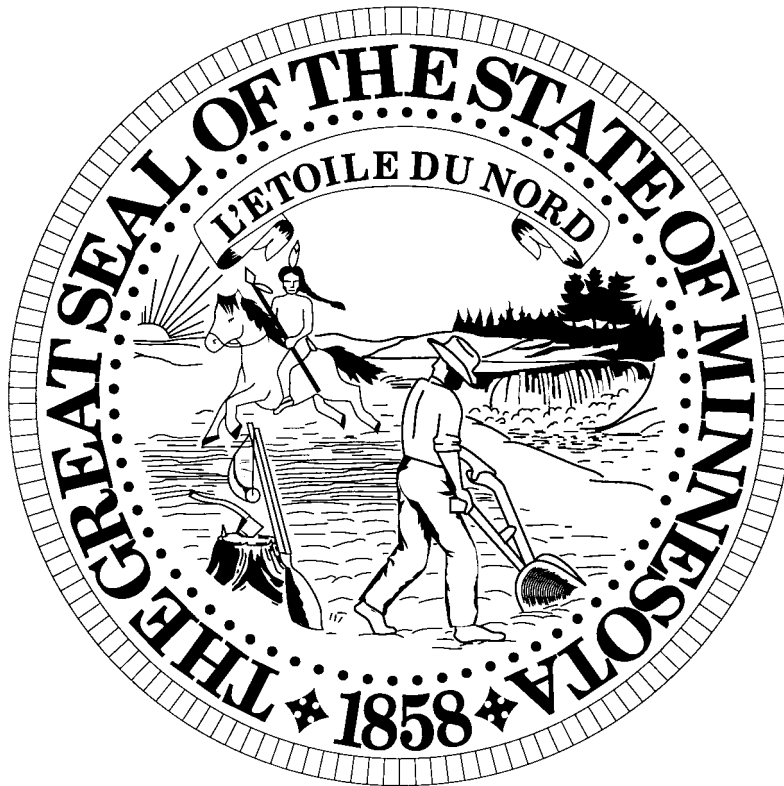


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

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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:

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- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
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| #51 | Monday 16 June | Noon Tuesday 10 June | Noon Wednesday 4 June |
| #52 | Monday 23 June | Noon Tuesday 17 June | Noon Wednesday 11 June |
| #53 | Monday 30 June | Noon Tuesday 24 June | Noon Wednesday 18 June |
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Minnesota State Court System

Court Information Office (651) 296-6043
Minnesota Judicial Center, Room 135, 25 Constitution Ave., St. Paul, MN 55155
Website: www.courts.state.mn.us

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Commodity, Service and Construction Contracts are published Tuesday and Friday in a bulletin, the **Solicitation Announcements**. Award results are available from the Materials Management Helpline (651) 296-2600. **Website:** www.mmd.admin.state.mn.us

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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 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 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Comments on Planned Rules or Amendments

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

Pollution Control Agency

Regional Environmental Management Division

Proposed Permanent Rules Relating to Beneficial Use of Solid Waste

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 Governing Solid Waste Management Specifically Beneficial Use of Solid Waste, *Minnesota Rules Chapters 7001 and 7035.*

Introduction: The Minnesota Pollution Control Agency intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on July 15, 2003 a public hearing will be held on August 12, 2003, commencing at 1:00 p.m. in the Central Board Room of the St. Paul MPCA office, 520 Lafayette Road N., St Paul, MN 55155. 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 July 15, 2003 and before August 12, 2003.

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:

Patricia Burford
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194,
Phone: (651) 296-8745
Fax: (651) 297-8676
email: pat.burford@pca.state.mn.us.

TTY users may call the MPCA at TTY (651) 292-5332 or (800) 657-3864.

Subject of Rules: The MPCA is proposing to amend its solid waste management and permitting rules. The proposed amendments address the following:

Beneficial Use of Solid Waste. The present rules are ambiguous in regard to the regulatory status of projects that involve utilization of solid wastes. The proposed rule would establish standards for storage of solid waste prior to use, a list of beneficial uses that require no agency contact, and a procedure for obtaining MPCA approval for non-listed uses of solid wastes.

Demonstration/Research Projects: The present rules require persons who seek to demonstrate or test innovative solid waste management techniques to obtain variances, permits or permit amendments. The proposed rules would establish a procedure whereby new technologies for solid waste management could be studied without the need to obtain a variance or permit amend-

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ment. The proposed rule will allow temporary non-compliance with rule standards provided that the commissioner has approved a limited research/demonstration plans and the project proposer has signed an enforceable agreement governing the project.

General Changes: The MPCA proposes the following changes to address a variety of administrative issues related to the existing rule. In addition to correction of citation errors and changes necessary to accommodate the other proposed amendments, the MPCA proposes to create an exemption from solid waste permitting for remediation sites where waste would be managed under the auspices of MPCA cleanup programs; grant increased authority to the commissioner to suspend rule requirements during emergencies where large amounts of solid waste must be managed on an expedited basis (floods, tornadoes, etc.); and modify the provisions that allow sewage containing wastes to be disposed of in a land disposal facility.

Statutory Authority: *Minnesota Statutes*, section 116.07, authorizes the MPCA to adopt standards for the control of the collection, transportation, storage, processing, and disposal of solid waste.

Rule Availability: The proposed changes to *Minnesota Rules* ch. 7001 and 7035 are published after this notice in the *State Register* or they can be viewed on the MPCA web site at <http://www.pca.state.mn.us/waste/swrules.html>. A free copy of the proposed rules is available upon request by calling the agency contact person. Only one copy will be sent per request.

Comments: You have until 4:30 p.m. on Tuesday, July 15, 2003 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 4:30 p.m. on Tuesday, July 15, 2003. 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 when 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 valid 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, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing: The hearing scheduled for August 12, 2003 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) 296-8745 after July 15, 2003 to find out whether the hearing will be held.

Notice of Hearing: If 25 or more persons submit valid 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 Beverly Jones Heydinger is assigned to conduct the hearing. Judge Heydinger can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone** (612) 341-7666, 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 rebuttal 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 rebuttal 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

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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 rebuttal 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: The MPCA has prepared a Statement of Need and Reasonableness (SONAR). This SONAR 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 SONAR is now available for viewing in the MPCA library in the St Paul office, 520 Lafayette Rd N, St Paul, MN 55155. The SONAR is also available on the MPCA's website at: <http://www.pca.state.mn.us/waste/swrules.html>. Documents cited in the SONAR are available for review in the MPCA library; certain of these documents are available for review with the SONAR as published on the MPCA's website. You may obtain a copy of the SONAR from the agency for the cost of reproduction by contacting the agency contact person.

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: Suite 190, 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 the rules are filed 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.

Sheryl A. Corrigan
Commissioner

7001.0020 SCOPE.

Except as otherwise specifically provided, parts 7001.0010 to 7001.0210 apply to items A to ~~F~~ I.

A. An agency permit required for the storage, treatment, ~~utilization~~, processing, transfer, intermediate disposal, or final disposal of solid waste. Part 7001.0040 applies to permits for solid waste transfer facilities, recycling facilities, refuse-derived fuel processing facilities, and compost facilities, except that the time period referred to in part 7001.0040, subparts 1 and 3, shall be 90 days instead of 180 days.

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

7001.3050 PERMIT REQUIREMENTS.

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

Subp. 2. **Exclusions.** A solid waste management facility permit is not required ~~for a backyard compost site as defined in part 7035.0300;~~

A. for backyard compost sites as defined in part 7035.0300;

B. for demonstration/research projects authorized by part 7035.0450 unless the project is required to have a permit under federal law;

C. for beneficial use of solid waste done according to part 7035.2860;

D. for storage of a solid waste prior to its beneficial use when done according to parts 7035.2855 and 7035.2860;

E. for disposal of solid waste on the same property on which it was discovered, when a person has made a request to the commissioner for review, investigation, and oversight under *Minnesota Statutes*, section 115B.17, subdivision 14, and is conducting response actions in accordance with a plan approved by the commissioner under *Minnesota Statutes*, section 115B.175; or

F. when the commissioner has granted an exemption to allow operation without a permit to expedite the proper management of solid waste and to prevent, abate, or control pollution if the commissioner determines that such an exemption is necessary as an immediate response to an emergency. A permit application must be submitted within 90 days after such an exemption is granted.

[For text of subps 3 and 4, see M.R.]

7035.0300 DEFINITIONS.

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

Subp. 7a. **Beneficial use determination.** “Beneficial use determination” refers to standing or case-specific beneficial use determinations under part 7035.2860, subpart 4 or 5, respectively.

Subp. 7b. **Bottom ash.** “Bottom ash” means the residues that remain in a combustion chamber after combustion. An owner or operator may include ash which is carried out of a combustion chamber by the flow of gases and captured by boiler tubes, economizers, or other equipment which captures particulate matter before gases enter air pollution control equipment.

[For text of subs 8 and 9, see M.R.]

Subp. 9a. **By-product lime.** “By-product lime” refers to waste liming materials that are produced when lime is used for processes such as treatment of drinking water, processing of sugar, acetylene production, and miscellaneous other processes.

[For text of subs 10 to 14, see M.R.]

Subp. 14a. **Coal combustion slag.** “Coal combustion slag” means the noncombustible coal residue collected in a water-filled hopper at the bottom of a cyclone-type furnace. It is characterized as glassy, angular-shaped particles with diameters ranging from one-tenth to ten millimeters in size.

[For text of subs 15 to 31, see M.R.]

Subp. 31a. **Demonstration/research project.** “Demonstration/research project” refers to a limited scale project designed to promote new methods of solid waste management. It is designed to obtain scientific or other information about a specific method for managing solid waste not currently available.

[For text of subs 32 to 87, see M.R.]

Subp. 87a. **Recyclable materials.** “Recyclable materials” refers to marketable materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material. For purposes of part 7035.2860, recyclable materials also refers to marketable materials separated from industrial solid wastes and construction and demolition debris. Recyclable materials may also be referred to as secondary materials.

Subp. 87b. **Recycling.** “Recycling” means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

[For text of subs 88 to 96, see M.R.]

Subp. 96a. **Secondary materials market.** “Secondary materials market” refers to the sale, trade, or exchange of recyclable materials that are suitable for use in manufactured products.

Subp. 96b. **Segregated household hazardous waste.** “Segregated household hazardous waste” means household hazardous waste that is separated from other solid waste or arrives at a solid waste management facility separated from other solid waste.

[For text of subs 97 to 111a, see M.R.]

Subp. 111b. **Unadulterated wood.** “Unadulterated wood” means wood that does not contain contaminants present as a result of manufacturing or use of the wood. Examples of contaminants include, but are not limited to, paints, varnishes, stains, glues, resins, or chemicals used to prevent rotting.

[For text of subs 112 to 121, see M.R.]

7035.0350 SOLID WASTE MANAGEMENT HIERARCHY.

The waste management goal of the state is to foster an integrated waste management system in a manner appropriate to the characteristics of the waste stream and thereby protect the state’s land, air, water, and other natural resources and the public health. The agency supports the management of solid waste in accordance with the goals stated in *Minnesota Statutes*, section 115A.02, paragraph (a), which emphasize reducing toxicity and volume of wastes. In recognition that wastes may have value and should be viewed as a resource, the goal of solid waste management should be to use wastes for their highest and best value and to dispose of them only after other feasible options have been evaluated or for environmental protection.

7035.0400 GENERAL REQUIREMENTS.

Subpart 1. **General.** All solid waste must be stored, collected, transferred, transported, used, processed, and disposed of, or reclaimed in a manner consistent with requirements of parts 7035.0300 to 7035.2915, except that ~~petroleum-contaminated soil stored or land treated at a petroleum-contaminated soil land treatment site shall be managed under chapter 7037. The agency is responsible for enforcement of these parts and encourages cooperation of municipalities which may adopt these parts for use in local laws, ordinances, or regulations.~~

A. petroleum contaminated soil stored or land treated at a petroleum contaminated soil land treatment site must be managed under chapter 7037; and

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B. the commissioner may grant an exemption from this chapter to expedite the proper management of solid waste and to prevent, abate, or control pollution if the commissioner determines that such an exemption is necessary as an immediate response to an emergency.

Subp. 2. State and local responsibilities. The agency is responsible for enforcement of this chapter and encourages cooperation of local units of government which may adopt this chapter for use in local laws, ordinances, or regulations. Local units of government may adopt additional restrictions in accordance with local solid waste plans or other authority.

7035.0450 DEMONSTRATION/RESEARCH PROJECTS.

Subpart 1. General. This part establishes regulatory oversight for demonstration/research projects. If a demonstration/research project receives approval under this part, the commissioner may, as part of that approval, allow noncompliance with permit and rule conditions on a temporary basis to allow collection of information and data. However, the commissioner shall not allow noncompliance with federal standards contained in *Code of Federal Regulations*, title 40, part 258, unless allowed under federal law and in accordance with procedures provided by federal law. Commissioner approval or completion of a demonstration/research project does not obligate the agency to change rules, grant variances, issue or change permit conditions, make beneficial use determinations, or take any other action.

Subp. 2. Information submittal. A proposal for a demonstration/research project must be submitted to the agency for review and receive written approval prior to its initiation. At a minimum, the following items must be addressed in any proposal submitted for review and approval:

A. detailed descriptions of the solid waste, the manner in which it is generated, and the solid waste management technology or process to be evaluated;

B. results of appropriate chemical and physical characterization of the solid waste done in accordance with part 7035.2861;

C. goals and objectives of the demonstration/research project;

D. scope of the demonstration/research project including length of time from the beginning of the project to completion, location, and quantity of solid waste involved;

E. an outline of information that will be contained in a final report prepared at the end of the demonstration/research project;

F. review of literature related to the project;

G. experimental design;

H. proposed monitoring;

I. evaluation of possible environmental impacts from the demonstration/research project and a description of safeguards proposed to protect human health and the environment during the project and after its completion;

J. verification that local units of government have been notified in writing of the intent to carry out the demonstration/research project within their jurisdiction and have been provided information on whom to contact at the agency to provide comments on the project if desired;

K. a listing of potentially affected or interested parties that have been notified about the proposed demonstration/research project and a description of the method used for notification. These parties must receive information on whom they can contact at the agency to provide comments on the project if desired; and

L. when applicable, information required by *Code of Federal Regulations*, title 40, part 258, for a research, development, and demonstration permit.

Subp. 3. Agency actions and approval. Upon completing review of the proposal, the agency shall accept or reject the proposal based on the projects potential to impact human health and the environment and whether the project will result in development of useful information related to solid waste management. The agency shall give priority to proposals that have the potential to prevent pollution or that reduce or utilize solid wastes.

Upon agency approval of a demonstration/research project, the agency shall take one of the following actions:

A. issue a permit in accordance with chapters 7001 and 7035 and *Code of Federal Regulations*, title 40, part 258; or

B. prepare an agreement that must be signed by the proposer before the project may be initiated. The agreement must contain requirements including, but not limited to, the following items:

(1) length of time the activity can take place;

(2) maximum quantities of solid waste involved;

(3) incorporation of proposal elements by reference; and

(4) any other requirements the agency determines are necessary to ensure that the demonstration/research project does not cause harm to human health or the environment.

The signed agreement is legally binding and provides the agency with the authority to enforce its conditions. Violations of the

agreement may result in termination of the agreement and possible enforcement action.

Subp. 4. Termination. A demonstration/research project or agreement may be terminated by actions of the agency or the parties responsible for the project.

A. The agency may terminate a signed agreement for one of the following reasons:

- (1) the agency discovers that terms of the agreement are not being met;
- (2) the agency determines that the project is not generating useful information; or
- (3) there is evidence that allowing the project to continue would pose risks to human health or the environment.

B. If the demonstration/research project is terminated by the parties responsible for conducting the project prior to its completion for any reason, the agency must be notified in writing immediately.

C. If an agreement is terminated, the project must be discontinued until a solid waste permit or variance from the solid waste management rules is obtained.

Subp. 5. Reporting. Within six months after completion of the demonstration/research project, the final report as outlined in subpart 2, item E, must be submitted to the agency. In addition, more frequent reporting may be specified as a condition of an agreement or permit and must be submitted in accordance with the signed agreement or permit.

7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

Subpart 1. Unacceptable wastes. The owner or operator of a solid waste management facility must not accept the following wastes for treatment, storage, processing, or disposal:

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

~~B. sewage sludge, septic tank pumpings, sewage sludge compost, or sewage unless it has been treated or will be treated by a process to significantly reduce pathogens pursuant to part 7035.2835 and chapter 7041;~~

~~C. infectious wastes, unless approved by the agency;~~

~~D. C. used oil, except as provided in subpart 5, item B;~~

~~E. D. radioactive waste;~~

~~F. E. wastes containing free liquids; or~~

~~G. F. free liquids.~~

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

Subp. 5. Industrial solid waste management. All industrial solid waste delivered to a solid waste management facility must be managed by the owner or operator to protect human health and the environment. The industrial solid waste management plan required under part 7001.3300 must address items A to C, except that the industrial solid waste management plan for a municipal solid waste combustor ash land disposal facility need not comply with items B and C.

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

D. The owner or operator need not address the following wastes in the plan:

[For text of subitems (1) to (4), see M.R.]

~~(5) dewatered sewage sludge that has been treated by a process to significantly reduce pathogens pursuant to parts 7040.0100 to 7040.4700 meets the Class B pathogen reduction standards in part 7041.1300, subpart 3;~~

[For text of subitems (6) to (8), see M.R.]

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

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

7035.2855 SOLID WASTE STORAGE STANDARDS.

Subpart 1. Scope. The requirements of subparts 2 to 6 apply to owners and operators of facilities that store solid waste, except as part 7035.2525, subpart 2, provides or as otherwise provided in this subpart.

A. Owners and operators of facilities that store solid waste prior to its beneficial use in accordance with part 7035.2860 must meet the standards in subparts 2, 6, and 7 and are exempt from subparts 3, 4, and 5. If any portion of the solid waste stored at a given location is not beneficially used the storage standards in subparts 2 to 6 apply.

B. Facilities that store only waste tires are exempt from this part. ~~Solid waste stored prior to beneficial use or reuse according to existing technology for the waste is exempt from this part.~~

C. The owner or operator of a facility where solid waste is stored inside or within a structure so that neither runoff nor leachate is generated and no liquid wastes or wastes with free liquids are added to the storage area, is not subject to subparts 3 and 4, or part 7035.2565 if:

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- ~~A.~~ (1) the storage area is protected from surface water run-on by the structure or in some other manner;
- ~~B.~~ (2) the storage area is designed and operated to control dispersion of the waste by wind by means other than wetting; and
- ~~C.~~ (3) the solid waste will not generate leachate or gases through decomposition or other reactions.

Subp. 2. **Locational requirements.** Locational requirements are as follows:

A. The locational standards in part 7035.2555 must be met.

B. The storage area must not be located in an area characterized by karst features, including sinkholes, caves, and disappearing streams.

~~B.~~ C. The storage area, including ~~its~~ any underlying liner, must be located entirely above the high water table.

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

Subp. 4. **Inspection of liners.** Requirements for the inspection of liners are as follows:

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

B. The waste in the storage area must be removed at least annually. When the waste is removed, the liner must be inspected for deterioration, cracks, or other conditions that may result in leaks. The frequency of inspection must be specified in the inspection ~~plan~~ schedule required in part 7035.2535, subpart ~~3~~ 4, and must be based on the potential for the liner and base to crack or otherwise deteriorate under conditions of operation, such as waste type, rainfall, loading rates, and subsurface stability. The inspection must include a view of the liner for failures due to puncture, cracking, tearing, or other physical damage from equipment used to place waste in or on the pile or to clean and expose the liner surface for inspection.

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

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

Subp. 7. **Storage of solid waste prior to beneficial use.** Owners or operators of facilities used for solid waste storage prior to its beneficial use must comply with the requirements in items A to F.

A. Prior to operation of a storage facility, owners and operators must obtain a written certification from an engineer licensed in Minnesota stating that the storage facility is designed and constructed to meet the requirements of this part. A copy of this certification must be maintained on file by the owner or operator and made available to the agency upon request.

B. Prior to operation of a storage facility, the owner or operator of the facility must evaluate the potential for migration of contaminants into adjacent subsurface soil, groundwater, or surface water from the stored solid waste. This evaluation must take into consideration the characteristics of the solid waste, the quantity of solid waste to be stored, and the length of time the solid waste will be stored. Based on this evaluation, the owner or operator of the facility must design, construct, and operate the storage facility to meet the requirements in subitems (1) to (3):

(1) Migration of contaminants into the adjacent subsurface soil, groundwater, or surface water at any time during the active life, or the closure period, of the facility must be prevented.

(2) Run-on and runoff of stormwater must be controlled. The owner or operator must implement management practices designed to control run-on and runoff of stormwater from the storage area. In cases where solid waste will be stored continuously or intermittently at the same location, the owner or operator must design, construct, operate, and maintain a stormwater management system capable of collecting and controlling the volume of contaminated stormwater resulting from a 24-hour, 25-year storm unless otherwise directed by the agency.

(3) Collection and holding facilities, such as tanks or basins, associated with the run-on and runoff control systems must be managed to maintain the design capacity of the system. Disposal of wastes and wastewaters generated from these facilities must be managed appropriately.

C. The maximum quantity of solid waste stored at any one location at any given time is limited to a reasonable quantity based on the type of waste and its end use. A reasonable quantity is the amount of solid waste needed for completion of the projects for which it is being accumulated. Records must be kept that verify that the quantity of solid waste stored at any one location does not result in accumulation of solid waste in quantities that exceed its use.

D. The solid waste must not be stored at any one location for more than three years without being processed or utilized.

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

F. Nuisance conditions resulting from the storage of solid waste must be controlled and managed by the facility owner or operator.

7035.2860 BENEFICIAL USE OF SOLID WASTE.

Subpart 1. **Applicability.** This part establishes a procedure for determining when use of a material classified as a solid waste is a beneficial use. The uses listed in subpart 4 as standing beneficial use determinations have been reviewed and determined to be beneficial uses of solid waste by the agency. All other proposed uses of solid wastes must obtain case-specific beneficial use deter-

minations in accordance with the procedures in subpart 5.

Subp. 2. Beneficial use standards. To constitute a beneficial use under this part, the following standards must be met:

- A. the solid waste must not be stored in anticipation of speculative future markets;
- B. the solid waste must be adequately characterized in accordance with part 7035.2861;
- C. the solid waste must be an effective substitute for an analogous material or a necessary ingredient in a new product;
- D. the use of the solid waste does not adversely impact human health or the environment; and

E. the solid waste must not be used in quantities that exceed accepted engineering or commercial standards. Excess use of solid waste is not authorized by this part and is considered disposal.

Subp. 3. Solid waste cessation. Unless specified otherwise by the agency in a beneficial use determination or permit, a material remains a solid waste until the solid waste is placed in commerce or incorporated into a manufactured product for sale or distribution. Until the time solid waste cessation occurs the material must be managed as a solid waste in accordance with this chapter.

Subp. 4. Standing beneficial use determinations. A standing beneficial use determination means that the generator or end user of a material can do so in accordance with this subpart without contacting the agency. Only those specific solid wastes and the uses designated in items A to P have been given standing beneficial use determinations. Any other uses of the solid waste are not authorized and must follow the procedure outlined in subpart 5.

A. Unadulterated wood, wood chips, bark, or sawdust when these materials are placed in commerce for service as mulch, landscaping, animal bedding, erosion control, wood fuel production, a bulking agent at a compost facility operated in compliance with part 7035.2836, or as a substitute for wood.

B. Unadulterated newspaper and newsprint utilized as animal bedding, insulation, or as a substitute for paper products.

C. Uncontaminated glass when used as a sandblast agent.

D. Unusable latex paints, characterized as high solid content, off-specification colors, sour, frozen, or poor quality, when used to produce processed latex pigment for use as an additive for the production of ASTM-specified specialty cement.

E. Reclaimed glass and porcelain fixtures when utilized as a substitute for conventional aggregate or subgrade applications in accordance with Minnesota Department of Transportation Standard Specifications for Construction 2000 Edition, 3138.2 A2.

F. Crumb rubber when used in asphalt paving or applications where it is used as a substitute for rubber or similar elastic material.

G. Tire shreds when used as lightweight fill in the construction of public roads in accordance with *Minnesota Statutes*, section 115A.912, subdivision 4.

H. Tire chips used as a substitute for conventional aggregate in construction applications when the ratio of this substitution is no greater than one to one by volume. This does not include use of tire chips as general construction fill or clean fill.

I. Uncontaminated recognizable concrete, recycled concrete and concrete products, and brick placed in commerce for service as a substitute for conventional aggregate.

J. Salvaged bituminous when utilized as a substitute for conventional aggregate in accordance with Minnesota Department of Transportation Standard Specifications for Construction 2000 Edition, 3138.2 A2.

K. Coal combustion slag placed in commerce for use as a component in manufactured products such as roofing shingles, ceiling tiles, or asphalt products.

L. Coal combustion slag placed in commerce for use as a sand blast abrasive.

M. Coal combustion fly ash as defined by ASTM C 618 placed in commerce for use as a pozzolan or cement replacement in the formation of high-strength concrete.

N. Uncontaminated by-product limes when utilized as agricultural liming materials and distributed in accordance with chapter 1508 and *Minnesota Statutes*, sections 18C.531 to 18C.575. Application rates for by-product limes must be based on the lime recommendations of the University of Minnesota Extension Service and cannot cause the soil pH to exceed 7.1 after application. Site-specific application rates for by-product lime must be determined by an individual that has a background and understanding of crop nutrient management such as a crop consultant or University of Minnesota Extension Specialist. Recommended rates for lime can be obtained from the University of Minnesota Extension Service publication "Fertilizer Recommendations for Agronomic Crops in Minnesota" BU-06240-S, and the Minnesota Department of Agriculture publication "Ag-Lime Recommendations in Pounds ENP per acre" available on their Web site at <http://www.mda.state.mn.us/lime>.

O. Manufactured shingle scrap and ground tear-off shingle scrap used in asphalt pavement or road subbases.

P. Recyclable materials that are used in the secondary materials market. This does not include uses of recyclable materials as construction fill, clean fill, or manufactured fill.

Subp. 5. Case-specific beneficial use determinations. For uses of a solid waste not identified in subpart 4, the agency shall make a case-by-case determination on whether the proposed management option for the specific solid waste is a beneficial use. This

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determination must be based on information submitted in accordance with this subpart. In cases where the information required by this subpart is not available, a demonstration/research project designed to provide the missing information may be proposed in accordance with part 7035.0450. Unless otherwise directed by the agency, proposals must include the following information at a minimum:

A. a description of the solid waste, manner in which it is generated, quantity generated, quantity to be utilized, and its proposed end use;

B. results of chemical and physical characterization of the solid waste done in accordance with part 7035.2861;

C. an evaluation of the human health and environmental impacts the proposed use may have and a comparison of these impacts with those from other management alternatives for the solid waste;

D. verification that the end product complies with industry standards and specifications for its intended use and a comparison of the chemical and physical characteristics of the solid waste proposed for use with the material it will replace;

E. a description of the routine sampling and analysis that will be conducted of the solid waste to ensure that the information submitted for review is representative and the solid waste has consistent characteristics. The description must include the procedure and frequency of sampling and analysis, parameters to be analyzed, analysis methods, and laboratory reporting limits to be used;

F. a copy of a contract to purchase or use the proposed product or other documentation proving that a market for the proposed product or use exists;

G. a detailed description of how and where the product will be distributed. This should also include a detailed description of how the solid waste will be managed from the time it is generated until the time it will be utilized and the management practices that will be in place to ensure that human health and the environment are protected;

H. the following information related to the management of solid waste stored prior to its use:

(1) a complete description of the types of storage to be used prior to beneficial use; and

(2) a description of how the solid waste will be managed to meet the requirements in part 7035.2855;

I. a description of any wastes that will need to be managed as a result of beneficially using the solid waste;

J. verification that local units of government with authority to regulate the proposed process or use of the solid waste have received a copy of this application and have been provided information on who to contact at the agency to provide comments on the proposed beneficial use activity; and

K. identification of potentially affected or interested parties, so the agency can determine appropriate notification procedures.

Subp. 6. **Agency actions.** Upon completing review of the information submitted under subpart 5, the commissioner will take one of the following actions:

A. request additional information for evaluation of the proposal;

B. notify the proposer in writing, that a beneficial use determination has been made and the commissioner agrees the proposed use of the solid waste is beneficial. If the determination is conditional, the notification must include the conditions; or

C. deny the request for a case-specific beneficial use determination. If the request is denied, the proposer must obtain a permit or variance before the solid waste can be managed in the manner proposed.

If a permit is required, the type of permit issued may be a state disposal system or a solid waste management facility permit depending on the type of environmental concerns that need to be addressed by the permit.

Subp. 7. **Reporting requirements.** Proposers that have applied for and received case-specific beneficial use determinations according to subpart 5 must submit a report to the county in which the solid waste is generated annually by January 31. The report must contain a description of the type and quantity of solid waste beneficially used during the time period from January 1 to December 31 of the previous year. The Minnesota Office of Environmental Assistance will provide a format for submitting this report.

Subp. 8. **Modification of a beneficial use determination.** The commissioner may modify conditions attached to any beneficial use determination made under subpart 5 if the commissioner finds, on the basis of new information, that new conditions are necessary to protect human health and the environment.

Subp. 9. **Revocation of a beneficial use determination.** The commissioner may revoke any beneficial use determination made under subpart 5 if the commissioner finds, on the basis of new information, the standards in subpart 2 are not being met. If the commissioner revokes a beneficial use determination, use of the solid waste can only continue if authorized by a permit and/or a variance is obtained. The commissioner shall provide a reasonable amount of time for the proposer to apply for a permit or variance or to terminate the regulated activity.

Subp. 10. **Public information.** The agency shall post all case-specific beneficial use determinations made by the agency on its Web site.

7035.2861 CHARACTERIZING SOLID WASTES FOR DEMONSTRATION/RESEARCH PROJECTS AND FOR BENEFICIAL USE.

Subpart 1. **Scope.** This part sets out the procedures for characterization of a solid waste. The agency shall use the results from characterization of a solid waste when evaluating demonstration/research projects and beneficial use proposals.

Subp. 2. **Characterization procedures.** Unless otherwise directed by the agency, a person seeking to characterize a solid waste must follow the steps in items A through C.

A. The solid waste must be evaluated to determine if it is hazardous as provided in part 7045.0214. If the waste is determined to be hazardous, no further characterization is necessary because under this chapter no demonstration/research project or beneficial use determination will apply to hazardous waste.

B. A list of potential chemical constituents present in the solid waste must be developed by evaluation of the processes at the facility that resulted in production of the waste; and review of material safety data sheets, ingredient labels, and other pertinent information.

C. The solid waste must be analyzed in accordance with the methods provided in subpart 3, to provide the following information on its chemical and physical properties:

(1) potential chemical constituents identified in item B; and

(2) physical properties that affect the use or management of the solid waste.

Subp. 3. **Methods of analysis.** The analysis methods used for characterization must be consistent with the management option or beneficial use being proposed. In most cases, total compositional analysis is needed. Depending on how the solid waste will be managed prior to its beneficial use, leaching procedures may also be required. Approved methods of analysis are found in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846. Equivalent analytical methods may be allowed with commissioner approval.

7035.2862 INCORPORATIONS BY REFERENCE.

The documents in items A to D are incorporated by reference for purposes of parts 7035.2860 and 7035.2861. They are not subject to frequent change.

A. The Minnesota Department of Transportation Standard Specifications for Construction (2000 edition). It is published by the Minnesota Department of Transportation, and is available at the following Web site: www.dot.state.mn.us/tecsup/spec/index.html.

B. American Society for Testing and Materials (ASTM) Method C618-01. These methods are published annually in the Annual Book of ASTM Standards: part C618-01: Standard Specification for Coal Fly Ash and Raw or Calcined Natural Pozzolan for Use as a Mineral Admixture in Concrete, 2002 edition. This publication is available through the Minitex interlibrary loan system.

C. University of Minnesota Extension Service Publication: "Fertilizer Recommendations for Agronomic Crops in Minnesota" BU-06240-S, Revised 2001. It is available from the following Web site: www.extension.umn.edu. Copies can be purchased at University of Minnesota Extension Service Distribution Center, 405 Coffey Hall, 1420 Eckles Avenue, St. Paul, MN 55108 or can be ordered by e-mail: order@extension.umn.edu or telephone: (800) 876-8636.

D. Minnesota Department of Agriculture publication "Ag-Lime Recommendations in Pounds ENP per acre" is available on the department's Web site at www.mda.state.mn.us/lime.

INCORPORATIONS BY REFERENCE: Part 7035.2862: The Minnesota Department of Transportation Standard Specifications for Construction (2000 edition), published by the Minnesota Department of Transportation, is available at the following **Web site:** www.dot.state.mn.us/tecsup/spec/index.html; American Society for Testing and Materials (ASTM) Method C618-01, published annually in the Annual Book of ASTM Standards: part C618-01: Standard Specification for Coal Fly Ash and Raw or Calcined Natural Pozzolan for Use as a Mineral Admixture in Concrete, 2002 edition, and is available through the Minitex interlibrary loan system; University of Minnesota Extension Service Publication: "Fertilizer Recommendations for Agronomic Crops in Minnesota" BU-06240-S, Revised 2001, is available from the following **Web site:** www.extension.umn.edu, and copies can be purchased at University of Minnesota Extension Service Distribution Center, 405 Coffey Hall, 1420 Eckles Avenue, St. Paul, MN 55108 or can be ordered by **e-mail:** order@extension.umn.edu or **telephone:** (800) 876-8636; and Minnesota Department of Agriculture publication "Ag-Lime Recommendations in Pounds ENP per acre," available on the department's **web site** at www.mda.state.mn.us/lime.

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.

Expedited and Emergency 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 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 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 Agriculture

Adopted Permanent Rules Relating to Obsolete Rules

The rules proposed and published at *State Register*, Volume 27, Number 36, pages 1377-1378, March 3, 2003 (27 SR 1377), are adopted as proposed.

Public Utilities Commission

Adopted Permanent Rules Relating to Biennial Transmission Projects Reports

The rules proposed and published at *State Register*, Volume 27, Number 30, pages 1143-1155, January 21, 2003 (27 SR 1143), are adopted with the following modifications:

7848.0100 DEFINITIONS.

Subp. 9. **Utility.** "Utility" means any entity required to file a biennial transmission projects report under part ~~7848.0500~~ 7848.0400 or its delegatee under part ~~7848.0400~~ 7848.0500.

7848.0500 DELEGATING FILING RESPONSIBILITIES.

Any person required to make filings under part 7848.0400 may, by agreement with the generation and transmission organization that serves it, delegate its filing responsibilities under this chapter to that organization. If the generation and transmission organization to which the utility has delegated its filing responsibilities fails to make the filing, the utility remains responsible for making the filing.

7848.0700 TRANSMISSION PLANNING ZONES.

To facilitate meaningful public participation in transmission planning, the state is hereby divided into six transmission planning zones: northwest, northeast, southwest, southeast, ~~south west~~ central, and Twin Cities metropolitan. The boundaries of these transmission planning zones are shown in the map at part 7848.9900.

7848.0900 TRANSMISSION PLANNING MEETINGS.

Subp. 2. **Issues to address in transmission planning meetings.** At transmission planning meetings the utilities shall:

H. provide a description of general right-of-way requirements for a line of the size and voltage proposed and a statement as to whether that the utility intends to construct the line on existing right of way currently devoted to transmission or intends to acquire property rights for new or expanded the right-of-way that the proposed line will require; and

7848.1000 OUTREACH EFFORTS FOR TRANSMISSION PLANNING MEETINGS.

Subpart 1. **Notice to interested persons.** Utilities shall conduct outreach efforts to inform local government officials, tribal government officials, and members of the public about the transmission planning meetings required in this part. At a minimum, utilities shall take the following actions:

F. mail to the board, the department, the Minnesota Pollution Control Agency, the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, the United States Fish and Wildlife Service, and the United States Park Service written materials briefly summarizing the transmission planning process; inviting input from these agencies; giving the date, time, and place of the transmission planning meeting; and inviting each of these agencies to designate a person to serve as its liaison between the agency and the utility on transmission issues;

Subp. 2. **Timing of mailings.** The written materials required under subpart 1, items A through F, must be mailed no later than 15 days before the transmission planning meeting to which they relate. The written materials required under subpart 1, ~~items A through~~

~~F~~ Item H, must be mailed no sooner than 30 days or later than ten days before the transmission planning meeting to which they relate. The newspaper advertisements required under subpart 1, item G, must appear no sooner than 30 days and no later than ten days before the transmission planning meeting to which they relate.

7848.1200 KEEPING RECORDS RELATED TO TRANSMISSION PLANNING MEETINGS.

Utilities shall retain the following materials for ten years:

E. copies of all written and e-mail comments on transmission planning issues received from members of the public, local government officials, and tribal government officials; and

F. copies of notes on telephone comments on transmission planning issues received from members of the public, local government officials, and tribal government officials.

7848.1300 CONTENT OF BIENNIAL TRANSMISSION PROJECTS REPORT.

Each biennial transmission projects report, whether or not it seeks certification of a high-voltage transmission line, must contain at least the following information:

D. a list of inadequacies in the transmission system currently affecting reliability within the utility's assigned service area and a list of ~~projected~~ reasonably foreseeable future inadequacies expected to affect reliability within the utility's assigned service area over the next ten years;

E. a list of all alternative means of addressing each inadequacy identified, including nontransmission alternatives;

7848.1400 REQUIRED INFORMATION FOR CERTIFICATION OF HIGH-VOLTAGE TRANSMISSION LINES.

Subp. 2. **Filing requirements.** Any biennial transmission projects report that seeks certification of a high-voltage transmission line in the course of the biennial transmission report proceeding must include the information listed below for each high-voltage transmission line proposed:

K. a description of measures ~~the utility intends to take~~ generally available to mitigate any adverse environmental impacts from ~~the~~ construction, operation, ~~or~~ and maintenance of a transmission line of the size and voltage proposed and a description of any additional mitigation measures likely to be required for the proposed line;

L. ~~the amount of land required for the line's construction and for its operation and maintenance, and a description of the uses to which the~~ right-of-way requirements for the line at the voltage proposed, a description of land is currently devoted use patterns between the end points, a discussion of routing considerations that may influence subsequent routing proceedings, and the best routing information available;

7848.1600 ENVIRONMENTAL REVIEW.

The board, in accordance with its own rules, shall prepare and distribute an environmental ~~assessment~~ report on each high-voltage transmission line for which a utility seeks certification.

7848.1700 REQUESTS FOR EXEMPTIONS FROM FILING REQUIREMENTS.

Subp. 2. **Procedural schedule, notice of procedural schedule.** Initial comments on exemption requests must be filed within 20 days of the date of service filing. Reply comments must be filed within 20 days of the expiration of the initial comment period. Utilities shall include with any exemption request a clear and conspicuous notice of these comment periods.

Subp. 3. **Service requirements.** Utilities shall serve their exemption requests on the following persons:

C. each member of the board;

D. the general service list for biennial transmission projects reports established under part 7829.0600;

~~D.~~ E. every county government in the state; and

~~E.~~ F. every tribal government in the state.

7848.1900 NOTICE PLANS WHEN SEEKING CERTIFICATION.

Subp. 2. **Procedural schedule, notice of procedural schedule.** Initial comments on proposed notice plans must be filed within 20 days of the date of service filing. Reply comments must be filed within 20 days of the expiration of the initial comment period. Utilities shall include with the proposed notice plan a clear and conspicuous notice of these comment periods.

Subp. 3. **Types of notice.** Proposed notice plans must include notice to the following persons by the method specified:

B. direct mail notice to ~~persons in possession of or residing on any property~~ all mailing addresses within the area reasonably likely to be affected by the proposed transmission line;

Subp. 4. **Notice content.** Proposed notice plans must provide notice recipients with the following information:

B. a description of general right-of-way requirements for a line of the size and voltage proposed and a statement as to whether that the utility intends to construct the line on existing right-of-way currently devoted to transmission or intends to acquire property rights for new or expanded the right-of-way that the proposed line will require;

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.*

Metropolitan Council

Transportation Advisory Board

Public Hearing on the Proposed 2004-2006 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area

The Transportation Advisory Board (TAB) of the Metropolitan Council will hold a public hearing on the July 16, 2003 to receive public reaction to the proposed 2004-2006 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area. The program will include highway, transit, bikeway and pedestrian enhancements and air quality projects that are proposed for federal funding in the seven-county metropolitan area in the next three years. The program is prepared annually in accordance with federal requirements and must contain all projects that are to be implemented with federal transportation funding assistance. This TIP also contains Metropolitan Council's Program of Projects (POP) and this hearing fulfills FTA's public participation requirements for the POP.

- **Public Hearing for Comments on TIP**
Wednesday, July 16, 2003 - 2:30 p.m.
Metropolitan Council Chambers
Mears Park Centre, 230 E. Fifth Street
St. Paul, Minnesota

The TIP is prepared jointly by the Metropolitan Council and the Minnesota Department of Transportation. Projects contained in the TIP reflect the region's priorities and help implement the region's transportation plan. Projects will be analyzed to determine the impact on regional air quality. The program will be adopted by the Transportation Advisory Board and approved by the Metropolitan Council. Progress made on implementing the region's transportation plan will be reported in the TIP and at the public hearing.

Upon request, the Council will provide reasonable accommodations to persons with disabilities. In addition to providing oral or written comments at the public hearing, comments may be made several ways:

- Written comments to: Kevin Roggenbuck, Metropolitan Council,
230 East Fifth Street, St. Paul, MN 55101
- Fax Comments to Kevin Roggenbuck, (651) 602-1739
- Record comments on the Council's Public Information Line: (651) 602-1500
- Send comments electronically to: data.center@metc.state.mn.us

Comments must be received by **4 p.m. Friday, August 1, 2003**. Free copies of the draft 2004-2006 Transportation Improvement Program will be available on June 18, 2003, at the Council's Regional Data Center. Call (651) 602-1140 or TTY (651) 291-0904 to request a copy. A summary and key tables will be available for review on June 18, 2003 at the Metropolitan Council's **website** at www.metrocouncil.org. Other background materials describing the Council's transportation planning and programming efforts also are available.

Questions about the hearings or transportation assumption and technical materials may be directed to Kevin Roggenbuck, (651) 602-1728, or Carl Ohm (651) 602-1719, Metropolitan Council, 230 E. Fifth Street, St. Paul, MN 55101.

Pollution Control Agency

Petroleum and Landfill Remediation Section

Majors and Remediation Division

Notice of Intent to Modify the Statewide General Permit Governing Facilities Composting Up to 1500 Cubic Yards of Petroleum Contaminated Soil

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is preparing to modify the statewide general permit governing composting of petroleum contaminated soil that was originally dated March 24, 1995. The issuance and mod-

ification of the general permit is authorized by *Minnesota Rules* pt. 7001.0210, subp. 2 (2002), which allows the MPCA to issue a general permit if "... the MPCA finds that it is appropriate to issue a single permit to a category of permittees, whose operations emissions, activities, discharges or facilities are the same or substantially similar ..."

The MPCA requires that excavated petroleum contaminated soil be treated or disposed of properly. Composting of petroleum contaminated soil has proven to be a safe and effective method of treating soil that takes advantage of naturally occurring micro-organisms to biodegrade the petroleum.

The preliminary modification of the general permit is tentative. There are three formal procedures for public participation in the MPCA's consideration of only the modifications to the general permit. First, interested persons may submit written comments on the draft modifications to the general permit. Second, interested persons may request the MPCA to hold a public information meeting. Third, interested persons may request the MPCA to hold a contested case hearing, which is conducted by the Office of Administrative Hearings, pursuant to the Administrative Procedures Act. Interested persons who submit comments or requests to the MPCA should include:

1. A statement of the person's interest in the draft modifications to the permit;
2. A statement of the action the person wishes the Agency to take, including specific references to the section of the modifications to the permit that the person believes should be changed; and
3. The reasons supporting the person's position.

The public comment period begins Tuesday June 17, 2003, and ends July 17, 2003. For a copy of the draft modifications to the permit, please contact Tracy Finch at (651) 297-8573. Written comments should be mailed to:

Gary Zarling
Petroleum and Landfill Remediation Section
Majors and Remediation Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

All written comments and requests for public information meetings or contested case hearings received during the public comment period will be considered by the Section Manager, Petroleum and Landfill Remediation Section. The Section Manager will issue a final determination in a timely manner after the expiration of the comment period.

Office of the Secretary of State

Secretary of State Mary Kiffmeyer Seeks Comments on the Draft of the Minnesota Help America Vote Act State Plan

Comments are being sought on the Draft of the Minnesota Help America Vote Act State Plan, not on the letter. The deadline has been changed to July 9, 2003.

Fellow Minnesotans:

The Help America Vote Act presents great opportunities for our nation to strengthen the four pillars of voter rights--access, accuracy, privacy, and integrity. In Minnesota, we are fortunate to have a strong system to build upon; still, the Help America Vote Act will allow us to do even better.

I am pleased to share with you the draft of Minnesota's state plan as one of the first steps for implementing the Help America Vote Act (HAVA) of 2002. Passed by Congress in response to the 2000 presidential election, HAVA requires state and local governments to reform election processes and systems, and it provides federal funding to help with these improvements.

HAVA will allow us to improve the election systems that support the voting process, enhance the integrity of our voter registration process, increase privacy and independence for voters with disabilities, and provide all Minnesotans with better information on how to vote.

In order to receive federal funds, the Secretary of State, working with a HAVA Advisory Committee, has developed a preliminary Minnesota State HAVA Plan. The State Plan Advisory Committee consisted of state and county election officials, legislators, and representatives of interest and advocacy groups.

You are invited to review the State HAVA Plan and provide feedback on it. You will find the Plan on the Minnesota Secretary of State's web site at www.sos.state.mn.us. Follow the instructions on the web site to find the document and submit comments. Comments will be accepted until July 9, 2003.

Official Notices

Other alternatives for requesting a hard copy of the plan or submitting comments are via fax at (651) 215-0682 or through the mail to:

State Office Building, Rm 174
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, MN 55155-1299

I look forward to your input this month. Your comments will be given thoughtful and thorough consideration as the Plan is finalized in the upcoming weeks for submission to the federal Election Assistance Commission.

Sincerely,



Mary Kiffmeyer
Secretary of State

Minnesota Sentencing Guidelines Commission

Notice of Public Hearing to Consider Modifications to the Sentencing Guidelines

THE MINNESOTA SENTENCING GUIDELINES COMMISSION WILL HOLD A PUBLIC HEARING on Thursday, July 17, 2003, at 3:00 p.m. at the Minnesota Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108. The public hearing is to consider proposed modifications to the sentencing guidelines and commentary to deal with new and amended crimes passed during the 2003 Legislative Session, and other modifications including possible clarification of the custody status point language.

Copies of the proposed modifications are available, free of charge, on the agency's **website**, at www.msgc.state.mn.us, or by contacting the Minnesota Sentencing Guidelines Commission at University National Bank Building, 200 University Avenue West, Suite 205, St. Paul, MN 55103, or by calling **Voice:** (651) 296-0144. Deaf/Hard of Hearing/Speech Impaired Only TTY users may call this agency through the MN Relay Service: 1 (800) 627-3529; ask for (651) 296-0144. If you need special accommodations to attend, please contact the Minnesota Sentencing Guidelines Commission as soon as possible. This notice is available in alternative formats upon request.

All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the Commission staff at the above address/telephone number.

The Commission will hold the record open for five days after the public hearing to accept additional written comment on the proposed modifications. On Thursday, July 24, 2003, the Commission will meet at 3:00 p.m. at the Minnesota Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108 to formally adopt or reject the proposed modifications. If adopted, some of the modifications will become effective August 1, 2003 and some will become effective August 1, 2004 following Legislative review.

Department of Transportation

Program Management Division

Office of Investment Management

Notice of Solicitation for Public Review and Comment on the Draft Revision of the Minnesota Statewide Transportation Plan

The Minnesota Department of Transportation (Mn/DOT) is offering an opportunity for public review and comment on the DRAFT Revision of the *Minnesota Statewide Transportation Plan* for years 2003 to 2023. The Plan is a revision of the *Minnesota Statewide Transportation Plan* that was adopted in December 2002.

Opportunity for comment on the Plan will be available three ways:

The DRAFT Revision of the *Minnesota Statewide Transportation Plan* is available on request. Comments must be received by **4:30 p.m. on Friday, July 18, 2003**. Comments are encouraged and should identify the portion of the Plan addressed, reason for comment, and any change proposed. To receive a copy of the DRAFT Revision of the *Minnesota Statewide Transportation Plan* or to submit comments, please contact:

Mitch Webster
Minnesota Department of Transportation
Office of Investment Management
Mail Stop 440
395 John Ireland Boulevard
St. Paul, MN 55155
Phone: (651) 296-2201
Fax: (651) 296-3019
mitch.webster@dot.state.mn.us

The Plan is also available on the World Wide Web at www.oim.dot.state.mn.us.

Citizens can attend a public meeting in the afternoon or evening to hear a presentation about the DRAFT Revision of the *Minnesota Statewide Transportation Plan*. They also have the opportunity to comment on the Plan during the meeting. The meeting date and location are as follows:

Wednesday, July 9, 2003, 2 - 4 p.m. and 6 - 8 p.m.

Monticello Community Center, 505 Walnut Street, Monticello, MN

I-94 to exit 193, left on West 6th Street, one block to the 4-way stop, Community Center is ahead on the right. Park along Walnut Street or in the parking lot on West 6th Street.

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.

Minnesota Department of Agriculture

Agricultural Finance Division

Notice of Availability of Grant Funds for Dairy Profitability Enhancement Teams

Grants to Dairy Profitability and Enhancement Teams are available from the Minnesota Department of Agriculture, as authorized by the *Laws of Minnesota 2003*, Chapter 128, for regional or statewide organizations to administer one-on-one educational delivery teams to provide appropriate new technologies, including rotational grazing and other sustainable agriculture methods, applicable to small and medium sized dairy farms to enhance the financial success and long-term sustainability of dairy farms in the state. Dairy development and profitability enhancement teams are encouraged to engage in activities including, but not limited to, improving milk quality, comprehensive financial analysis, risk management education, enhanced milk marketing tools and technologies, five-year business plans, and design and engineering costs. Activities must be spread throughout the dairy producing regions of the state. Applicants are strongly encouraged to coordinate risk management education and use of milk marketing tools and technologies through Minnesota Department of Agriculture's risk management program and certified risk management instructors.

These teams must consist of farm business management instructors, dairy extension specialists, and dairy industry partners to deliver the informational and technological services. These teams must report semiannually to the program director on the aggregate changes in producer financial stability, productivity, product quality, animal health, environmental protection, and other performance measures attributable to the program. Information reported must be sufficient to establish regional and statewide performance benchmarks for the dairy industry a format that maintains the confidentiality of business information related to any single dairy producer. Grants to individual producers must not be used for capital improvements or for the start up of a new dairy enterprise.

Grants will be awarded August 1, 2003 to June 30, 2004. There is approximately \$700,000 in grant funds available.

Interested parties wishing to apply for grant funds must submit an application to:

State Grants & Loans

David Weinand
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107-2094
(651) 215-3946

Two copies of the application must be received by 4:00 pm C. D. T. on July 11, 2003. At the Department's discretion, applicants may be asked to meet with the Department or submit clarification. Questions concerning the grant application should be directed to David Weinand.

Grant funds will be withheld from grantees that fail to submit reports. Applicants must include participants from the areas of extension and farm business management on the diagnostic teams. Preference will be given to those applicants whose proposals are aimed at small and medium sized farms, show low administrative cost versus services delivered to dairy producers and also for innovative ideas for delivering information and technology to dairy producers.

Minnesota Department of Human Services

Deaf and Hard of Hearing Services Division

Notice of Request For Proposals to Provide Problem Solving and Advocacy Services for DeafBlind Adults and Children Throughout Minnesota

The State of Minnesota Department of Human Services, Deaf and Hard of Hearing Services Division (DHHS) is soliciting proposals from qualified individuals or organizations to provide DeafBlind Minnesotans with training, problem solving and advocacy services.

The purpose of the project is:

- (a) to ensure that DeafBlind adults and families with DeafBlind children are able to get the services they need to maintain and/or improve their independence and integration in their communities and
- (b) to help make the service delivery system for deafblind individuals in Minnesota more responsive to their needs.

Contract Requirements:

- Provide problem solving and/or advocacy services to deafblind adults parents of deafblind children
- Offer training to deafblind adults and parents of deafblind children about the service delivery system for deafblind individuals in Minnesota.
- Train DHHS regional consultants so they have more resources and skills to provide appropriate and effective services to deafblind adults and children.
- Educate DHHS about specific barriers to the effective and efficient delivery of services for deafblind adults and children.
- Help develop guidelines to better assess the eligibility of DeafBlind individuals for Medical Assistance waiver programs.
- Determine whether consumers are satisfied with the problem solving and advocacy services provided.
- Provide monthly progress reports.

The Department anticipates awarding up to \$80,000 for fiscal years 2004 and 2005 (July 1, 2003 - June 30, 2005) to accomplish the goals of this project (\$40,000 each year). In addition, money is available to pay for needed reasonable accommodations for individuals with disabilities. The contract will be effective August 15, 2003 or as soon thereafter that all arrangements can be made. The contract will continue through June 30, 2005.

The full text of the Request For Proposal is available upon request by contacting: Curt Micka, Deaf and Hard of Hearing Services Division, 444 Lafayette Road North, St. Paul, MN 55155-3814. **Phone:** (651) 297-4526 **Voice:** (651) 297-1506 TTY. **Email:** Curt.Micka@state.mn.us

Proposals must be submitted in the format described in the Request For Proposals. Proposals must be received no later than 4:20 p.m. on July 14, 2003. Late proposals will not be considered and will be returned unopened to the submitting party.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) website. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD website at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Minnesota Historical Society

Request for Proposals for the Leif Erickson Statue and Korean War Memorial Conservation on the Minnesota State Capitol Mall

The Minnesota Historical Society is seeking proposals from qualified firms to provide all labor, materials, equipment and supplies to complete the restoration of the Leif Erickson Statue and the Korean War Memorial on the Minnesota State Capitol Mall. All work will be in accordance with the Request for Proposal.

The Request for Bids is available by calling or writing Mary Green-Toussaint, Contracting/Procurement Assistant, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102 (651) 297-7007. (mary.green-toussaint@mnhs.org)

A **mandatory** pre-bid meeting will be held on Thursday, June 19, 2003 at 10:00 a.m. Local time. The meeting will be held at the Leif Erickson Statue, located on the west side of the Capitol on the exterior Mall at Park and University Avenues.

All bids must be received by Chris M. Bonnell, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent no later than 2:00 p.m., Local Time, Monday, June 30, 2003. A bid opening will be conducted at that time. Bids must be submitted in a sealed envelope with the project name clearly written on the envelope. A Bid Bond must be included in the amount of 5% of the total base bid if the total base bid is over \$50,000. Late bids will not be considered.

Authorized agents for receipt of bids are the following: Mary Green-Toussaint, Contracting/Procurement Technician or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center.

Dated: June 9, 2003

Department of Transportation

Program Support Group

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of a particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's web site at <http://www.dot.state.mn.us/consult>

State Contracts

Send completed application material to:

Robin Valento
Pre-Qualification Administrator
Minnesota Department of Transportation
Consultant Services
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, MN 55155

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult.

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Non-State 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 editor for further details.

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 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 the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

MN Guidebook to State Agency Services

This 2001-2003 reference provides information on each state agency and their services, as well as the legislative and judicial branches of government. You'll find information about:

- * access to state officials and offices, including key contact people, phone numbers, e-mail and Internet addresses for each agency
- * solid business connections, how to bid on state contracts, apply for grants
- * business development resources
- * print and media guides and resources
- * information on grants, contracts, scholarships
- * license and permit information, recreational opportunities and more. Spiral-bound, 550pp. **Stock No. 1-6 \$19.95**

State of Minnesota Telephone Directory

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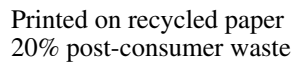
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