Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

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

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

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

Dated: 11 December 1999

Michael L. Tillmann
Executive Director
Minnesota Board of Teaching

8700.7600 APPROVAL OF MINNESOTA INSTITUTIONS TO PREPARE PERSONS FOR TEACHER LICENSURE INSTITUTIONAL PROGRAM APPROVAL FOR TEACHER PREPARATION.

Subpart 1. **In general.** Licenses to teach in Minnesota may be granted to persons who complete approved programs leading to teacher licensure in Minnesota institutions ~~which are~~ approved by the Board of Teaching to prepare persons for teacher licensure ~~in accordance with the provisions of~~ according to this part.

Subp. 2. [See repealer.]

Subp. 2a. **Definitions.** For the purposes of this part, the terms in this subpart have the meanings given them.

A. “Teacher preparation program” means a college or university program, approved by the Board of Teaching for the purpose of preparing individuals for a specific teacher licensure field in Minnesota.

B. “Unit” means a defined subdivision of the institution, for example a college, department, or division, that has primary responsibility for overseeing teacher preparation programs.

Subp. 3. **Evaluation of institutions and programs.** ~~Each degree granting Minnesota institution granting baccalaureate degrees, postbaccalaureate degrees, or both, requesting approval to prepare persons for teacher licensure shall be evaluated for initial approval and thereafter shall be evaluated for continuing~~ both institutional and program approval in accordance with the provisions of according to this rule part.

Subp. 4. **Expiration Duration of approval.** ~~Initial or continuing approval to prepare persons for teacher licensure may be granted by The Board of Teaching to~~ may approve an institution or a teacher preparation program for a period of ~~ten~~ up to seven years. At least one year prior to the expiration of the approval period, the institution or preparation program shall submit a request to the Board of Teaching for continuing approval and shall be evaluated in accordance with the provisions of this part.

Subp. 5. **Written report application required.** ~~Each Minnesota institution requesting initial or continuing approval to prepare persons for teacher licensure shall forward from the chief administrative officer of that institution to the Board of Teaching a written report which shall be used to verify the capability of the institution to prepare persons for teacher licensure in Minnesota. This written report shall include~~ A written application for approval of an institution must demonstrate:

A. ~~a statement that the mission of the institution includes a commitment to the preparation of persons for teacher licensure;~~

B. ~~evidence that sufficient financial resources are allocated to support the institutional programs for preparing persons for teacher licensure;~~

C. ~~evidence that institutional requirements in liberal or general education for persons enrolled in programs leading to teacher licensure are equivalent to the requirements of persons enrolled in programs other than teacher licensure;~~

D. ~~a description of institutional administrative organization which demonstrates that:~~

(1) ~~The control of teacher licensure programs is exercised by a defined administrative and instructional unit, such as a department, division, school, or college of education. Such defined unit has responsibility for planning, developing, coordinating, implementing, and evaluating teacher licensure programs;~~

(2) ~~The administrator of such defined unit is authorized to submit teacher licensure program proposals to the Board of Teaching for approval and is responsible for administering teacher licensure programs as approved by the Board of Teaching;~~

(3) ~~The administrator of such defined unit is authorized to recommend for teacher licensure those persons who have completed teacher licensure programs which have been approved for that Minnesota institution by the Board of Teaching;~~

(4) ~~The institution has a defined institutional policy making body which is responsible for approving teacher licensure programs for submission to the Board of Teaching; and~~

(5) ~~The institution establishes and maintains a teacher education committee to assist in the design, development, revision, and ongoing evaluation of teacher licensure programs within the institution. Such committee includes college personnel, licensed practicing teachers, school administrators, and interested citizens;~~

E. ~~a description of the institutional student services, which demonstrates that:~~

(1) ~~the institution has established and maintains a process for admission and retention of persons in teacher licensure programs, including the application of specific criteria for admission and retention, and a defined student appeals process;~~

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Proposed Rules

~~(2) the institution has established and maintains complete, accurate, and current records of persons in teacher licensure programs which provide information to support decisions with respect to admission, retention, and recommendation for teacher licensure;~~

~~(3) the institution has established and maintains an advisory system which provides assistance in planning programs of study for each person enrolled in teacher licensure programs; and~~

~~(4) the institution has established and maintains placement services, including maintenance of credentials, information regarding trends in employment, and information regarding employment opportunities;~~

~~F. evidence that the institution assigns faculty qualified by academic preparation to support the teacher licensure program offered by the institution;~~

~~G. evidence that the qualifications and the teaching load of the faculty assigned to the professional education component of each teacher licensure program are equivalent to those established for all faculty within the institution;~~

~~H. evidence that part time and adjunct faculty assigned to each teacher licensure program are employed only when there is a need which is not represented on the full time faculty, or when there is a need for temporary additional service, or to complement regular full time faculty;~~

~~I. a description of the foundational component of professional education which demonstrates that persons enrolled in teacher licensure programs are provided instruction in the foundations of education and that such persons successfully complete the foundational component of professional education;~~

~~J. a description of the student teaching experience, identifying the documentation available which demonstrates that:~~

~~(1) persons enrolled in teacher licensure programs which require a student teaching experience complete such supervised experience in the licensure field and at the licensure level for which they are to be recommended for licensure;~~

~~(2) supervision of student teaching experiences is under the control and direction of faculty assigned to the professional education component of teacher licensure programs. Student teaching experiences are also supervised by practicing teachers who hold at least a continuing license, as defined in part 8710.0300 and granted by the Board of Teaching, in the licensure field and at the licensure level for which they supervise; and~~

~~(3) student teaching experiences are evaluated by the persons enrolled in teacher licensure programs and by the faculty and practicing teachers who supervise the student teaching experiences;~~

~~K. evidence that the physical resources are adequate to support the teacher licensure programs offered by the institution;~~

~~L. evidence that the library, audiovisual, and curriculum materials are adequate to support the teacher licensure programs offered by the institution;~~

~~M. a description of the institutional procedures for the systematic evaluation of teacher licensure programs, including the periodic survey of graduates who have completed such programs;~~

~~N. evidence that the results of the systematic evaluation of teacher licensure programs, including the periodic survey of graduates, are utilized in the development and possible modification of teacher licensure programs offered by the institution; and~~

~~O. a description of long range plans for teacher education projected by the institution.~~

~~A. in professional and pedagogical studies:~~

~~(1) the institution has high quality professional education programs that are cohesive, comprehensive, and based on research, theory, and accepted practice;~~

~~(2) the institution requires that candidates in teacher preparation programs complete a professional sequence of courses based on the components under part 8710.2000; and~~

~~(3) assessment and evaluation are integral components of the professional education sequence and are used to monitor teacher candidate performance and program effectiveness;~~

~~B. in general and content studies:~~

~~(1) the institution provides and requires candidates in teacher preparation programs to complete a program of general studies in the liberal arts and sciences equivalent to the requirement for persons enrolled in programs not preparing persons for teacher licensure;~~

~~(2) the institution provides programs that require candidates in teacher preparation programs to attain academic competence in the content that they plan to teach;~~

~~(3) the liberal arts curriculum of the institution incorporates multicultural and global perspectives; and~~

(4) teacher candidates can integrate general, content, professional, and pedagogical studies, as measured by teacher performance, and performance of the students they teach;

C. in providing clinical and field experiences:

(1) the teacher licensure programs incorporate a broad range of ongoing clinical and field experiences that provide candidates opportunities to demonstrate the required skills and knowledge under part 8710.2000;

(2) candidates have experiences with diverse populations, students with disabilities, and students of different ages under the direction of teacher education faculty in collaboration with school partners;

(3) candidates work in the field and at the licensure level for which they are to be recommended for licensure;

(4) each program is developed and implemented through collaborative school partnerships in which university faculty and school personnel share responsibility for planning, supervising, evaluating, and implementing the curriculum for candidates; and

(5) school personnel hold valid Minnesota continuing licenses, or the equivalent, in the fields of specialization, and model good professional practice;

D. for candidate qualifications:

(1) the institution recruits, admits, and retains candidates who demonstrate potential for professional success in schools;

(2) multiple criteria and assessments are used to identify candidates for admission who have potential to become successful teachers;

(3) the institution has clearly stated and applied assessment procedures for the admission of transfer, nontraditional, and postbaccalaureate candidates into undergraduate and graduate teacher preparation programs;

(4) the institution actively recruits and has plans, policies, and practices for admission and retention of a diverse candidate population; and

(5) the institution assesses and, if appropriate, gives credit to candidates for knowledge and skills acquired through prior academic preparation and teaching experiences that meet licensure requirements;

E. when monitoring and advising on candidate progress:

(1) the institution provides appropriate academic and professional advisement at a candidate's admission and throughout the candidate's professional education program;

(2) the institution maintains specific criteria for admission and retention, and a defined student appeals process;

(3) the institution maintains complete, accurate, and current records of candidates in teaching preparation programs;

(4) the institution uses authentic performance-based assessments and systematic procedures and timelines to determine whether candidates have the knowledge and skill needed to advance through the program;

(5) criteria consistent with part 8710.2000 are used to determine candidate progress through each program;

(6) the institution requires that candidates successfully complete all Board of Teaching licensure assessments before recommending a candidate for teacher licensure; and

(7) publication and faculty advising provide candidates with clear information about institutional policies and requirements needed to complete professional education programs, the availability of social and psychological counseling services, and job opportunities;

F. for competence of candidates:

(1) the unit provides evidence that licensure candidates demonstrate the skills and knowledge required under part 8710.2000;

(2) the unit demonstrates a systematic and comprehensive assessment design that is applied to all candidates throughout professional preparation;

(3) the unit establishes and publishes a set of criteria and outcomes for exit from each professional education program consistent with the standards of the Board of Teaching; and

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Proposed Rules

(4) the program's stated exit criteria and outcomes are assessed through the use of multiple sources of data, for example a culminating experience, portfolios, interviews, videotaped and observed performance in schools, standardized tests, and course grades;

G. for the qualifications, composition, and assignment of the professional education faculty:

(1) the unit ensures that all education faculty are qualified by academic preparation for the faculty member's current assignments and are actively engaged in the professional community, and that faculty responsible for supervising clinical or field experiences have preparation for this role and have had teaching experience in a school setting;

(2) the unit assigns faculty qualified by academic preparation to support the teacher licensure programs;

(3) the unit actively recruits and has plans, policies, and practices for hiring diverse faculty;

(4) the work load allows the faculty to be involved in teaching, scholarship, service, and schools in monitoring, assessing, and advising candidate progress;

(5) the unit ensures that faculty who supervise field experiences are academically prepared and professionally experienced in a school setting;

(6) any part-time and adjunct faculty and graduate students in teaching roles provide integrity, quality, and continuity of teacher preparation programs;

(7) faculty and teaching in the unit are of high quality reflecting current research and best practice consistent with the curriculum goals of the program;

(8) faculty and cooperating school personnel model and reflect the best practice in the delivery of instruction;

(9) faculty use a variety of instructional strategies that reflect an understanding of different models and approaches to learning;

(10) instruction encourages the candidate's development of reflection, critical thinking, problem solving, and professional dispositions;

(11) teaching in the unit reflects knowledge and experiences with diversity and exceptionalities;

(12) the institution systematically evaluates effect of faculty on candidate performance and fosters faculty professional development; and

(13) the unit's faculty demonstrates knowledge, skills, and dispositions which model best professional practices, assessment, and scholarship; and

H. for institutional governance:

(1) the professional education unit is clearly identified and has primary responsibility for all programs offered at the institution for the licensure of teachers and other professional school personnel;

(2) responsibility and authority for teacher preparation programs are exercised by a defined administrative and instructional unit, for example a department, division, school, or college of education;

(3) the unit has responsibility and authority in the areas of faculty selection, tenure, promotion, and retention decisions; recruitment of candidates; and curriculum decisions, evaluation, revision, and the allocation of resources for institution activities;

(4) the administrator of the defined unit is authorized to submit licensure program proposals for Board of Teaching approval and is responsible for administering licensure programs;

(5) the administrator of the defined unit is authorized to recommend for teacher licensure candidates who have completed the institution's teacher preparation programs;

(6) school faculty, candidates, and other members of the professional community are actively involved in the unit's policy-making and advisory bodies;

(7) the unit has a long-range planning process that is regularly monitored to ensure the ongoing vitality of the unit and its programs, and the future capacity of its physical facilities;

(8) the unit has sufficient financial resources and institutional support to sustain teacher preparation programs;

(9) facilities, equipment, and budgets are adequate to support the unit's missions and goals;

(10) candidates and faculty have access to books, journals, and electronic information that support teaching and scholarship;

(11) candidates and faculty have training in and access to current education-related technology; and

(12) the unit has sufficient faculty and administrative, clerical, and technical staff to ensure the consistent delivery and quality of programs.

Subp. 5a. Requirements for each teacher preparation program within an approved institution. An approved institution shall submit a description of each teacher preparation program for which approval is requested to the Board of Teaching. Each description shall include evidence that:

A. rules of the Board of Teaching governing the licensure of teachers for which students in the program are being prepared are met and the program provides curriculum, instruction, and assessment consistent with the content and pedagogical requirements of the licensure field;

B. candidates enrolled in the teacher preparation program are required to complete course work in methods of teaching the content and levels of students for which they are preparing to be licensed;

C. candidates preparing to be recommended for first licensure are required to complete successfully a series of early and ongoing planned, supervised, and evaluated clinical experiences as well as at least ten full weeks of student teaching experiences in the licensure field and at the licensure level for which the candidates are completing teacher preparation programs and are to be recommended for teacher licensure;

D. necessary faculty and physical resources are allocated to implement and maintain the teacher preparation program as follows:

(1) a faculty member, qualified by academic preparation, shall provide the instructional leadership for the program and develop the course of study in collaboration with licensed, experienced school personnel in the field;

(2) faculty assigned to instruct and assess the subject matter content shall have advanced academic preparation to teach the content;

(3) faculty assigned to instruct and assess the professional education components shall have both academic preparation and direct experience teaching the content and levels established in the licensure field's scope of practice;

(4) program faculty assigned to provide instruction in methods of teaching and to supervise student teaching experiences shall have teaching experience at the licensure level of the licensure program; and

(5) classroom teachers who supervise student teaching experiences shall hold current, valid licenses in the licensure fields and at the licensure levels they supervise;

E. an operational process is in place for assessing attainment of standards by each candidate who is to be recommended for licensure; and

F. the program requires that candidates attain academic competence in the subjects the candidates will be licensed to teach.

Subp. 5b. Variations within programs. Teacher preparation programs of varying curricular designs shall be approved provided that program components meet the requirements of this rule.

Subp. 5c. Approval of experimental teacher preparation programs. The Board of Teaching shall approve requests for experimental programs when all criteria under subpart 5d have been met.

Subp. 5d. Criteria for exemptions. An institution shall submit to the Board of Teaching a proposal for an experimental program that includes:

A. a statement of goals and objectives;

B. a description of the proposed program, that includes:

(1) evidence that the proposed program will serve as a model for possible replication;

(2) evidence that the proposed program reflects current research in teacher education;

(3) evidence that the proposed program has an ongoing research and development component;

(4) evidence that the proposed program has been designed to be significantly different in content and delivery from the currently approved program;

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Proposed Rules

(5) evidence that the proposed program provides opportunities for candidates enrolled in the program to know and apply current research on educational effectiveness;

(6) evidence that the proposed program provides opportunities for candidates enrolled in the program to have regular and systematic field experience and student teaching in schools that demonstrate knowledge and use of current research on educational effectiveness;

(7) evidence that the proposed program has been collaboratively designed, implemented, and evaluated to ensure that elementary and secondary teachers participate with teacher education faculty in the preparation of teachers;

(8) evidence that the proposed program provides opportunities for teacher education faculty to enhance effective teaching behaviors through staff development opportunities and that faculty are enabled and supported in the change process; and

(9) evidence that the candidates must successfully complete the academic knowledge components of the program;

C. a description of the annual evaluation procedures to be used to demonstrate attainment of the goals and objectives; and

D. identification of any Board of Teaching rules from which the institution seeks exemption.

Subp. 5e. **Five-year review of experimental teacher preparation programs.** Five years from the date of the approval of an experimental teacher preparation program under subparts 5c and 5d, the Board of Teaching shall approve, disapprove, or modify continuation of the program without experimental status according to the criteria of subpart 5d.

Subp. 5f. **Written description of revisions in approved preparation programs.** When an institution makes revisions in an approved teacher preparation program, the institution shall forward to the Board of Teaching a written description of each revision. When an audit determines that the revised teacher preparation program continues to meet this rule, each verified revision shall become an amendment to the approved teacher preparation program.

Subp. 6. **Institutional Evaluation procedure procedures for institutions and programs.** ~~Persons designated as Applications~~ submitted for institutional and program approval shall be evaluated as follows:

A. Two or more program evaluators shall be assigned by the Board of Teaching to examine, evaluate, and make recommendations based on the information submitted by the institution for each of the institution's teacher preparation programs. Program evaluators shall include individuals with both licensure level and post-secondary experience and expertise in the licensure field of the program being evaluated. Evaluators' written recommendations shall be submitted directly to the Board of Teaching.

B. ~~A team of visiting institutional evaluators designated by the Board of Teaching staff shall visit the institution for the purposes of verifying the accuracy and completeness of the written report prepared by the institution, writing a report of their findings, and making to verify the accuracy and completeness of the written application, write a report of their findings, and make a recommendation to the Board of Teaching regarding approval status of the institution. The visiting evaluation team may shall include representatives from teacher preparing preparation institutions, licensed practicing teachers, interested citizens, and state education agencies. The administrator of the defined administrative and instructional unit of the institution and the Board of Teaching staff shall negotiate visiting team membership from a slate of possible evaluators provided by the Board of Teaching staff. If agreement is not reached regarding visiting team membership, the Board of Teaching shall appoint the slate of team members. The size of the team and the expertise of the members shall be appropriate for the kinds, size, and complexity of programs. Evaluation team visits shall be scheduled in consultation with the institution.~~

C. ~~Expenses of evaluators shall be reimbursed in accordance with Minnesota state rules by the Board of Teaching as permitted under state law or rule.~~ Other expenses, such as those incidental to preparing reports, arranging meetings, and providing work-rooms for the team while on campus, shall be the responsibility of the institution.

Subp. 7. **Written evaluation report reports; decision of board.** ~~The written report reports of findings and the recommendation recommendations of the evaluators shall be forwarded to the institution and to the Board of Teaching. Within 30 days from the mailing date of the evaluators' report reports, the institution may submit to the Board of Teaching additional information or arguments in support of its request. Based upon the written report prepared by the institution, and the written report reports of findings and the recommendation recommendations of the evaluators, the Board of Teaching shall:~~

A. grant initial approval;

B. grant continuing approval;

C. grant conditional approval, state the conditions, and establish time lines for meeting the stated conditions; or

D. disapprove the institution or any of the institution's preparation programs, state the reasons for disapproval, and, if needed, stipulate a termination date which shall accommodate persons currently enrolled in teacher licensure programs. The Board of Teaching shall disapprove institutions that do not meet the requirements in subpart 5 and preparation programs that do not meet the requirements in subpart 5a, except as provided in subparts 5b to 5d.

Subp. 8. **Conditional approval.** If an institution or preparation program is conditionally approved to prepare persons for teacher licensure, the Board of Teaching shall reconsider the approval status of the institution or preparation program upon verification by the executive ~~secretary~~ director of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the institution or preparation program shall be disapproved.

Subp. 9. **Revocation or suspension of approval.** The Board of Teaching may revoke or suspend the approval of an institution or preparation program to prepare persons for teacher licensure when the Board of Teaching determines that an approved institution or preparation program no longer meets the provisions of this rule.

Subp. 10. **Appeal of board decision.** Decisions by the Board of Teaching regarding approval status of an institution or preparation program to prepare persons for teacher licensure may be appealed by the institution pursuant to *Minnesota Statutes*, chapter 14.

Subp. 11. **Interim conditional approval.** When amendments or additions to Minnesota Statutes or to Board of Teaching rules regarding teacher licensure requirements necessitate substantial institutional or preparation program revisions, the Board of Teaching shall grant conditional approval to any currently approved institution and its currently approved teacher preparation programs upon receipt of official institutional assurances on a form established by the board of teaching that the new requirements will be met by their effective date. The institution or program shall be returned to initial or continuing approval upon full compliance with new requirements on a schedule determined by the Board of Teaching.

REPEALER. Minnesota Rules, part 8700.7600, subpart 2, is repealed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

Exempt Rules

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

Emergency Expedited Rules

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

Department of Revenue

Adopted Permanent Rules Relating to Lawful Gambling Taxes; Annual Audits and Review

The rules proposed and published at *State Register*, Volume 23, Number 32, pages 1673-1678, February 8, 1999 (23 SR 1673) and Volume 24, Number 3, pages 123-125, July 19, 1999 (23 SR 123), are adopted with the following modifications:

8122.0550 AUDIT.

Subp. 3. **Financial statements.** The financial statements must be comparative financial statements showing the current year and previous year's financial information, unless it is a first year engagement for the accounting firm in which case the preparation of

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

comparative statements is optional. The statements must be presented in a format prescribed by and acceptable to the commissioner of revenue. The financial statements required are as follows:

A. The statement of assets, liabilities, and fund balance must include all assets, liabilities, and the fund balance of the gambling operations as follows, if applicable:

(10) accrued ~~Minnesota 9.5 percent gambling tax~~ taxes imposed under *Minnesota Statutes*, section 297E.02, subdivision 1 (net receipts tax);

Subp. 4. **Supplemental schedules; reconciliations; physical inventory.** The annual audit must include the following supplemental schedules:

A. An allowable expense comparison schedule that compares the actual allowable expense amount to the statutory limit set for allowable expenses. The schedule must include, at a minimum:

(2) total allowable expense limit. Determined by multiplying the gross profit for the year by 55 percent. If bingo was conducted during the year, list the gross profit from bingo and multiply by ~~3.825~~ 4.15 percent. The two amounts added together determine the total allowable expense limit;

Subp. 7. **Organization's response to report on internal control structure.** The licensed organization shall file with the Department of Revenue a response to the reportable conditions item by item, including any remedial action taken or proposed by the organization. This response may be submitted with the annual audit or review or be filed separately within 60 days after the due date of the annual audit or review. The response must include the following items:

A. Any profit carryover variance as shown on the reconciliation of profit carryover supplemental schedule must be identified. All identified variances which require amendments to tax returns must be amended and submitted to the Department of Revenue along with supporting documentation. The auditor ~~is encouraged to prepare or~~ must, upon agreement with the organization, assist in preparing an amended return or returns for the organization. The response must indicate if such amendments have been submitted to the Department of Revenue.

Variances which require adjustments instead of amendments should be adjusted by sending a letter to the Department of Revenue requesting an adjustment along with supporting documentation. ~~It is not appropriate to request an approved adjustment every year.~~ Requests for an approved adjustment cannot be substituted for filing amended tax returns that correct the condition that resulted in the variance. If the variance is identified, an amended tax return or returns must be filed.

Unidentified variances must be investigated by the organization and identified. If after investigation an organization is unable to resolve the variance, ~~it should~~ the organization shall contact the Department of Revenue. The Department of Revenue ~~can~~ will then assist the organization in resolving the variance. Final resolution will be based upon an organization's individual situation and can include: amended tax returns, an approved adjustment, required reimbursement from nongambling sources, or a combination of all three.

8122.0600 REVIEW.

Subp. 3. **Financial statements.** The financial statements must be comparative financial statements showing the current year and previous year's financial statements, unless it is a first year engagement for the accounting firm in which case the preparation of comparative statements is optional. The financial statements required are as follows:

A. The statement of assets, liabilities, and fund balance, regulatory basis, must include all assets, liabilities, and the fund balance of the gambling operations as follows, if applicable:

(10) accrued ~~Minnesota 9.5 percent gambling tax~~ taxes imposed under *Minnesota Statutes*, section 297E.02, subdivision 1 (net receipts tax);

Subp. 4. **Supplemental schedules.** The annual review must include the following supplemental schedules:

A. The allowable expense comparison schedule comparing the actual allowable expense amount to the statutory limit set for allowable expenses. The schedule must include, at a minimum:

(2) total allowable expense limit, determined by multiplying the gross profit for the year by 55 percent. If bingo was conducted during the year, list the gross profit from bingo and multiply by ~~3.825~~ 4.15 percent. The two amounts added together determine the total allowable expense limit;

Official Notices

Pursuant to Minnesota Statutes §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C, for 235 Acres of Bareland in Carimona Township, Fillmore County

NOTICE IS HEREBY GIVEN that a public hearing will be held on Friday, January 7, 2000, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 235 acres of bareland located in Section 20-102-11, Carimona Township, Fillmore County, Minnesota on behalf of Paul and Karen Schmidt, a married couple (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$138,225.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 3 November 1999

Jim Boerboom
RFA Director

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C, for 150 acres of bare farmland and farm improvements in Hendricks Township, Lincoln County

NOTICE IS HEREBY GIVEN that a public hearing will be held on Friday, January 7, 2000, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 150 acres of bare farmland and farm improvements located in Section 21, Hendricks Township, Lincoln County, Minnesota on behalf of John W. Rybinski, a single man (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$78,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 December 1999

Jim Boerboom
RFA Director

Official Notices

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C, for 95 bred heifers and 45 dairy cows in Belvidere Township, Goodhue County

NOTICE IS HEREBY GIVEN that a public hearing will be held on Friday, January 7, 2000, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of 95 bred heifers and 45 dairy cows located in Section 26, Belvidere Township, Goodhue County, Minnesota on behalf of Jeff and Heidi Miller, a married couple (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$162,500.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 December 1999

Jim Boerboom
RFA Director

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C, for 68 acres of bare farmland in Midway Township, Cottonwood County

NOTICE IS HEREBY GIVEN that a public hearing will be held on Friday, January 7, 2000, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 68 acres of bare farmland located in Section 29, Midway Township, Cottonwood County, Minnesota on behalf of Brian and Lynette Oeltjenbruns, a married couple (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$85,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 December 1999

Jim Boerboom
RFA Director

Minnesota Comprehensive Health Association

Notice of Meeting of the Enrollee Appeal Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Enrollee Appeal Committee will be held at 10:00 a.m. on Wednesday 29 December 1999, at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

This meeting may be closed to the public, if so requested by the appellant, pursuant to Minn. Stat. 62E.10, subd. 4.

For additional information, please call Lynn Gruber at (612) 593-9609.

Minnesota Housing Finance Agency

Notice of Hearing on Bond Issuance

The Minnesota Housing Finance Agency will hold a public hearing at 10:00 a.m. on Thursday, January 6, 2000, at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public testimony regarding the issuance of its Rental Housing Bonds in the maximum principal amounts set forth below. The Bonds may be issued in one or more series and will be issued to fund mortgage loans to pay for all or a portion of the costs of acquisition, rehabilitation and construction of the following developments, including facilities related and subordinate thereto, for residential rental housing as defined in the Agency's Rental Housing Bond Resolution. The developments proposed to be assisted are:

<u>Initial Owner Or Operator</u>	<u>Facility</u>	<u>Address</u>	<u>Maximum Bond Amount</u>
A partnership, a general partner of which will be Community Housing Development Corporation	66 unit apartment building	1827 Ferry Street Anoka, Minnesota	\$2,800,000
A partnership, a general partner of which will be Center City Housing Corporation	69 unit multi-building rental townhome development	701- 863 Upham Road Duluth, Minnesota	\$4,000,000

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Sharon Strelow, Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Katherine Hadley
Commissioner

Department of Human Services

Chemical Dependency Program Division

Notice of Public Comment on the Federal Alcohol and Drug Abuse Block Grant and the Availability of a Statement Describing the Intended Use of Funds for Federal Fiscal Year 2000

NOTICE IS HEREBY GIVEN that the Department of Human Services, Chemical Dependency Program Division, is seeking public comment on the use of the Federal Alcohol and Drug Abuse Block Grant.

Notice is also given that the Department of Human Services has available a draft Description of Intended Use for funds available to the State of Minnesota from the Federal Fiscal Year 2000 Alcohol and Drug Abuse Block Grant. This description is being made available to the public for comment in accord with Title XIX, Part B of the Public Health Services Act, Public Law 102-321.

Official Notices

Information and copies of the Alcohol and Drug Abuse Plan are available from: Wayne Raske, Chemical Dependency Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3823, phone (651) 582-1849, email: wayne.raske@state.mn.us.

All interested or affected persons and organizations are invited to submit comments. Comments on the proposed plan may be directed to the contact person listed above.

Also available for review and comment is Minnesota's plan for compliance with the Synar Amendment (section 1926 of the Public Health Service Act) restricting the sale and distribution of tobacco products to minors.

Department of Human Services

Health Care Administration - Purchasing and Service Delivery

Public Notice of the CY 2000 Disproportionate Population Adjustment for Inpatient Hospitals and CY 2000 Reduction in the Hospital Cost Index: Medical Assistance Program

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA) Program, and the public of two changes affecting MA inpatient hospitals. This notice is published pursuant 42 *United States Code* section 1396a(a)(13), which requires the Department to publish payment rates for institutional providers, the methodologies underlying the establishment of such rates, and the justification of such rates.

Calendar Year 2000 Disproportionate Population Adjustment

In conjunction with the current state fiscal year's budget for inpatient hospitals, as appropriated by the legislature, payment rates are determined in accordance with *Minnesota Statutes*, section 256.969. Disproportionate population adjustment is determined pursuant to *Minnesota Statutes*, section 256.969, subdivision 9(b).

The MA payment rate of each eligible hospital is increased by a DPA factor, a specific percentage. Hospital-specific DPA factors will be effective for admissions in calendar year 2000 and will be identical to those in calendar year 1999. They are available from:

Richard Tester, Supervisor
Inpatient and Health Center Services Unit
Payment Policy Division
Health Care Administration
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, MN 55155-3853
(651) 296-5596

Calendar Year 2000 Reduction in the Hospital Cost Index

Minnesota's MA inpatient hospital payment system establishes hospital specific rates for Minnesota and local trade area hospitals on a calendar year basis. The rates are rebased in odd-numbered years to more current data according to *Minnesota Statutes*, section 256.969, subdivision 2b. In even-numbered years, a hospital cost index is used to inflate the prior year's operating payment rate. *Minnesota Session Laws 1999*, chapter 245, article 4, section 25 (amending *Minnesota Statutes*, section 256.969, subdivision 1(b)) requires a reduction of 2.5 percentage points in the hospital cost index for calendar year 2000 to recover overprojections on the index from 1994 to 1996. For calendar year 2000, the hospital cost index will be 0.5 percent.

For further information, contact Richard Tester.

Minnesota Board of Teaching

REQUEST FOR COMMENTS on Planned Amendments to Rules Governing Examinations for Teacher Licenses, Amendments to *Minnesota Rules*, Part 8710.0500

Subject of Rules. The Minnesota Board of Teaching requests comments on its planned amendments to rules governing examinations for teacher licenses. The rules will be amended to include additional teacher testing, as required by *Minnesota Statutes*, section 122A.09, subdivision 4, item (e):

The board must adopt rules requiring successful completion of an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective on the dates determined by the board, but not later than 1 September 2001.

Persons Affected. The rules would likely affect new teacher license applicants, schools, and postsecondary institutions preparing teacher candidates.

Statutory Authority. *Minnesota Statutes*, section 122A.09, subdivision 4 requires the Board to adopt rules for teacher licensure. Subitem (e) of Subdivision 4 specifically requires the adoption of teacher testing rules.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on 1 February 2000. The Board does contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Board has not yet prepared a draft of the planned rules.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to: Michael Tillmann, Acting Executive Director, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113. His phone number is (651) 582-8835 and his facsimile number is (651) 582-8872. TTY users may call the Board at (651) 582-8201.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the Board contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The Board is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Minnesota Board of Teaching

REQUEST FOR COMMENTS on Planned Amendments to Rules Governing Teacher Licensure, Amendments to *Minnesota Rules*, Part 8710

Subject of Rules. The Minnesota Board of Teaching requests comments on its planned amendments to rules governing teacher licensure. The rules will be amended to clarify licensure rules already in effect and the transition to new licensure rules which take effect on September 1, 2001. A preliminary draft of the proposed rules is attached for review and comment.

Persons Affected. The rules would likely affect new teacher license applicants, schools, and postsecondary institutions preparing teacher candidates.

Statutory Authority. *Minnesota Statutes*, section 122A.09, subdivision 4 requires the Board to adopt rules for teacher licensure.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on February 1, 2000. The Board does contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Board has attached a preliminary draft of the planned rules.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to: Michael Tillmann, Executive Director, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113. His phone number is (651) 582-8835 and his facsimile number is (651) 582-8872. TTY users may call the Board at (651) 582-8201.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the Board contact person at the address or telephone number listed above.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Official Notices

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The Board is required to submit to the judge only those written comments received in response to the rules after they are proposed.

DRAFT

[note to revisor: all amendments to parts and all new parts are effective July 1, 2000.]

8710.0300 REQUIREMENTS FOR THE ISSUANCE AND RENEWAL OF ALL LICENSES. ISSUANCE, RENEWAL, AND VALIDITY OF ALL LICENSES.

Subpart 1. **In general.** Licenses to teach in Minnesota shall be granted by the Board of Teaching to persons applicants who otherwise meet all requirements of applicable statutes and rules, and who complete approved programs leading to teacher licensure in Minnesota institutions which are approved by the Board of Teaching to prepare persons for teacher licensure.

Subp. 2. **Types of licenses.** The Board of Teaching shall grant the following types of licenses which shall be valid for the period of time specified in this subpart:

A. Professional License, which expires five years from the June 30 nearest the date the license is issued;

B. Entrance License, which expires two years from the June 30 nearest the date the license is issued;

C. Nonrenewable License, which expires no more than three years from the June 30 nearest the date the license is issued;

D. Temporary Limited License, which expires on June 30 of the school year for which the license is issued; except for a temporary limited license issued under 8710.0400, subpart 4, which expires one year from the June 30 nearest the date the license is issued;

E. Limited Intern License, which expires on June 30 of the school year for which the license is issued;

F. Five-Year Short Call Substitute Teacher License, which expires five years from the June 30 nearest the date the license is issued;

G. Temporary Limited Short Call Substitute Teacher License, which expires two years from the June 30 nearest the date the license is issued; and

H. Life License, which does not expire.

Effective with licenses issued after June 30, 2000, no person may hold a license under item C. or item D. or any combination of licenses under items C. and D. for more than a total of three years.

A license shall bear the date of issue, the date of expiration, and, if renewable, may be renewed on or after January 1 in the year of expiration upon application and meeting renewal requirements. After June 30 in the year of expiration, a license not renewed shall be expired and no longer valid.

Subp. 2. ~~3.~~ **Initial license; entrance First professional license.** The initial first license which shall be issued in any licensure area to an applicant who meets all requirements of subpart 1 and who completes an approved program leading to licensure in a Minnesota institution which is approved by the Board of Teaching to prepare persons for licensure is an entrance a professional license, that expires two five years from the July 1 June 30 nearest the date the license was issued.

~~There are three exceptions to the requirement that the initial license which shall be issued in any licensure area must be an entrance license:~~

~~A. an applicant who hold a life or professional license as a teacher who subsequently completes an approved program in an additional licensure area must be issued a professional license;~~

~~B. an applicant who holds an entrance or professional secondary vocational license based on a degree program in home economics education, industrial education, agriculture education, business education, or marketing education, verifies one year of teaching experience in the corresponding category of practice while holding a valid license, and completes an approved program in a nonvocational licensure area must be issued a professional license; and~~

~~C. an applicant who does not meet requirements for an entrance license may be issued a limited license or a provisional license according to criteria specified in Board of Teaching rules that authorize the issuance of limited licenses and provisional licenses.~~

~~When one year of teaching experience is not completed prior to the expiration of an entrance license, another entrance license in that licensure area shall be issued upon application. If an entrance license in any licensure area is allowed to lapse, it shall be renewed, upon application, until the applicant has had one year of teaching experience in that licensure area after which time an applicant must qualify for a continuing license.~~

Subp. 4. **Addition of professional license.** When a licensure area is added to a professional license already in force, the expiration date becomes that already established for the professional license in force.

[note to revisor re: subpart 5 which follows: renumber 8710.0350, subp. 3 as 8710.0300 subp. 5]

Subp. 5. ~~8710.0350, Subp. 3.~~ **Multiple expiration dates.** If the licensee has completed and verified the ~~continuing~~ professional license renewal requirements, a licensee may renew a year early for the purpose of correlating the expiration dates of ~~continuing~~ professional licenses held.

Subp. ~~3.~~ **6. Renewal of ~~Continuing~~ professional license.** ~~A continuing license, that expires five years from the July 1 nearest the date the license was issued, shall be issued to an applicant who has completed at least one year of teaching experience in a licensure area while holding an entrance license, as verified by the local continuing education committee. When a licensure area is added to a continuing license already in force, the expiration date becomes that already established for the continuing license in force.~~

~~A professional license shall be renewed upon application according to the rules of the Board of Teaching governing continuing education.~~

~~If a continuing license in any area is allowed to lapse, one of the following shall be issued an applicant has not been employed in a position requiring Minnesota licensure at any time during the school year immediately preceding the date of expiration, the applicant's professional license shall be renewed if one of the following is submitted:~~

A. ~~a continuing license based upon~~ verification by a local continuing education committee that the applicant has ~~earned and been granted 125 clock hours, met renewal requirements for the professional license~~ during the five-year period immediately preceding the application; ~~or~~

B. ~~a continuing license based upon~~ evidence that the applicant earned at least 12 quarter or eight semester hours of credit, ~~in applicable to the licensure fields area where application is being made,~~ during the five-year period immediately preceding the application; ~~or~~

C. ~~a one year renewal of the lapsed if neither A. or B. is submitted, a one-year extension of the expired continuing professional license may be granted based upon on~~ evidence that the applicant has been offered a position contingent upon holding a valid license. ~~This extension expires on June 30 of the school year for which the license is issued and is nonrenewable.~~ In order to qualify for a ~~continuing professional license at the end of one year after the one-year extension,~~ the applicant shall provide evidence that ~~at least 12 quarter or eight semester hours of credit have been earned in the licensure area where application is being made or that 125 clock hours have been earned and granted as verified by the local continuing education committee renewal requirements for the professional license have been met~~ during the five year period immediately preceding the date of application for the continuing license under item A. of this subpart.

~~Subp. 4 **Provisional license.** A provisional license, must be issued to an applicant who does not meet the standards for issuance of an entrance or a continuing license, but qualifies for a provisional license according to criteria in Board of Teaching rules that authorize the issuance of provisional licenses.~~

Subp. 5. ~~7.~~ [no change]

Subp. 8. **Renewal of previously issued entrance license.** ~~An applicant with a current or expired two-year entrance license who has not completed one year of teaching experience while holding a valid license may renew the entrance license for one additional two-year period only, after which time an applicant shall be granted a professional license. The professional license shall be renewed upon application according to the rules of the Board of Teaching governing continuing education. First time entrance licenses shall no longer be issued.~~

Subp. 9. **Licensure based on minor preparation.** ~~A teacher holding a license that was first issued prior to September 1, 2001, and is valid for teaching in grades 7-12 based on Board of Teaching rules authorizing half time teaching based on minor preparation may teach half time or less during the school day in any secondary school those subjects or fields in which the teacher holds licensure. Notwithstanding 8710.0300, subpart 2., any teacher holding licensure valid for half-time teaching in grades 7-12 first issued after September 1, 1966, shall, within seven years after first issuance, acquire the minimum established by the Board of Teaching for major preparation based on rules authorizing the issuance of the original half-time license in order to continue to be licensed to teach in that subject or field.~~

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Official Notices

Subp. 10. Validity of licenses held. A teacher holding secondary school licensure valid for teaching in grades 7 through 12 may teach in grades 7 and 8 of any school organizational pattern in those subjects or fields for which valid licensure is held. A teacher holding elementary school licensure valid for teaching in grades 1 through 6 may teach in grades 7 and 8 only if the teacher is providing instruction using an elementary self-contained classroom teaching model. Any other license issued prior to September 1, 2001, is valid only for the grade level, licensure field, and school organizational pattern for which the license was first issued.

Subp. 11. Emergencies. If a person documents an emergency that prevents the person from completing rule requirements in order to continue to be licensed in that field, or if a school district or charter school documents an emergency for which no additional temporary limited licenses or personnel variances are permitted by rule, the Board of Teaching may take action to grant an emergency extension of time. Upon receiving an application for an extension of time, the Board of Teaching shall consider whether an extension of time shall be granted based on documentation of the emergency.

[note to revisor re: subpart 12 which follows: renumber 8710.0350, subp. 2 as 8710.0300, subp. 12]

Subp. 12. 8710.0350, Subp. 2. Corrections. A license issued in error by the Department of Children, Families, and Learning shall be corrected without charge to the licensee and the corrections shall be made without a hearing under part 8710.0900 and *Minnesota Statutes*, chapter 14. If a processing error results in issuing a license to an individual who does not meet requirements for the license, the license is not valid for practice.

[note to revisor: repeal 8710.0350 upon renumbering of subparts 2 and 3]

Subp. 13. Annual review. By September 1 of each year, the Board of Teaching shall issue an annual report summarizing the previous fiscal year's temporary limited licenses, personnel variances, waivers, and permissions to hire nonlicensed community experts, organized by licensure field and by school district or charter school.

8710.0400 APPLICANTS PREPARED OUTSIDE MINNESOTA.

Subpart 1. In general. A license to teach in Minnesota shall be granted to an person applicant who otherwise meets applicable statutory requirements and who completes programs leading to licensure in a teacher preparation institution located outside Minnesota. A license shall be granted only in licensure fields for which the Board of Teaching has established current rules governing programs leading to licensure. A license shall be issued according to either subpart 2 or 3.

Subp. 2. Applicants prepared in states with contracts with Minnesota. An person applicant who completes approved programs leading to licensure in teacher preparation institutions within states which have signed contracts with Minnesota according to the interstate agreement on qualification of education personnel shall be granted a first Minnesota entrance professional license. No license shall be issued on the basis of teaching experience only.

Subp. 3. Applicants prepared in states without contracts with Minnesota. An person applicant who completes programs leading to licensure in teacher preparation institutions within states which have not signed contracts with Minnesota according to the interstate agreement on qualification of educational personnel shall be granted a first Minnesota entrance professional license when the following criteria are met:

A. the teacher preparation institution is accredited by the regional association for the accreditation of colleges and secondary schools;

B. the program leading to licensure has been recognized by the other state as qualifying the applicant completing the program for current licensure within that state;

C. the program leading to licensure completed by the applicant is essentially equivalent in content to approved programs offered by Minnesota teacher preparation institutions according to Board of Teaching rules governing the licensure field and the grade level range of preparation is the same as, greater than, or not more than one year less than the grade level range of the Minnesota licensure field for which application is made;

D. the teacher preparation institution which offers the program leading to licensure verifies that the applicant has completed an approved licensure program at that institution and recommends the applicant for a license in the licensure field and at the licensure level;

E. the applicant has completed a program leading to licensure as verified by ~~the~~ an official transcript issued by the institutionh recommending the applicant for licensure; ~~and~~

F. the applicant has completed instruction in methods of teaching ~~and student teaching~~ in the licensure field and at the licensure level of the program: ~~The student teaching requirement applied only to a person completing a program to be recommended for entrance licensure. ; and~~

G. the applicant has completed student teaching or essentially equivalent experience.

Subp. 3a. **Applicants prepared outside United States.** ~~An person applicant~~ who completes a licensure program from a college or university outside the United States shall be granted a first Minnesota entrance professional license when the following criteria are met:

A. the application packet includes a credential evaluation completed by a credential evaluator approved by the executive director of the Board of Teaching;

B. the licensure program completed by the applicant is essentially equivalent in content to approved programs offered by Minnesota teacher preparation institutions according to Board of Teaching rules governing the licensure field and the grade level range of preparation is the same as, greater than, or not more than one year less than the grade level range of the Minnesota licensure field for which application is made; ~~and~~

~~C.~~ the applicant ~~for teacher licensure~~ has completed instruction in methods of teaching ~~and student teaching~~ in the licensure field and at the licensure level of the program. ~~The student teaching requirement applies only to persons completing a program to be recommended for entrance licensure;~~ ~~and~~

D. the applicant has completed student teaching or essentially equivalent experience.

Subp. 4. **Exception for applicants who have not met 8700.2700 or 8710.0500.**

An ~~person applicant~~ who has completed a teacher licensure program outside Minnesota, has met the criteria of either subpart 3 or subpart 3a, but has not completed the requirements of part 8700.2700 or 8710.0500, or both, shall be granted a Minnesota ~~one-year nonrenewable provisional~~ temporary limited license, which expires one year from the June 30 nearest the date the license is issued, based upon the provisions of this part.

An applicant who has completed a teacher licensure program outside Minnesota, has met the criteria of either subpart 3 or subpart 3a, with the exception of the grade level range of the Minnesota licensure field for which application is made, but has not completed the requirements of part 8700.2700 or 8710.0500, or both, shall be granted a Minnesota temporary limited license, which expires one year from the June 30 nearest the date the license is issued, based upon the provisions of this part. The license shall be issued for the grade level range of preparation, not to exceed the grade level range of the Minnesota licensure field for which application is made.

If part 8710.0500 has not been met upon expiration of the temporary limited license, a person may renew the temporary limited license twice. Each renewal of the temporary limited license requires the applicant to submit an official score report verifying having taken the skills area examination during the period of each temporary limited license and evidence of participating in an approved remedial assistance program provided by a school district or postsecondary institution that includes a formal diagnostic component in the specific areas in which the licensee did not obtain qualifying scores during the period of each temporary limited license.

Upon meeting this part, parts 8700.2700 and 8710.0500, including preparation for the grade level range of the Minnesota licensure field, ~~an entrance first professional~~ license shall be granted.

Subp. 5. **Exception for elementary education applicants who have not met specialty requirements.** An applicant who has completed outside Minnesota a teacher licensure program that meets this part, but has not met specialty requirements of 8710.3200, subpart 4 for the license, shall be granted one of the following:

A. a nonrenewable license, valid for teaching elementary students in kindergarten through grade six, if the applicant has met 8700.2700, 8710.0500 and the requirements of 8710.3200 for teaching elementary students in kindergarten through grade six, but has not met 8710.3200, subpart 4; or

B. a temporary limited license, valid for teaching elementary students in kindergarten through grade six, if the applicant has met the requirements of 8710.3200 for teaching elementary students in kindergarten through grade six, but has not met 8710.3200, subpart 4, 8700.2700 or 8710.0500.

A teacher issued a kindergarten through grade six nonrenewable license shall have two years from the expiration date of the first Minnesota license to complete the requirements for a specialty license required by 8710.3200, subpart 4. A teacher issued a kindergarten through grade six temporary limited license, which expires one year from the June 30 nearest the date the license is issued, may renew the license under subpart 4 if 8710.0500 has not been met. No person may hold a nonrenewable license, a temporary

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Official Notices

limited license, or any combination of these licenses for more than a total of three years. Upon meeting this part, 8700.2700, 8710.0500, and 8710.3200, a first professional license shall be granted.

Subp. 6. Exception for applicants who have not met licensure level requirements. An applicant who has completed a teacher licensure program outside Minnesota that meets this part, with the exception of licensure level requirements of subpart 3.C. or 3a.B., shall be granted one of the following:

A. a nonrenewable license, in the licensure field at the grade level range of preparation, not to exceed the grade level range of the Minnesota licensure field for which application is made, if the applicant has met 8700.2700, and 8710.0500; or

B. a temporary limited license, in the licensure field at the grade level range of preparation, not to exceed the grade level range of the Minnesota licensure field for which application is made, if the applicant has met all other requirements of the licensure rule, but has not met 8700.2700 or 8710.0500.

A teacher issued a nonrenewable license shall have two years from the expiration date of the first Minnesota license to complete the requirements for teaching at the grade level range of the Minnesota licensure field. A teacher issued a temporary limited license, which expires one year from the June 30 nearest the date the license is issued, may renew the license under subpart 4 if 8700.0500 has not been met. No person may hold a nonrenewable license, a temporary limited license, or any combination of these licenses for more than a total of three years. Upon meeting this part, the licensure grade level range of the Minnesota licensure field, 8700.2700, and 8710.0500, a first professional license shall be granted.

Subp. 7. Exception for applicants who have not met licensure requirements in 8710.4250, 8710.4300, 8710.4750, or 8710.4800. An applicant for licensure as a teacher of communication arts and literature, a teacher of dance and theatre arts, a teacher of science, or a teacher of social studies who has completed a teacher licensure program outside Minnesota, who meets this part with the exception of either subpart 3C. or subpart 3a.B. shall be granted one of the following:

A. a nonrenewable license, in the licensure field, which shall be restricted for teaching only in the field of major preparation, if the applicant has met 8700.2700 and 8710.0500; but has not met the requirements of either 8710.4250, 8700.4300, 8710.4750, or 8710.4800; or

B. a temporary limited license, in the licensure field, which shall be restricted for teaching only in the field of major preparation, if the applicant has not met 8700.2700 or 8710.0500, and either 8710.4250, 8710.4300, 8710.4750, or 8710.4800.

A teacher issued a nonrenewable license shall have two years from the expiration date of the first Minnesota teaching license to complete the licensure requirements of 8710.4250, 8710.4300, 8710.4750, or 8710.4800. A teacher issued a temporary limited license, which expires one year from the June 30 nearest the date the license is issued, may renew the limited temporary license under subpart 4 if 8710.0500 has not been met. No person may hold a nonrenewable license, a temporary limited license, or any combination of these licenses for more than a total of three years. Upon meeting this part; the licensure requirements of either 8710.4250, 8710.4300, 8710.4750, or 8710.4800; 8700.2700; and 8710.0500, a first professional license in the licensure field shall be granted.

Subp. 8. Exception for applicants who have completed alternative preparation programs. An applicant who has completed a teacher licensure program outside Minnesota that meets this part, with the exception of having completed the preparation program in a teacher preparation institution accredited by the regional association for the accreditation of colleges and secondary schools, shall be granted a first professional license. To meet subp. 3, item D., if the applicant is unable to secure a teacher preparation institution recommendation for licensure, the preparation program which offers the program leading to licensure must verify that the applicant has completed the approved licensure program and must recommend the applicant for a license in the licensure field and at the licensure level. To meet subp. 3, item E., if an official transcript verifying completion of the licensure program is not available, the preparation program must provide official documentation of the program leading to licensure and must verify that the applicant has completed the approved licensure program.

If the applicant has not completed the requirements for a first professional license, a temporary limited license or a nonrenewable license may be issued upon meeting subpart 4, 5, 6, or 7 of this part.

Subp. 9. Exception for national board certified teachers. An applicant who provides evidence of current national board certification, but has not completed the requirements of 8700.2700 or 8710.0500 shall be granted a temporary limited license, which expires one year from the June 30 nearest the date the license is issued. If 8710.0500 has not been met upon expiration, the temporary limited license may be renewed under subpart 4. The Board of Teaching shall accept current national board certification in a licensure field for which the Board of Teaching has established rules governing programs leading to licensure as evidence of having met either subp. 3.C. or subp. 3a.B. of this part. If the applicant also provides evidence of current licensure from another state in the same field as national board certification is held, but at a different grade level designation, the Board of Teaching shall accept evidence of licensure and certification together as having met either subp. 3.C. or subp. 3a.B. provided this evidence includes all grade level designations of the Board of Teaching licensure rule. Upon meeting 8700.2700 and 8710.0500, a first professional license based on this subpart shall be granted.

8710.0500 EXAMINATIONS FOR TEACHER LICENSES.

Subparts 1-10 [no change]

Subp. 11. **Applicants prepared in other states outside Minnesota.** Applicants for Minnesota licensure who are prepared ~~in other states outside Minnesota~~ who otherwise meet the applicable statutes and rules shall be granted a ~~one-year nonrenewable provisional license~~ temporary limited license which expires one year from the June 30 nearest the date the license is issued during which time the applicant must provide official evidence of successful completion of the requirements of this part. Applicants prepared ~~in other states outside Minnesota~~ who provide evidence of meeting requirements for ~~initial first~~ Minnesota licensure shall be granted an ~~entrance~~ professional license.

Subp. 12. [no change]

8700.0550 ADDITIONAL FIELDS OF LICENSURE. (All new material).

Subpart 1. **In general.** A person holding a life license, a current nonvocational entrance, professional, or nonrenewable license, or a current entrance or continuing secondary vocational license based on a degree program in agriculture education, business education, consumer homemaking and family life education, industrial education or marketing education granted by the Board of Teaching may apply for an additional field of licensure upon meeting the rule requirements for the licensure field and licensure level. Part 8710.2000 is not required, except for an applicant who holds only a Board of Teaching license as an educational speech-language pathologist, school nurse, school psychologist, school social worker, school counselor and/or a secondary vocational license other than one based on a degree program in agriculture education, business education, consumer homemaking and family life education, industrial education or marketing education.

Subp. 2. **Middle level academic specialty.** A person may apply for licensure in a middle level academic specialty upon meeting the requirements of 8710.3300 provided that the applicant holds one or more of the following classroom teaching licenses issued by the Board of Teaching: a life license; a current nonvocational entrance, professional, or nonrenewable license; or a current entrance or continuing secondary vocational license based on a degree program in agriculture education, business education, consumer homemaking and family life education, industrial education or marketing education.

Subp. 3. **Kindergarten.** Until June 30, 2005, an applicant holding a current entrance or professional elementary teaching license first granted by the Board of Teaching prior to September 1, 2001, shall be granted kindergarten licensure upon submitting evidence of having completed requirements for methods of kindergarten education in a state-approved teacher preparation program at a college or university that is accredited by the regional association for the accreditation of colleges and secondary schools and a recommendation for kindergarten licensure from that college or university.

Subp. 4. **Exemption from teaching experience.** Between July 1, 2000 and September 1, 2001, the Board of Teaching shall waive the teaching experience requirement for all applicants for licensure as teachers of reading.

8710.0600 PROCEDURES FOR ISSUANCE OF LIFE LICENSES.

Any teacher currently holding a valid license to teach granted by the Board of Teaching having a minimum of five years teaching experience in Minnesota, who was actually employed as a classroom teacher or other similar professional employee on a regular contract in any one of three years immediately preceding July 1, 1969, may apply for and receive a life license for those grades, subjects, and fields for which Minnesota licensure was held prior to July 1, 1969, upon payment of a processing fee set by the Board of Teaching. ~~The application shall be in writing on a life license application form addressed to: Minnesota Department of Children, Families, and Learning, Personnel Licensing Section, Sixth Floor, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.~~

~~Life license application forms may be obtained from: Minnesota Department of Children, Families, and Learning, Personnel Licensing Section, Sixth Floor, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, (612) 296-2046.~~

8710.0700 PROCEDURES FOR VOLUNTARY SURRENDER OF ~~TEACHING~~ LICENSES.

Subpart 1. **Materials required to surrender license.** A person holding a ~~teaching~~ license granted by the Board of Teaching may voluntarily surrender the license by submitting to the executive ~~secretary~~ director of the Board of the following:

- A. a written request to surrender which specifies the teaching license or licenses to be surrendered;
- B. the applicant copy of the ~~teaching~~ license;

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Official Notices

C. the school district copy of the license, together with a written statement that the designated administrator of the employing school superintendent district or charter school has been notified that the school district employer's copy of the license has been removed from the school district or charter school files;

D. the required processing fee set forth in part 8710.0200.

Subp. 2. **Surrender date.** When the executive secretary director receives the materials listed in subpart 1 by January 1, the date of surrender is July 1 of that year. When the materials are received after January 1, the date of surrender is July 1 of the following calendar year. An applicant may revoke the request. The revocation must be made in writing to the executive secretary director no later than December 31 of the year in which the request for voluntary surrender is received by the executive secretary director.

Subp. 3. A. B. [no change]

C. any educational agency or board has commenced proceedings which could result in alteration of the status of the teaching license due to the person's conduct.

Subp. 4. **Entrance First professional license after surrender.** A person whose Minnesota teaching license has been voluntarily surrendered may apply for entrance first professional licensure in the subject or field for which licensure was previously surrendered. An entrance first professional license shall be granted to the applicant if the following criteria are met:

A. licensure rule exists in the subject or field for which licensure was previously surrendered;

B. the applicant meets the entrance first professional licensure standards which are in effect in the subject or field at the time of application and meets procedures set forth in Board of Teaching rules applicable to an entrance first professional license; and

C. the required processing fee set forth in part 8710.0200 accompanies the application for entrance first professional licensure.

Subp. 5. [no change]

8710.0800 PROCEDURES FOR THE REVOCATION OR SUSPENSION OF ALL TEACHING LICENSES.

Subpart 1. [no change]

Subp. 2. **Revocation.** Revocation shall include the cancellation or repeal of a teaching license and/or renewal privilege. Revocation shall disqualify a person from teaching, or performing any other function, which is permitted on the basis of holding a license issued pursuant to the rules of the Board of Teaching. Revocation shall be final, except that a person whose license has been revoked may petition the Board of Teaching for a license pursuant to part 8710.0850, subpart 1.

Subp. 3. **Suspension.** Suspension shall include the temporary withdrawal of a teaching license and/or renewal privilege. Suspension shall disqualify a person from teaching or performing any other function which is permitted on the basis of holding a license issued pursuant to the rules of the Board of Teaching. The length of each suspension and any terms and conditions attached thereto shall be determined by the Board of Teaching upon the consideration of the following factors:

A. the activity of the individual which led to the license suspension; and

B. any relevant mitigating factors which the individual may interpose on the individual's behalf; and

C. the prior teaching record of the individual; and

D. other similar factors.

Unless otherwise provided by the Board of Teaching, a revocation or suspension applies to each license or renewal privilege held by the individual at the time final action is taken by the Board of Teaching. A person whose license or renewal privilege has been suspended or revoked shall be ineligible to be issued any other license by the Board of Teaching during the pendency of the suspension or revocation.

8710.0850 ISSUANCE OR REINSTATEMENT OF A LICENSE AFTER A REVOCATION OR SUSPENSION.

Subpart 1. **After revocation.** A person whose teaching license or renewal privilege has been revoked by the Board of Teaching may apply for and shall be granted an entrance first professional license upon presentation of competent evidence that all terms and conditions which the board may have imposed have been fulfilled, and upon meeting current licensure standards.

Subp. 2. **After suspension.** A person whose teaching license or renewal privilege has been suspended by the Board of Teaching may apply for reinstatement of that license in one of the following manners:

A. If the suspended license was an entrance license which has lapsed expired during the suspension, that license will be reinstated renewed upon proper application after the period of suspension has expired provided that rules of the Board of Teaching permit renewal of the license and that all renewal requirements have been met and upon presentation of competent evidence that all terms and conditions which the board may have imposed have been fulfilled, ~~provided that the applicant has had less than one year~~

~~of teaching experience while holding the entrance license. If the applicant has gained a year or more of teaching experience on the entrance license prior to the suspension and the license has lapsed during the suspension, a five year professional license shall be granted after all other conditions stated in this provision have been met.~~

B. ~~If the suspended license was an entrance license which has not lapsed expired during the suspension, the person may resume teaching or performing any other function which is permitted on the basis of holding a license granted by the Board of Teaching for whatever period of time remains on that license after the period of the suspension has expired and upon presentation of competent evidence that all terms and conditions which the board may have imposed have been fulfilled.~~

C. ~~If the suspended license was a continuing license which has not lapsed during the period of the suspension, the person may resume teaching for whatever period of time remains on the continuing license after the suspension has expired and upon presentation of competent evidence that all terms and conditions which the board may have imposed have been fulfilled.~~

D. ~~If the suspended license was a continuing license which lapsed during the period of the suspension, the person may apply for another continuing license which shall be granted provided that the suspension has expired and upon presentation of competent evidence that all terms and conditions which the board may have imposed have been fulfilled, and further provided that current continuing education requirements have been completed.~~

~~E. C.~~ If the suspended license was a life license, the person may resume teaching or performing any other function which is permitted on the basis of holding a license granted by the Board of Teaching after the period of the suspension has expired and upon presentation of competent evidence that all terms and conditions which the board may have imposed have been fulfilled.

8710.0900 APPEAL TO THE BOARD OF TEACHING.

All persons denied issuance or renewal of ~~teaching~~ licenses granted by the Board of Teaching, and all Minnesota teacher-preparing institutions denied program or ~~college institutional~~ approval, and all persons licensed by the Minnesota Board of Teaching whose appeals are denied by the local committee for continuing education/relicensures, are hereby entitled to a hearing pursuant to Minnesota Statutes, chapter 14, on such denial and to a final decision by the Board of Teaching.

A person or an institution entitled to a hearing under the provisions of this part shall file a written request for such hearing with the executive secretary of the Board of Teaching within 30 days from the date of the denial. Failure to file a written request for a hearing within 30 days constitutes a waiver of the individual's right to a hearing.

8710.1000 SUBSTITUTE TEACHERS.

Subpart 1. **Long call substitute teacher.** A long call substitute teacher is one who replaces the same teacher for 15 or more consecutive days. A long call substitute teacher shall hold ~~an entrance or continuing a Minnesota license to teach for each licensure area taught~~ valid for the assignment.

Subp. 2. **Short call substitute teacher.** A short call substitute teacher is one who teaches on a day-to-day basis not to exceed 15 consecutive days replacing the same teacher. A short call substitute teacher shall hold a Minnesota license or short call substitute license. These licenses are valid for functioning as a short call substitute teacher at all grade levels in all fields.

~~A short call substitute teacher license expires five years from the July 1 nearest the date the license is issued and must be issued to an applicant who has held a Minnesota license and has completed a teacher preparation program.~~

Subp. 3. **Criteria for issuance of five-year short call substitute teacher license.** The Board of Teaching shall grant a five-year short call substitute teacher license, which expires five years from the June 30 nearest the date the license is issued, to an applicant who has completed a teacher preparation program leading to full licensure in the governmental jurisdiction in which the teacher preparation program was completed.

Subp. 4. **Criteria for issuance of temporary limited short call substitute teacher license.** The Board of Teaching shall grant a temporary limited short call substitute teacher license, which expires two years from the June 30 nearest the date the license is issued, to an applicant if it finds that the following conditions are met:

A. the designated administrator of an employing school district or charter school requests a temporary limited short call substitute teacher license;

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Official Notices

B. the designated administrator of an employing school district or charter school verifies in writing that the school district or charter school is experiencing hardship in securing a sufficient number of licensed teachers to meet the need for short call substitute teachers; and

C. the applicant holds a baccalaureate degree from a United States college or university, or the equivalent.

8710.1050 LIMITED INTERN LICENSE.

Subpart 1. Authority to issue limited intern licenses. The Board of Teaching authorizes the issuance of limited intern licenses that permit a person to serve as an intern under the direct supervision of a licensed teacher or other education professional licensed by the Board of Teaching for the equivalent of no more than one school year while completing a preparation program leading to Board of Teaching licensure. The limited intern license does not authorize the intern to serve as a teacher or other education professional.

Subp. 2. Criteria for issuance. The Board of Teaching shall grant a limited intern license authorized by subpart 1 to an applicant if it finds that the following conditions are met:

A. the designated administrator of the employing school district or charter school requests a limited intern license in accordance with the provisions of this part;

B. the designated administrator of the employing school district or charter school verifies in writing that:

(1) the intern position is designed to serve as a learning experience for a college or university student who is completing a preparation program leading to Board of Teaching licensure;

(2) the intern will be assigned to assist a licensed teacher or other education professional licensed by the Board of Teaching whose students are the responsibility of the licensed teacher or other licensed professional;

(3) the intern will serve under the direct, day-to-day supervision of a licensed teacher or other education professional licensed by the Board of Teaching, and will not serve as the classroom teacher or other education professional for students; and

(4) the intern will not replace a licensed teacher or other licensed professional.

C. the applicant is recommended for limited intern licensure by a college or university approved by the Board of Teaching, verifying in writing that:

(1) the applicant is currently enrolled in an approved preparation program leading to Board of Teaching licensure and has completed at least three years of preparation required for licensure; and

(2) the college or university will assist in designing the learning experience and will provide supervision of the intern during the learning experience.

Subp. 3. Validity and duration of limited intern licenses. A limited intern license is issued for one school year or a portion of a school year from the date of issuance to the following June 30 and is valid for use in the requesting school district or charter school only. The license may be renewed once, upon application, if the intern must complete the equivalent of one school year of internship experience during the following school year. It shall be revoked by the Board of Teaching when it has been demonstrated that the intent and purpose of such licensure have not been fulfilled.

Subp. 4. Applicability of statutes. An intern shall be subject to *Minnesota Statutes*, chapter 354, teacher retirement fund, and *Minnesota Statutes*, chapter 355, social security coverage, but shall not be included in the provisions of *Minnesota Statutes*, section 122A.40 and *Minnesota Statutes*, section 122A.41.

[note to revisor: repeal 8710.1100 Provisional Licenses; Teaching in Unlicensed Subjects or Fields, effective July 1, 2000]

[note to revisor: repeal 8710.1200 Elementary Limited Licenses and 8710.1300 Limited License for Secondary School]

[replace with the following all new material]

8710.1250 TEMPORARY LIMITED LICENSES.

Subpart 1. Authority to issue temporary limited licenses. The Board of Teaching authorizes the issuance of temporary limited licenses that permit a person to teach in an area for which the person has not completed an approved preparation program that leads to licensure by the Board of Teaching.

Subp. 2. Criteria for issuance. The Board of Teaching shall grant a temporary limited license authorized by subpart 1 to an applicant if it finds that the following conditions are met:

A. the designated administrator of the employing school district or charter school requests a temporary limited license in accordance with the provisions of this part;

B. the designated administrator of the employing school district or charter school verifies in writing that:

(1) no applicant holding a license in a subject or field for which a temporary limited license is requested can fulfill the requirements of the position;

(2) the position has been advertised, and if the position is one-half time or more, the position has been advertised statewide;

(3) the school district or charter school will provide a mentor to give support and assistance in necessary skill development of the person holding a temporary limited license;

(4) the applicant for whom the temporary limited license is requested holds a baccalaureate degree from a college or university accredited by the regional association for the accreditation of colleges and secondary schools; and

(5) the applicant has completed a college or university degree with at least a minor in the area for which teacher licensure is requested, or a degree directly related to the professional preparation for which educational speech/language pathology, school nurse, school psychologist, school social worker, or school counselor licensure is requested. An applicant for a temporary limited license as a school nurse must also provide evidence of current registration to practice as a licensed registered nurse and current registration as a public health nurse under the Board of Nursing. An applicant for a temporary limited license as a school social worker must also provide evidence of current licensure to practice as a social worker under the Board of Social Work.

Subp 3. Validity and duration of temporary limited licenses. An application for a temporary limited license must not be submitted prior to August 1 of the school year for which it is requested. A temporary limited license is issued for one school year or a portion of a school year from the date of issuance to the following June 30 and is valid for use in the requesting school district or charter school only. If the requesting school district or charter school offers summer school, a temporary limited license that expires on June 30 is valid for teaching summer school in the year of expiration of the license.

Subp. 4. Number of temporary limited licenses allowed. Beginning with temporary limited licenses issued for the 2000-2001 school year, no more than three temporary limited licenses shall be granted to an applicant.

Subp. 5. Exception for applicants prepared in Minnesota teacher preparation institutions. A graduate of a Minnesota teacher preparation institution who has been granted a temporary limited license based on criteria in subpart 2 but has not successfully completed the skills area examination may renew the temporary limited license two times. Each renewal of the temporary limited license is contingent upon the applicant:

A. providing an official score report which verifies having taken the examination during the period of each temporary limited license; and

B. providing evidence of participating in an approved remedial assistance program provided by a school district or post-secondary institution that includes a formal diagnostic component in the specific areas in which the applicant did not obtain qualifying scores during the period of each temporary limited license.

Subpart 6. Exception for applicants prepared outside Minnesota. An applicant who has completed a licensure program outside Minnesota may be granted a temporary limited license based on criteria in 8710.0400.

8710.1400 ~~LETTERS OF APPROVAL.~~ PERSONNEL VARIANCES.

Subpart 1. Authority to issue letters personnel variances. The Board of Teaching hereby authorizes the issuance of ~~letters of approval~~ personnel variances which permit a teacher to teach in related subjects or fields for which such teacher is not currently licensed. The ~~superintendent of schools~~ designated administrator of a local school district or charter school may request the ~~manager of the personnel licensing section of the Department of Children, Families, and Learning~~ executive director of the Board of Teaching to issue a ~~letter of approval~~ personnel variance which permits a teacher to teach subjects or fields for which that teacher is not currently licensed.

Subp. 2. Criteria for issuance. ~~Letters of approval~~ A personnel variance authorized by subpart 1 shall be issued to ~~superintendents of schools~~ the designated administrator of a school district or charter school if ~~the Board of Teaching finds that~~ the following conditions are met:

A. the ~~superintendent of schools~~ designated administrator of the school district or charter school requests a ~~letter of approval~~ personnel variance in accordance with the provisions of this part;

B. the ~~superintendent of schools~~ designated administrator of the school district or charter school verifies in writing that:

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Official Notices

(1) reasonable efforts have been made to assign existing staff to fill the position with a fully licensed teacher;

(2) ~~a fully licensed teacher no applicant is not available for the position and holding a teaching license in a subject or field for which a personnel variance is requested can fulfill the requirements of the position; no teacher holding a teaching license in the subject or field for which the letter of approval is requested has been placed on unrequested leave by the school district who wishes to resume teaching in that subject or field;~~ and

(3) the position has been advertised, and if the position is one-half time or more, the position has been advertised statewide;

C. the teacher for whom the request is made holds a current valid Minnesota entrance, professional, or nonrenewable license granted by the Board of Teaching, and

D. the teacher for whom the request is made is aware of the assignment.

Subp. 3. **Exceptions.** No personnel variances shall be granted based on holding a current valid Minnesota temporary limited license unless the temporary limited license was granted based on having met all requirements except part 8710.0500. No personnel variances shall be granted for educational speech/language pathologists, school counselors, school nurses, school psychologists, or school social workers.

Subp. ~~3~~ 4. **Duration of ~~letters of approval~~ personnel variances.** An application for a personnel variance must not be submitted prior to August 1 of the school year for which it is requested. A ~~letter of approval~~ personnel variance ~~shall be~~ is valid for a period ~~not to exceed~~ one school year or a portion of a school year from the date of state approval to the following June 30. If the requesting school district or charter school offers summer school, the personnel variance that expires on June 30 is valid for teaching summer school in the year of expiration of the personnel variance.

Letters of approval shall be renewed for a period not to exceed one school year provided that:

~~A. the teacher for whom the request is made has completed at least six quarter hours of college credit since the last letter of approval was granted in an approved licensure program in the subject or field for which the approval letter was issued; and~~

~~B. the superintendent of schools requests a letter of approval in accordance with subpart 2;~~

Subp. 5. **Number of personnel variances allowed.** Beginning with personnel variances issued for the 2000-2001 school year, no more than three personnel variances shall be granted for any teacher to teach in subjects or fields for which the teacher is not licensed.

Subp. 4 ~~6~~. **Written ~~reasons~~ conditions for granting or denying ~~letter~~ personnel variance.** The ~~manager of the personnel licensing section of the Department of Children, Families, and Learning~~ executive director of the Board of Teaching shall state in writing to the superintendent of schools ~~designated administrator of the school district or charter school~~ the reasons conditions for granting or denying the letter of approval personnel variance requested pursuant to the provisions of this part.

8710.3300 MIDDLE LEVEL LICENSURE IN AN ACADEMIC SPECIALTY.

Subpart 1. **Scope of Practice.** Teachers with a middle level academic specialty are authorized to teach that academic specialty to students in grades five through eight in any school organizational pattern.

Subp. 2. **Licensure Requirements.** A candidate for licensure in a middle level academic specialty shall:

A. hold one or more of the following classroom teaching licenses granted by the Board of Teaching: a life license; a current nonvocational entrance, nonrenewable, or professional license; or a current entrance or continuing secondary vocational license based on a degree program in agriculture education, business education, consumer homemaking and family life education, industrial education or marketing education; and

B. show verification of completing a preparation program approved under 8700.7600 leading to licensure in a middle level academic specialty in subpart 3. To be licensed to teach a middle level academic specialty in grades 5 through 8, an applicant shall, in addition to meeting this part, also meet the requirements for a licensure specialty in either 8710.3200, subpart 4.A.,B.,or C.,or 8710.4750, subpart 3, or 8710.4950, subpart 2, item A. Exception: an applicant holding a license valid for teaching an academic specialty to students in grades 7 through 12 shall be licensed to teach that academic specialty in grades 5 and 6 upon meeting this part.

Subp. 3. **Subject matter standard.** A candidate for licensure in a middle level academic specialty must complete a preparation program under subpart 2, item B, that must include the candidate's demonstration of the knowledge and skills in items A and B, below.

A. A teacher of an academic specialty to middle level students understands the nature of early adolescence and the needs of young adolescents. The teacher must understand:

(1) the research base for and best practices of middle level education;

- (2) educational principles relevant to physical, social emotional, moral, and cognitive development of young adolescents;
- (3) the concepts of belonging and family connectedness as crucial to the development of young adolescents; and
- (4) the process and necessity of collaboration with families and other adults in support of the learning of young adolescents.

B. A teacher of an academic specialty to middle level students understands the teaching of an academic specialty that integrates understanding of the academic specialty with the teacher's understanding of pedagogy, students, learning, classroom management, and professional development. The teacher of an academic specialty to middle level students in grades five through eight must:

- (1) develop curriculum goals and purposes based on the central concepts of the academic specialty and know how to apply instructional strategies and materials that are appropriate for middle level students and are specific to the academic specialty;
- (2) understand how to integrate curriculum across subject areas in developmentally appropriate ways;
- (3) understand the role and alignment of district, school, and department mission and goals in program planning;
- (4) understanding the need for and how to connect student's schooling experiences with everyday life, the workplace, and further educational opportunities;
- (5) know how to involve representatives of business, industry, and community organizations as active partners in creating educational opportunities;
- (6) understand the role and purpose of cocurricular and extracurricular activities in the teaching and learning process;
- (7) understand the impact of reading ability on student achievement in the academic specialty, recognize the varying reading comprehension and fluency levels represented by students, and possess the strategies to assist students to read the academic specialty content more effectively; and
- (8) apply the standards of effective practice in teaching students through a variety of early and ongoing clinical experiences with middle level students within a range of educational programming models. Candidates for licensure who hold a license at the elementary level must complete these experiences with students in grades 7 and 8. Candidates for licensure who hold a license at the secondary level must complete these experiences with students in grades 5 and 6.

Subp. 4. **Professional license.** A professional license shall be issued and renewed according to the rules of the Board of Teaching governing continuing licensure.

Subp. 5. **Effective date.** The requirements of this part for licensure as a teacher of an academic specialty to middle level students in grades five through eight are effective on September 1, 2001, and thereafter.

8710.6000 EDUCATIONAL SPEECH-LANGUAGE PATHOLOGIST.

Subpart 1. **[no change]**

Subp. 2. **Requirements for entrancee first professional licensure license.** A first professional license as an educational speech/language pathologist shall be granted to an applicant who provides evidence of having completed a master's degree in speech/language pathology from a program accredited by the Council on Academic Affairs of the American Speech-Language-Hearing Association or to an applicant who provides evidence of holding a valid certificate of clinical competence from the American-Speech-Language-Hearing Association.

Subp. 3. **Requirements for continuing licensure.** A continuing license requires verification of having had one year of full time experience as an educational speech/language pathologist in a school setting while holding a valid Minnesota Board of Teaching entrancee license.

Subp. 4. **3. Continuing Professional license.** A continuing professional license shall be renewed according to the rules of the Board of Teaching governing continuing professional licensure.

Subp. ~~5~~ 4. **[no change]**

Subp. ~~6~~ 5. **[no change]**

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Official Notices

8710.6100 SCHOOL NURSE.

Subpart 1. [no change]

Subp. 2. **Requirements for ~~entrance~~ first professional licensure license.** A candidate for licensure as a school nurse shall:

A. [no change]

B. [no change]

C. [no change]

~~Subp. 3. **Requirements for continuing licensure.** A continuing license requires verification of current Minnesota Board of Nursing registration to practice as a licensed registered nurse and having had one year of full time experience as a school nurse while holding a valid Minnesota school nurse entrance license.~~

Subp. 4. 3. **Continuing Professional license.** A continuing professional license shall be renewed according to the rules of the Board of Teaching governing continuing professional licensure. Evidence of current Minnesota Board of Nursing registration as a licensed registered nurse is also required.

~~Subp. 5. 4. **Maintaining board of nursing registration.**~~ In order to retain licensure as a school nurse, current registration as a registered nurse and registration as a public health nurse must be maintained at all times. Lapse of this registration or licensure is grounds for revocation of licensure as a school nurse.

Persons without baccalaureate degrees who hold valid licenses as school nurses may continue to renew their licenses under subpart 4 3, provided that requirements for renewal are met. However, if a license is allowed to lapse, persons must meet the licensure requirements in subpart 2 in order to receive a current school nurse license.

Subp. 6 5. [no change]

8710.6200 SCHOOL PSYCHOLOGIST.

Subpart 1. [no change]

Subp. 2. **Requirements for ~~entrance~~ first professional licensure license.** A candidate for license as a school psychologist shall provide evidence of having completed a preparation program in school psychology accredited by the National Association of School Psychologists.

~~Subp. 3. **Requirements for continuing licensure.** A continuing license requires verification of having had one year of full time experience as a school psychologist while holding a valid Minnesota school psychologist entrance license.~~

Subp. 4 3. **Continuing Professional license.** A continuing professional license shall be renewed according to the rules of the Board of Teaching governing continuing licensure.

Subp. 5 4. [no change]

8710.6300 SCHOOL SOCIAL WORKER.

Subpart 1. [no change]

Subp. 2. **Requirements for ~~entrance~~ first professional licensure license.** A candidate for licensure as a school social worker shall:

A. [no change]

B. [no change]

~~Subp. 3. **Requirements for continuing licensure.** A continuing license requires verification of current Minnesota Board of Social Work licensure to practice as a licensed social worker and of having had one year of full time experience functioning as a school social worker while holding a valid Minnesota school social worker entrance license.~~

Subp. 4 3. **Continuing Professional license.** A continuing professional license shall be renewed according to the rules of the Board of Teaching governing continuing professional licensure. Evidence of current Board of Social Work licensure is also required.

Subp. 5 4. [no change]

Subp. 6 7. [no change]

8710.6400 SCHOOL COUNSELOR.

Subpart 1. [no change]

Subp. 2. **Requirements for ~~entrance~~ first professional licensure license.** A candidate for school counselor licensure shall:

A. [no change]

B. [no change]

Subp. 3. [no change]

~~Subp. 4. **Requirements for a continuing license.** A continuing license requires verification of having had one year of full-time school counseling experience while holding a valid Minnesota school counseling entrance license.~~

Subp. ~~5~~ **4. Renewal of a continuing professional license.** A continuing professional license shall be renewed according to the rules of the Board of Teaching governing continuing professional licensure.

Subp. ~~6~~ **5. [no change]**

[note to revisor: Change “continuing license” to “professional license” and change “continuing licensure” to “professional licensure” in parts 8710.3000 through 8710.5800.]

Department of Transportation

Appointment and Hearing of State Aid Variance Committee

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Wednesday, December 22, 1999 at 10:00 a.m. in Conference Room 148 Water’s Edge Building, located at 1500 West County Road B-2, Roseville Minnesota, 55113.

This notice is given pursuant to *Minnesota Statutes* 47k.705.

The purpose of this open meeting is to investigate and determine recommendations to variance requests from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3300 adopted pursuant to *Minnesota Statutes* 161 and 162.

The agenda will be limited to these questions:

- 1. Petition of the City of Blaine** for a variance from *Minnesota Rules*, 8820.9995 as they apply to a proposed construction project on 85th Avenue NE (County State Aid Highway No. 32), between T.H. No. 65 and the northbound I-35W off-ramp in the City of Blaine, Minnesota, so as to allow a 5 foot wide existing sidewalk with a clear zone of 1.5 feet between the sidewalk and the existing commercial building and a clear zone of 0 feet between the sidewalk and back of curb between T.H. No. 65 and Baltimore Street NE, to allow a clear zone of 0 feet on both sides of the bikeway/walkway along the approaches and over the US Highway 10 bridge, and to allow existing sidewalk widths of 2.5 feet on the south side and 4.5 feet on the north side with a clear zone of 0 feet over the I-35W bridge; in lieu of the required 2.4 meter width and 0.5 meter clear zone minimums.
- 2. Petition of the City of Chanhassen** for a variance from *Minnesota Rules* 8820.9995 as they apply to a proposed bicycle path construction project located adjacent to West 78th Street (Municipal State Aid Street No. 113), and on Riley Creek and Bluff Creek Trails in the City of Chanhassen, Minnesota, so as to allow a 20 km/h design speed; in lieu of the required 30 km/h minimum.
- 3. Petition of Sherburne County** for a variance from *Minnesota Rules* 8820.9926 as they apply to a proposed reconditioning project on County State Aid Highway No. 1, from the intersection of County Highway No. 87 to the northwest corner of Section 31, Township 35N, Range 26W just north of the intersection at County Highway No. 42 in Sherburne County, Minnesota, so as to allow a minimum 30 mph design speed; in lieu of the required 60 km/h design speed minimum.
- 4. Petition of Martin County** for a variance from *Minnesota Rules* 8820.9920 as they apply to a proposed bridge replacement project, located on County State Aid Highway No. 26 over South Creek, approximately 6.2 miles east of T.H. No. 15 in Fairmont, Minnesota, so as to allow a bridge width of 40 feet; in lieu of the required 13.2 meter minimum.
- 5. Petition of the City of East Grand Forks** for a variance from *Minnesota Rules* 8820.9936 as they apply to a proposed reconstruction project on Fifth Avenue Northwest (Municipal State Aid Street No. 103), between Fourth Street NW and a point approximately 300 feet north in the City of East Grand Forks, Minnesota, so as to allow a 14 mph horizontal curve; in lieu of the required 50 km/h minimum design speed.

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

6. Petition of the City of Minneapolis for a variance from *Minnesota Rules* 8820.9946 as they apply to a proposed reconditioning project on Hennepin Avenue South (Municipal State Aid Street No. 425), from West Lake Street to Franklin Avenue West in the City of Minneapolis, Minnesota, so as to allow a street width of 18.3 meters with parking allowed on both sides; in lieu of the required 19.2 meter minimum width with parking allowed on both sides.

The cities and counties previously listed are requested to adhere to the following time schedule when appearing before the Variance Committee:

10:00 a.m.	City of Blaine
10:15 a.m.	City of Chanhassen
10:30 a.m.	Sherburne County
10:45 a.m.	Martin County
11:00 a.m.	City of East Grand Forks
11:15 a.m.	City of Minneapolis

Dated: 13 December 1999

Julie A. Skallman
State Aid Engineer
State Aid for Local Transportation

Department of Transportation

Petition of the City of BLAINE for a variance from State Aid requirements for BICYCLE PATH WIDTH AND CLEAR ZONE

NOTICE IS HEREBY GIVEN that the Blaine City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed bicycle path construction project on 85th Avenue (County State Aid Highway No. 32), between T.H. No. 65 (Central Avenue Northeast) and the northbound off-ramp from I-35W in the City of Blaine, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9995, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 5 foot wide existing sidewalk with a clear zone of 1.5 feet between the sidewalk and the existing commercial building and a clear zone of 0 feet between the sidewalk and back of curb between T.H. No. 65 and Baltimore Street Northeast; to allow a clear zone of 0 feet on both sides of the bikeway/walkway along the approaches and over the US Highway 10 bridge; and to allow existing sidewalk widths of 2.5 feet on the south side and 4.5 feet on the north side with a clear zone of 0 feet over the I-35W bridge; in lieu of the required 2.4 meter width and 0.5 meter clear zone minimums on the proposed construction project on 85th Avenue in the City of Blaine, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 13 December 1999

Julie A. Skallman
State Aid Engineer
State Aid for Local
Transportation

Department of Transportation

Petition of the City of CHANHASSEN for a variance from State Aid requirements for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the Chanhassen City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed bicycle path construc-

tion project located adjacent to West 78th Street (Municipal State Aid Street No. 113) and on two separate off-roadway trails known as the Riley Creek and Bluff Creek Trails in the City of Chanhassen, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9995, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 20 km/h design speed, in lieu of the required 30 km/h minimum on the proposed bicycle path construction project located adjacent to West 78th Street, and on Riley Creek and Bluff Creek Trails in the City of Chanhassen, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 13 December 1999

Julie A. Skallman
State Aid Engineer
State Aid for Local
Transportation

Department of Transportation

Petition of Sherburne County for a variance from State Aid requirements for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the Sherburne County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed reconditioning project on County State Aid Highway No. 1, from the intersection of County Highway No. 87 to the northwest corner of Section 31, Township 35N, Range 26W just north of the intersection at County Highway No. 42, in Sherburne County, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9926, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 30 mph design speed; in lieu of the required 60 km/h minimum on the proposed reconditioning project on County State Aid Highway No. 1 in Sherburne County, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 13 December 1999

Julie A. Skallman
State Aid Engineer
State Aid for Local
Transportation

Department of Transportation

Petition of Martin County for a variance from State Aid requirements for BRIDGE WIDTH

NOTICE IS HEREBY GIVEN that the Martin County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed bridge replacement project located on County State Aid Highway No. 26 over South Creek, approximately 6.2 miles east of Trunk Highway No. 15 in Fairmont, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9920, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a bridge width of 40 feet; in lieu of the required 13.2 meter minimum width on the proposed bridge replacement project on County State Aid Highway No. 26 over South Creek in Martin County, Minnesota.

Official Notices

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 13 December 1999

Julie A. Skallman
State Aid Engineer
State Aid for Local
Transportation

Department of Transportation

Petition of the City of East Grand Forks for a variance from State Aid requirements for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the East Grand Forks City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed reconstruction project on Fifth Avenue Northwest (Municipal State Aid Street No. 103), between Fourth Street NW and a point approximately 300 feet north in the City of East Grand Forks, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 14 mph horizontal curve, in lieu of the required 50 km/h minimum design speed on the proposed reconstruction project on Fifth Avenue Northwest in East Grand Forks, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 13 December 1999

Julie A. Skallman
State Aid Engineer
State Aid for Local
Transportation

Department of Transportation

Petition of the City of Minneapolis for a variance from State Aid requirements for STREET WIDTH

NOTICE IS HEREBY GIVEN that the Minneapolis City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed reconditioning project on Hennepin Avenue South (Municipal State Aid Street No. 425), between West Lake Street and Franklin Avenue West in the City of Minneapolis, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9946, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow an 18.3 meter street width with parking allowed on both sides of Hennepin Avenue South, in lieu of the required 19.2 meter street width with parking allowed on both sides of Hennepin Avenue South in Minneapolis, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 13 December 1999

Julie A. Skallman
State Aid Engineer
State Aid for Local
Transportation

Department of Transportation

Petition of the City of Bemidji for a variance from State Aid requirements for AFTER THE FACT PLAN APPROVAL – CONSTRUCTION REQUIREMENT

NOTICE IS HEREBY GIVEN that the Bemidji City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a signal construction project located on Trunk Highway No. 197 (Paul Bunyon Drive), known as State Aid Project No. 105-010-07; State Project No. 0416-26, in the City of Bemidji, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800, Subp. 2, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow opening of bids prior to the required approval of plans by the State Aid Engineer on the signal construction project on Trunk Highway No. 197 in the City of Bemidji, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 13 December 1999

Julie A. Skallman
State Aid Engineer
State Aid for Local
Transportation

State Grants & Loans

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

Department of Administration

STAR Program (A System of Technology to Achieve Results)

Notice of Availability of a Grant for Developing an Information and Referral Service for Assistive Technology, \$40,000.00

STAR is offering, on a competitive basis, a grant for the development of a Minnesota assistive technology information and referral service. STAR is accepting proposals from Minnesota based non-profit, for-profit and public organizations who can establish or expand a project that will provide information about assistive technology directly to Minnesotans. Preference will go to applicants that can demonstrate a history of service to people with disabilities and consumers of assistive technology. The project must include, but is not limited to; statewide toll free telephone and TTY service, access through Internet/Email, current information on assistive technology products and services, access to assessments, used equipment and funding information. STAR anticipates making one grant for this project. A pool of \$40,000 for one year is available. Proposals must be received in the STAR offices by 4:00 PM, Thursday, January 20, 2000 in the format specified in the application package. Previous winners of STAR grants are eli-

State Grants & Loans

gible. These funds may not be used to supplant activities or services mandated by other federal or state legislation. Materials detailing the process can be obtained by contacting STAR at (651) 296-2771, (651) 296-9478 (TTY), (800) 657-3862, (800) 657-3895 (TTY), 360 Centennial Office Building, 658 Cedar Street, Saint Paul, MN 55155. An informational meeting regarding this opportunity will be held at the STAR office at 1:30 PM, Tuesday, January 4, 2000. Questions should be directed to Tom Shaffer, the Program and Development Specialist at (651) 296-9718 (or tom.shaffer@state.mn.us).

Department of Health

Tobacco Endowments - Executive Office

Request for Letters of Interest or Intent to Apply for Request for Proposal for Local Tobacco Prevention Projects and Populations-at-Risk Projects

The Minnesota Department of Health will issue a Request for Proposal for local and populations-at-risk projects in the near future. Local tobacco prevention projects can either be evidence-based or innovative projects which focus on developing coalitions and implementing tobacco prevention strategies through collaborative efforts at the local level. The focus of these activities will be to change the social environment at the community level so that tobacco use is not acceptable or desirable.

At this time, the department is requesting letters of interest or intent to apply from private and public organizations who meet the following criteria:

- Ability to designate a lead agency for the activities of the grant, or a plan to determine a lead agency at the local level.
- Ability to demonstrate the involvement of three required partners – local public health agencies, school district(s), and law enforcement.
- Ability to demonstrate how they will identify and involve other key stakeholders in the community.

Populations-at-risk projects will focus on reducing disparities in the prevalence of tobacco use by populations at increased risk of using tobacco, with an increased burden of disease related to tobacco use, and/or those targeted by the tobacco industry. Examples of populations-at-risk include: communities of color, people with a low socio-economic status, blue collar workers, high school dropouts, and gay and lesbian populations. A specific focus will include the American Indian population, which has the highest rate of both youth and adult smoking in Minnesota.

At this time, the department is requesting letters of interest or intent to apply from private and public organizations, including tribal governments, who meet the following criteria:

- Ability to demonstrate that the identified population meets the definition of population at risk.
- Ability to demonstrate experience working with the identified population.

The letters of interest or intent are being solicited at the direction of the 1999 Minnesota State Legislature who directed the department to gauge whether all geographical areas in the state express an interest in participating in the local and populations-at-risk projects. Where several organizations in a given geographical area express interest, the Minnesota Department of Health will advise all interested parties to make connections with one another. If there are no interested parties in a particular geographical region, the department will attempt to generate interest.

The Minnesota Department of Health, Tobacco Prevention and Control Section, will provide pertinent application materials to organizations expressing an interest in or intent to apply. The application materials will include information on the review and award process, and the names and telephone numbers of Minnesota Department of Health consultants available to provide technical assistance concerning the preparation of the grant application. Submission of completed applications must be received by the Minnesota Department of Health office listed in the application materials by the date and time identified.

The organization submitting a letter of interest or intent to apply is in no way legally bound to submit a grant application. The Minnesota Department of Health in soliciting and accepting a letter of interest or intent is in no way legally bound to provide a grant to the submitting organization. All applications must go through a review and award process.

Estimated time lines:

Request for Letter of Intent Published:	December 20, 1999
Letters of Intent Due:	January 28, 2000
Request for Proposal Available:	February 19, 2000
Proposal Due:	April 30, 2000

Grants Begin: July 1-September 30, 2000
End of Grant/Renewal Date: July 1, 2001

Organizations interested in submitting a letter of interest or intent to apply should contact the Minnesota Department of Health, Tobacco Prevention and Control, 85 East Seventh Place, Suite 400, St. Paul, MN 55101, by phone: (651) 215-8952; Fax: (651)215-8958; or e-mail: <tpc@health.state.mn.us>. Full instructions for the letter of interest or intent to apply, as well as technical assistance information will be supplied upon contact.

Department of Health

Tobacco Endowments - Executive Office

Request for Proposals for Grants for Statewide Special Projects and/or Technical Assistance and Training

The Minnesota Department of Health is issuing a request for proposal for public or private organizations with the capacity to reach out to the citizens of Minnesota for a grant in one or more of the following areas.

- Evidence-based projects that will positively influence the stated predictive factors and achieve the overarching goal of reducing the prevalence of tobacco use among young people by 30 percent by the year 2005. Applicants will need to demonstrate that they have the capacity for statewide outreach. Strategies that may be supported by this initiative include: (1) Reduction of exposure to secondhand smoke; (2) reduction of youth access to tobacco products; (3) comprehensive school-based prevention initiatives; restriction of tobacco advertising and promotion; (5) economic disincentive for tobacco use; and (6) other evidence-based strategies. The RFP will designate which, if any, of these strategies will receive higher priority.
- Development and implementation of innovative or promising programs designed to address the identified predictive factors and achieve the overarching goal of reducing the prevalence of tobacco use among young people by 30 percent in the year 2005. For the evidence-based and innovative tobacco prevention and control projects, there is approximately \$2 million available. It is anticipated that up to 15 projects ranging from \$100,000 to \$250,000 will be funded.
- Development and implementation of systems for evaluation of endowment-funded efforts, including technical assistance to local and populations-at-risk projects. This project will complement the work done by the Minnesota Department of Health, Minnesota Partnership for Action Against Tobacco (MPAAT), the University of Minnesota, and others. A single organization capable of providing or subcontracting to provide the systems for evaluation of endowment-funded efforts will be given highest priority. If multiple grants are awarded, coordination between grantees will be required. The evaluation systems grants will be funded for approximately 18 months. For the evaluation systems, approximately \$500,000 is available for distribution to one to five grantees.
- Technical assistance in recruiting, connecting, engaging, and increasing the capacity of programs serving populations-at-risk to develop and implement tobacco control efforts. These projects will have a statewide focus; assisting groups active at the local level through the development of networks, training opportunities and technical assistance; and linking local projects to the public information and education campaign and other statewide/special projects. A single organization capable of providing or subcontracting to provide the entire range of technical assistance needed will be given the highest priority. If multiple grants are awarded, coordination between grantees will be required. Approximately \$200,000 is available for distribution to one to three grantees.
- Provide resource coordination and information to grantees of the Minnesota Youth Tobacco Prevention Initiative on the policy and legal issues related to enforcement of local ordinances and policies. An organization will need to demonstrate their capacity to either conduct or manage all aspects of the policy resource support services for grantees responsible for either local or statewide youth tobacco prevention programs. A single organization capable of providing or subcontracting to provide management of all of the needed communication systems will be given highest priority. If multiple grants are awarded, coordination between grantees will be required. Approximately \$200,000 is available for distribution to one to three grantees.
- Coordinate and manage communication and training activities of the Minnesota Youth Tobacco Prevention Initiative. Develop and implement communication systems which link projects regionally and statewide. Provide logistical support for training needs offered throughout the state for planning/coordination for conferences, workshops, trainings, and other meetings. A single organization capable of providing or subcontracting to provide the broad spectrum of statewide logistical coordination and support needs will be given highest priority. If multiple grants are awarded, coordination between grantees will be required. Approximately \$400,000 is available for distribution to one to three grantees.

State Grants & Loans

Grants will be awarded for a period of up to 15 months beginning on April 1, 2000 through June 30, 2001. There may be an opportunity for renewal with a minimum of paperwork depending on the availability of funds and on grantees successful completion of duties.

Due to the length of the RFP, copies which include supporting documents will be available either by mail or for pick-up. A copy of the RFP without supporting documents will be available on the department's web site at: <www.health.state.mn.us>.

To request a complete copy of the Request for Proposals, please contact the Tobacco Prevention and Control Section, Minnesota Department of Health, by telephone: (651) 215-8952 or e-mail: <tpc@health.state.mn.us>. Copies are available for pick-up between 8:00 AM and 4:30 PM at the Minnesota Department of Health, Suite 400, Golden Rule Building, 85 East Seventh Place, St. Paul, MN 55101. Questions regarding the Request for Proposal should be directed to Carol Ault, Minnesota Department of Health, Tobacco Prevention and Control, at (651) 281-9783.

To be considered for funding, completed proposals must be post-marked on or before Monday, February 7, 2000 and mailed to the Minnesota Department of Health, Tobacco Prevention and Control, PO Box 64882, St. Paul, MN 55164-0882. Proposals may also be hand-delivered or sent by alternate carrier (e.g., FedEx or private courier) to the Minnesota Department of Health, Suite 400, Golden Rule Building, 85 East Seventh Place, St. Paul, MN 55101, but they must be delivered by 3:30 P.M. CST, Monday, February 7, 2000.

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 to 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 are 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].

Minneapolis Community & Technical College

Request for Proposal for the Aviation Centers Vending Services in Eden Prairie

NOTICE IS HEREBY GIVEN that MCTC is seeking qualified vendors to provide bids for vending services for our Aviation Center Location in Eden Prairie to Jennifer Faricy, available at the address below.

Bid Documents & Specifications will be available for pick up and signature from 8:00 a.m. to 2:00 p.m. Monday through Friday, January 10, 2000 through January 24, 2000.

Minneapolis Community & Technical College
Room T206
1501 Hennepin Avenue
Minneapolis, MN 55448
Phone (612) 351-1592

Bid due date January 25, 2000 at 2:00 p.m. To Jennifer Faricy in Room T206

For further information, call Jennifer Faricy, Buyer at (612) 359-1592.

Colleges and Universities, Minnesota State (MnSCU)

Winona State University

Request for sealed bids for a Dynamic Mechanical Analyzer at Winona State University

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for a Dynamic Mechanical Analyzer.

Bid specifications will be available December 20, 1999 from Sandra Schmitt, Purchasing Director, P.O. Box 5838, 205 Somsen Hall, Winona State University, Winona, MN 55987 or by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt, P.O. Box 5838 or Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 2:00 p.m. January 3, 2000.

Winona State University reserves the right to reject any or all bids or portions thereof, or to waive any irregularities or informalities in proposals received.

Higher Education Services Office

Notice of Intent to Issue a Request for Proposals for an Automated Library System

The Minnesota Higher Education Services Office announces its intent to issue a Request for Proposals (RFP) in the first three months of the year 2000 for an automated library system as required by *Laws of Minnesota* 1997 Chapter 183, Article 1, Section 2, subdivision 8. The goal of the RFP process is to establish an automated library system in MnLINK, the Minnesota Library Information Network, for the University of Minnesota and Minnesota State Colleges and Universities which include all technical colleges, state universities and community colleges; state agency libraries; and some private colleges libraries. The system also is expected to include three public library systems and at least one school system.

A formal announcement will appear in the *State Register* when the RFP is issued. For information about this project or to request a copy of the RFP when it is issued, contact:

Amie Jannetto, MnLINK Project Associate
Minnesota Higher Education Services Office
1450 Energy Park Drive, Suite 350
St. Paul, MN 55108-5227
jannetto@heso.state.mn.us

Higher Education Services Office

Request for Proposals for Evaluation of Early Intervention Programs

The Higher Education Services Office is requesting proposals from qualified professionals to conduct an external evaluation of precollege early intervention projects funded by the state of Minnesota Intervention for College Attendance grants. Proposals must be submitted no later than **January 21, 2000**.

The Request for Proposals (RFP) does not obligate the Higher Education Services Office to complete this project, and the Higher Education 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 \$40,000 in total – \$15,000 for Fiscal Year 2000 and \$25,000 for Fiscal Year 2001.

Copies of the 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

Minnesota Historical Society

Notice of Request for Bids for Printing Services – *Minnesota In The Civil War*

The Minnesota Historical Society (Society) is seeking bids from qualified firms and individuals for Printing Services for a case-bound, jacketed (5,000 cloth) book of photographs and text.

The Request for Bids is available by calling or writing Chris Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102. Telephone (651) 297-5863 or e-mail chris.bonnell@mnhs.org

Bids must be received no later than 2:00 p.m., Local Time, Wednesday, January 5, 2000. No late bids will be accepted.

Minnesota Historical Society

Notice of Request for Bids for Printing Services – *Minnesota In Our Time*

The Minnesota Historical Society (Society) is seeking bids from qualified firms and individuals for Printing Services for a split-run (1800 paperbound and 300 casebound) book of 150-line screen duotone photographs and text.

The Request for Bids is available by calling or writing Chris Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102. Telephone (651) 297-5863 or e-mail chris.bonnell@mnhs.org

Bids must be received no later than 10:00 A. M., Local Time, Wednesday, January 5, 2000. No late bids will be accepted.

Department of Human Services

Community Supports for Minnesotans for Disabilities Division

Request for Proposals for Organizational Excellence – Moving Towards Quality Performance

The Minnesota Department of Human Services (hereafter DHS) is interested in contracting for professional and technical consulting services to assist it to improve work processes and to move towards quality performance. DHS is prepared to offer up to \$35,000 for these services.

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

DESCRIPTION OF THE PROJECT

This RFP is being issued by DHS's Community Supports for Minnesotans with Disabilities Division, which is responsible for administering programs that provide community based services to persons with physical and developmental disabilities. DHS's Community Supports for Minnesotans with Disabilities Division is seeking formal proposals from qualified agencies or organizations that have experience and expertise in working directly with leaders and/or an organization's senior leadership to identify organizational strengths; develop management systems that are capable of handling complex relationships between customers, suppliers, partners and stakeholders; understand organizational and workforce alignment focused on results; and continually improve work processes to achieve organizational goals and high levels of performance.

DHS expects the following contract outcomes will be realized through the award of a contract under this RFP.

1. Consultation with CSMD management to identify and prioritize the division's work processes critical to advancing CSMD's mission: greater independence, productivity, integration and inclusion of individuals with disabilities and their families in the community.
2. Institution and leadership of division staff groups to improve selected critical work processes to achieve organizational goals and higher levels of performance.
3. Assistance to enable CSMD to develop management systems that are capable of handling complex relationships between customers, suppliers, partners, and stakeholders.
4. Suggestions on techniques to assist CSMD management to organize and align its workforce focused on results.
5. Documentation of methods and results of outcomes listed above.

DETAILED RFP AVAILABLE BY CONTACTING:

Vicki Lear
Community Supports for Minnesotans with Disabilities
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3857
(651) 582-1928

DEADLINE FOR SUBMISSION OF PROPOSALS IS January 10, 2000 by 3:00 p.m.

Minnesota Veterans Home Board

Minneapolis Veterans Home

Notice of Request for Proposals for Dental Care Services

The Minnesota Veterans Homes- Minneapolis is soliciting proposals for contracts, to provide dental care services, on the site of the Veterans Home for residents of this nursing and boarding care facility.

The Request for Proposal does not obligate the state to complete the project and the state reserves the right to cancel solicitation if it is considered to be in its best interest.

These contracts may be let for a period of up to two years, with an option to extend two years, beginning February 1, 2000. For details and a copy of the Request for Proposals, contact William Trcka, Purchasing Director, at (612) 721-0665, or write to Minnesota Veterans Home – Minneapolis, Attn: William Trcka, Director of Purchasing, 5101 Minnehaha Avenue, Minneapolis, MN 55417. All proposals must be received no later than 2:00 p.m. on January 11, 2000.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of 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.

Metropolitan Airports Commission

Notice of Call for Bids for Roll Towels

Sealed BIDS will be received by the Metropolitan Airports Commission at its office at 6040 28th Avenue South, Minneapolis, MN 55450-2799, until 1:30 p.m., Local Time, TUESDAY, JANUARY 7, 2000, for the procurement of **ROLL TOWELS**.

At that time and place the BIDSs will be publicly opened and read aloud. If mailed the Commission's mailing address is 6040 28th Avenue South, Minneapolis, MN 55450-2799, **and BIDS to be considered must be received by the Commission by the date and hour set for opening of BIDS.**

BIDS shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the Specifications may be obtained at the office of the Commission, 6040 28th Avenue South, Minneapolis, Minnesota 55450. (phone: (612) 726-8146).

Dated: 14 December 1999

METROPOLITAN AIRPORTS COMMISSION
JoAnn Brown/Buyer-Administrator

Non-State Public Bids, Contracts & Grants

Metropolitan Council

Notice of Request for Proposals for Communication and Meeting Facilitation Services – East Area Master Planning and Facility Planning, Rosemount and Empire WWTP Service Area – MCES Project Number 970200

The Metropolitan Council is requesting communications and meeting facilitation services for East Area Master Planning and Facility Planning for the present and future service areas currently being served by the Rosemount and Empire Wastewater Treatment Plants. Services will include developing and implementing a communications plan and public participation program for wastewater treatment facility planning. Activities will include working with and building consensus among various project and community teams, developing communications data bases, written communications, facilitating public meetings, providing input for a project website and other communications tools.

Receive letters of interest	January 10, 2000
Issue Request for Proposals	January 2000
Receive Proposals	February 2000
Evaluate and Rank Proposals	February 2000
Metropolitan Council authorization	March 2000
Contract negotiated, executed, NTP	March 2000

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Jan Bevins, Senior Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101

Inquiries should be directed to Pauline Langsdorf at 651-602-1805.

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Metropolitan Council

Notice of Request for Proposals (RFP) for Design and Construction Support Services

The Metropolitan Council is requesting proposals for design and construction support services for the design and construction of I-35W and Lake Street Transit Station. This Work has a Disadvantaged Business Enterprise (DBE) goal of 10%.

A Tentative schedule for consultant selection is:

Issue Request for Proposals	December 6, 1999
Preproposal Conference	December 21, 1999
Receive Proposals	January 13, 2000
Evaluate and Rank Proposals	January 27, 2000
Complete Negotiation With Selected Consultant	February 15, 2000
Metropolitan Council authorization	February 24, 2000
Contract negotiated, executed, NTP	February 28, 2000

RFP documents will be available December 13, 1999. All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a letter of Interest to:

Jan Bevins, Senior Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101

Inquiries regarding this project, including requests to examine the RFP documents, should be directed to Joseph Edwards at 612-349-7676.

Non-State Public Bids, Contracts & Grants

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposals or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Project Interconnect

Request for Proposal (Bid) for Telecommunications Services and Equipment

Project Interconnect is soliciting proposals from providers to supply telecommunication services and equipment for video, data, and internet connections. Sealed responses are due by 3:00 p.m. on January 13, 2000.

CONTACT: Call Bill Leto at 612-585-1954 for Request for Proposal (Bid) Document.

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 Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at 612-625-5534.

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

Certificates of Assumed Name; Registration of Insignia and Marks

Minnesota Statutes Chapter 333 requires the filing of an assumed name with the Secretary of State. This filing does not protect a users exclusive right to that name. The filing is required as a consumer protection, in order to enable consumers to be able to identify the true owner of a business. For more information, or to register an assumed name, insignia or mark, contact the Office of the Secretary of State, Business Services Division, (651) 297-1455.

Certificate of Assumed Name

Second Run: File # 0230148 - Air Ride Taxi Airport Service (Second Run)

1. The exact assumed name under which the business is or will be conducted is: **Air Ride Taxi Airport Service**
2. The address of the principal place of business is: **565 Aldine Street #41, St. Paul, MN 55104**
3. The names and complete street addresses of all persons conducting business under the above Assumed Name are:
 - **Beyene Tekie, 565 Aldine St. #41, St. Paul, MN 55104**
 - **Abel Gebreselassie, 930 Watson, St. Paul, MN 55102**
 - **Esayas Sium, 175 Charles Ave., #338, St. Paul, MN 55103**
 - **Goitom W. Slezion, 1552 Woodbridge St. #107, St. Paul, MN 55117**

I certify that I am authorized to sign this certificate and that I understand that by signing this certificate, I am subject to the penalties of perjury as set forth in *Minnesota Statutes* section 609.48 as if I had signed this certificate under oath.

Dated: 02 December 1999

Beyene Tekie, (612) 325-1636, partner



Department of Administration
Communications Media Division

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