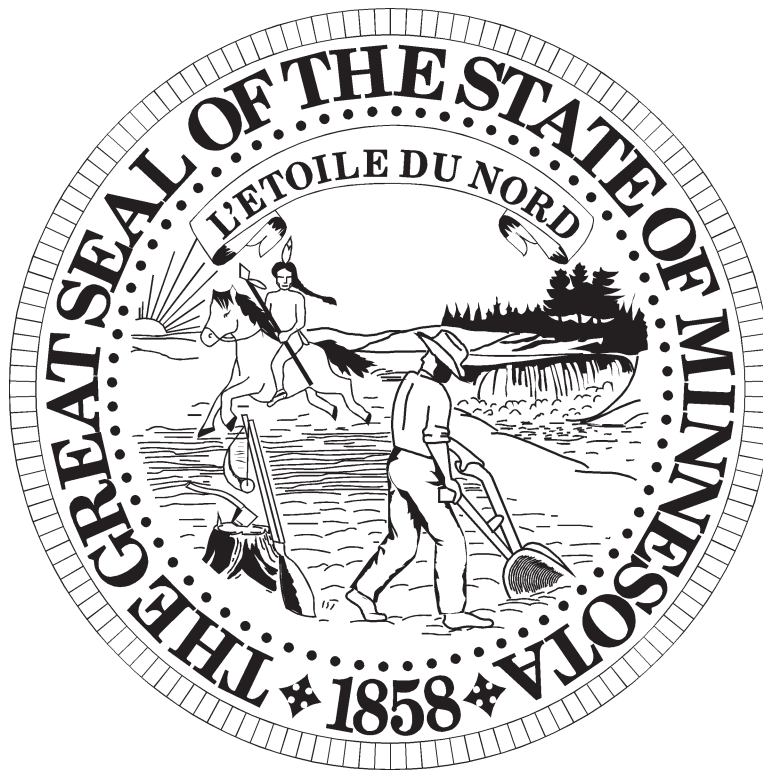


# Minnesota

# State Register

(Published every Monday (Tuesday when Monday is a holiday).)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;  
Official Notices; State Grants & Loans; State Contracts;  
Non-State Public Bids, Contracts & Grants**

**Monday 2 December 2013  
Volume 38, Number 23  
Pages 751 - 818**

# Minnesota State Register

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

The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

### Printing Schedule and Submission Deadlines

Vol. 38 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 24	Monday 9 December	Noon Tuesday 3 December	Noon Wednesday 27 November
# 25	Monday 16 December	Noon Tuesday 10 December	Noon Wednesday 4 December
# 26	Monday 23 December	Noon Tuesday 17 December	Noon Wednesday 11 December
# 27	Monday 30 December	Noon Tuesday 24 December	Noon Wednesday 18 December

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For additional grants go to the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

# 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. 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, but 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.

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 #40-52 inclusive, with final index (#1-52, or 53 in some years). 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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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# Proposed Rules

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

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

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

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Pollution Control Agency (MPCA) Environmental Analysis and Outcomes Division

### Proposed Permanent Rules Relating to Mercury Emissions

**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; Revisor's ID Number 4149**

**Proposed Amendments to Agency Rules Governing Mercury Air Emissions Reporting and Reduction, *Minnesota Rules*, Chapter 7005 Definitions and Abbreviations, Chapter 7007 Permits and Offsets (Air Emission Permits), Chapter 7011 Standards for Stationary Sources (in particular, parts 7011.0561, 7011.0563, 7011.1215, 7011.1291, 7011.1292, 7011.1293, 7011.1294, 7011.1340, 7011.1350, 7011.1355, 7011.1360, 7011.1365, 7011.1370, 7011.7050, and 7011.7055), Chapter 7019 Emission Inventory Requirements (in particular, parts 7019.3000, 7019.3020, 7019.3050, and 7019.3065), and Repeal of *Minnesota Rules*, parts 7011.1201, subpart 12; 7011.1215, subpart 6; 7011.1225, subpart 4; and 7011.1290**

**Introduction.** The Minnesota Pollution Control Agency (MPCA) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings (OAH), *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 January 17, 2014, the MPCA will hold a public hearing at the MPCA's offices at the following locations starting at 9:00 a.m. on Thursday, January 30, 2014, and will continue until all parties are heard. An evening session of the hearing will begin at 7:00 p.m. that evening. The hearing sessions will be held at the following locations:

- MPCA St. Paul, First Floor Video Conference Room and Training Room 2, 520 Lafayette Road North, St. Paul, Minnesota 55155
- MPCA Duluth regional office, 525 Lake Avenue South, Suite 400, Duluth, Minnesota 55802

The hearing of record will occur at the MPCA's office in St. Paul, Minnesota and video conference links at each of these locations are provided for the convenience of the public. The hearing will not be rescheduled in the event that the video conference link to the regional office fails. Directions to these offices can be found on the MPCA webpage at: <http://www.pca.state.mn.us/iryp3e4>.

To find out whether the MPCA will adopt the rules without a hearing or if it will hold the hearing; you should contact the MPCA contact person after January 17, 2014, and before January 30, 2014.

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**MPCA Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the MPCA contact person. The MPCA contact person is: Mary H. Lynn at the MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155; **telephone:** (651) 757-2439, **fax:** (651) 297-8676, and **e-mail:** [mary.lynn@state.mn.us](mailto:mary.lynn@state.mn.us). **TTY** users may call the MPCA at (651) 252-5332.

**Availability of Rules.** A copy of the proposed rules is published in the *State Register* after this notice, or they can be viewed on the MPCA public notice webpage: <http://www.pca.state.mn.us/yrwc6a9>, and on the mercury rulemaking webpage: <http://www.pca.state.mn.us/iryp4a1>.

A free copy of the proposed rules is also available upon request by contacting Janice Lehner-Reil at (651) 757-2091. Only one copy will be sent per request.

**Subject of the Rules.** Minnesota's Statewide Mercury Total Maximum Daily Load (TMDL) study evaluated surface waters contaminated by mercury. The study established pollution reduction goals for facilities within Minnesota releasing mercury to both water and the air; requiring them to do their share to restore surface waters to meet water quality standards. The TMDL was approved by the U.S. Environmental Protection Agency in 2007 and established a need for a 93 percent reduction in mercury air emissions from 1990 baseline mercury emissions. A diverse stakeholder group assisted in the development of the Statewide Mercury TMDL Implementation Plan to meet the reduction goals in the TMDL study. This group provided significant input on the TMDL Implementation Plan which led to this rulemaking.

The MPCA proposes to amend its rules to implement the mercury reduction activities identified in the Statewide Mercury TMDL Implementation Plan. Specifically, the MPCA proposes to amend *Minnesota Rules* chapter 7007 governing air emission permits, chapter 7011 governing standards for stationary sources, and chapter 7019 emission inventory requirements. The MPCA also proposes minor amendments to chapter 7005, definitions relating to mercury emissions. Described below are the three main parts of the rule amendments the MPCA is proposing. For more information about the proposed amendments, please refer to the statement of need and reasonableness (SONAR) which is available as stated below.

**1. Mercury Reduction Plans.** The proposed rules establish mercury emission reductions and require development of a reduction plan by each affected facility within the following source categories: ferrous mining or processing; iron and steel melters; and industrial, commercial, and institutional (ICI) boilers. Facilities with actual mercury air emissions of three pounds per year or more, excluding ICI coal-fired boilers, must prepare mercury reduction plans to meet their source category's specified reduction target identified in the TMDL Implementation Plan, or justify why an alternative limit or reduction is appropriate. The rules include a requirement applicable to facilities, not otherwise identified in the rules, with actual mercury air emissions of greater than three pounds per year or more. Reduction plans are required for ICI coal-fired boilers that emit five pounds per year or more. The rules identify what the reduction plan must include, and establish a schedule for plan submittal for each source category to identify how they will reduce mercury emissions. Actions will be necessary at certain facilities to reduce mercury emissions, some of those actions requiring capital investment and related ongoing annual costs to operate air pollution controls.

**2. Performance Standards.** Certain facilities are required to meet performance standards for mercury control. The proposed rules will incorporate several federal performance standards by reference and adopt compliance methods consistent with federal requirements. The MPCA must incorporate federal standards into state rules to maintain its delegation authority to implement the federal program for National Emission Standards for Hazardous Air Pollutants. This portion of the rules does not impose any new emission reductions or costs beyond what is already required by state statutes or federal standards. The affected facilities are electric generating units, commercial/industrial solid waste incinerators, sewage sludge incinerators, municipal waste combustors and hospital waste incinerators.

**3. Mercury Emission Inventory.** The proposed rule requires facilities that meet the definition of a "mercury emission source" to submit a mercury emission inventory to the MPCA; this requirement will impact 35 or fewer facilities. The MPCA currently compiles a voluntary mercury inventory every three years. Larger sources will be required to report mercury emissions annually. In general, this is status quo for most – coal use and mercury from incineration is already reported. Some furnaces and kilns may have to report additional process data. Small sources with actual emissions less than three pounds per year will continue with the three year inventory. Sources not already set up for testing will incur baseline and periodic testing costs.

**Statutory Authority.** The statutory authority to adopt these proposed rule amendments is *Minnesota Statutes*, section 116.07, subdivision 4(a). The MPCA is also directed to address negative impacts on air and water quality, as described in *Minnesota Statutes*,

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sections 116D.01 and 116D.02.

**Comments.** You have until 4:30 p.m. on Friday, January 17, 2014, 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 MPCA 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 that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the MPCA hold a hearing on the rules. You must make your request for a public hearing in writing, which the MPCA contact person must receive by 4:30 p.m. on Friday, January 17, 2014. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the MPCA cannot count it when determining whether it must hold a public hearing. 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, the MPCA will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

**Modifications.** The MPCA may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the MPCA or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the MPCA follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The MPCA will cancel the hearing scheduled for January 30, 2014, if the MPCA does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether the hearing will be held. You may also call the MPCA contact person at (651) 757-2439 after January 17, 2014, to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling (651) 757-2439 or going on-line at <http://www.pca.state.mn.us/iryp4a1>.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the MPCA will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The MPCA will hold the hearing 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 (ALJ), the Honorable Judge Ann C. O'Reilly is assigned to conduct the hearing. Judge O'Reilly can be reached at the OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, **telephone:** (651) 361-7844, and **fax:** (651) 361-7936.

**Hearing Procedure.** If the MPCA holds a hearing, 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 hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the ALJ to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the ALJ may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the MPCA and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The OAH must receive all comments and responses submitted to the ALJ no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the OAH. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the ALJ.

The MPCA requests that any person submitting written views or data to the ALJ before the hearing or during the comment or rebuttal



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period also submit a copy of the written views or data to the MPCA contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness (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. A print copy is available for the cost of reproduction by contacting the MPCA contact person identified above. The MPCA posted the SONAR on its public notice **webpage at:** <http://www.pca.state.mn.us/index.php/public-notice/list.html>, and the mercury rulemaking webpage at: <http://www.pca.state.mn.us/iryp4a1>.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of 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 MPCA may adopt the rules after the end of the comment period. The MPCA will submit the rules and supporting documents to the OAH for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the adopted rules, or to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the ALJ will issue a report on the proposed rules. You may ask to be notified of the date that the ALJ's report will become available, and can make this request at the hearing or in writing to the ALJ. You may also ask to be notified of the date that the MPCA adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the MPCA contact person stated above.

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

Dated: 18 November 2013

Michelle Beeman, Deputy Commissioner  
Minnesota Pollution Control Agency

## 7005.0100 DEFINITIONS.

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

Subp. 3c. **Coal.** "Coal" has the meaning given in part 7011.1100, subpart 2.

Subp. 3d. **Coal-derived fuel.** "Coal-derived fuel" means any fuel, whether in a solid, liquid, or gaseous state, produced by the mechanical, thermal, or chemical processing of coal.

Subp. 3e. **Coal-fired.** "Coal-fired" means any emission unit or stationary source that uses any amount of coal or coal-derived fuel, alone or in combination with any amount of any other fuel.

[For text of subps 4 to 7, see M.R.]

Subp. 7a. **Control efficiency.** "Control efficiency" has the meaning given in part 7011.0060, subpart 3a.

[For text of subps 8 to 23, see M.R.]

Subp. 23a. **Mercury.** "Mercury" means all inorganic and organic compounds of mercury, including elemental mercury, expressed as elemental mercury.

Subp. 23b. **Mercury emission source.** "Mercury emission source" means a stationary source with actual mercury emissions of three pounds per year or more, after controls. For purposes of this subpart, "mercury emissions" do not include fugitive emissions of mercury.

[For text of subps 24 to 45, see M.R.]

## 7007.0502 MERCURY EMISSIONS REDUCTION PLANS.

Subpart 1. **Statewide mercury air emissions goal.** The statewide mercury air emissions goal of 789 pounds per year from Minnesota sources, is to be achieved by December 31, 2025, as described in the agency's total maximum daily load study approved by the United States Environmental Protection Agency on March 27, 2007.

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Subp. 2. **Applicability.** The owners or operators of an existing mercury emission source must comply with this part. For the purposes of this part, “existing mercury emission source” means that the owners or operators have been issued an air emission permit by the agency as of the effective date of this part. If the actual mercury emissions from the existing mercury emission source are below the threshold of three pounds per year or more for three consecutive years, then the stationary source is no longer considered a mercury emission source, and the owner or operator must:

A. retain records of the actual mercury emissions for the qualifying three years on site for five years from the date the determination was made;

B. make the records available for inspection and submit the records, within specified timelines, upon request of the commissioner; and

C. immediately resume compliance with applicable requirements for mercury emission sources if a physical or operational change causes the stationary source to again become a mercury emission source.

Subp. 3. **Mercury emissions reduction plan.** Owners or operators of an existing mercury emission source must prepare a mercury emissions reduction plan as described in this part unless the mercury emission source is:

A. a mercury emission source subject to *Minnesota Statutes*, sections 216B.68 to 216B.688;

B. a mercury emission source that is a stationary source that has only combustion devices and the combustion emissions of the source are from only natural gas, liquid propane gas, propane, or oil fuels;

C. a mercury emission source subject to a performance standard for mercury in parts 7011.0561, 7011.1201 to 7011.1285, 7011.1350 to 7011.1370, 7011.7050, or 7011.7055;

D. a mercury emission source that:

(1) holds a Minnesota industrial storm water multisector general permit as required by part 7090.3010;

(2) has a primary SIC code in Sector M or Sector N of the Minnesota industrial storm water multisector general permit;

(3) is required to prepare a mercury management plan under part 7090.3010; and

(4) is in compliance with the provisions of the mercury management plan; or

E. a mercury emission source that has an air emission permit with a mercury emissions limit or an enforceable agreement that is in effect with the commissioner and contains an enforceable schedule of mercury reductions and the reductions are equal to or greater than the reductions required in subpart 6.

Subp. 4. **Mercury emissions reduction plan; submittal deadlines.**

A. The owners or operators of an existing mercury emission source that does not meet an exception under subpart 3 must prepare and submit a mercury emissions reduction plan to the commissioner no later than June 30, 2015, for approval and inclusion in a permit or other enforceable document, or as provided under item B.

B. The owners or operators of an existing mercury emission source that is a ferrous mining or processing facility must submit a mercury emissions reduction plan by December 30, 2016, for approval and inclusion in a permit or other enforceable document.

Subp. 5. **Mercury emissions reduction plan elements and format.**

A. The owners or operators of an existing mercury emission source must submit a mercury emissions reduction plan that complies with this item:

(1) the plan must be submitted in a format specified by the commissioner and must contain:

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(a) a description of the specific control equipment, processes, materials, or work practices that will be employed to achieve the applicable control efficiencies, reductions, or allowable emissions and work practices listed in subpart 6 and a schedule for adopting the processes or installation of equipment;

(b) the mercury reduction, control efficiency, or emission rate that each emissions unit will achieve once the plan for that emissions unit is fully implemented;

(c) a description of how operating parameters will be optimized to maintain the mercury control efficiency in the plan;

(d) a proposed periodic monitoring and record-keeping system for proposed control equipment, processes, materials, or work practices or citation to an applicable requirement for monitoring and record keeping consistent with chapter 7017. An evaluation of the use of a continuous mercury emission monitoring system must be included in the plan;

(e) if the plan includes elements that meet the definition of a modification under part 7007.0100, subpart 14, or requires an air permit amendment or notification under part 7007.1150, a projected schedule for submitting the appropriate permit applications; and

(f) the date that the mercury reductions proposed in the plan will be demonstrated. This date must be no later than January 1, 2025, or as specified in subpart 6; or

(2) if the owner or operator determines that the mercury reductions listed in subpart 6, if applicable, are not technically achievable by the identified compliance date, the owners or operators may submit an alternative plan to reduce mercury emissions, in a format specified by the commissioner. The alternative plan must contain:

(a) the plan elements in item A, substituting the owners' or operators' proposed reduction for the requirements under subpart 6;

(b) a detailed explanation of why the mercury reductions listed in subpart 6 are not technically achievable;

(c) a demonstration that air pollution control equipment, work practices, or the use of alternative fuels or raw materials have been optimized such that the source is using the best controls for mercury that are technically feasible; and

(d) an estimate of the annual mass of mercury emitted under the requirements of subpart 6 and the proposed alternative plan.

B. The commissioner shall identify plan deficiencies and notify the owners or operators of the deficiencies.

**Subp. 6. Mercury control and work practices.** Unless the requirements of subpart 3 are met, the owners or operators of an existing mercury emission source that is in a source category listed in this subpart and required to submit a plan under subpart 4 must include in the plan the minimum mercury control requirements for source categories listed in this subpart.

A. For ferrous mining or processing:

(1) the plan must address the indurating furnace or kiln of a taconite processing facility or the rotary hearth furnace of a direct-reduced iron facility and must demonstrate that by January 1, 2025, mercury emissions from the indurating furnace or kiln or rotary hearth furnace do not exceed 28 percent of the number of pounds of mercury emitted in 2010. The commissioner shall determine the pounds of mercury emitted in 2010. If the facility held a Minnesota Pollution Control Agency construction permit but was not operating in 2010, the operating furnace must not exceed 28 percent of the mercury potential to emit included in the permit authorizing construction; and

(2) the plan may accomplish reductions as:

(a) 28 percent of 2010 emissions for each furnace;

(b) 28 percent of 2010 emissions across all furnaces at a single stationary source; or

(c) 28 percent of 2010 emissions across furnaces at multiple stationary sources. Owners of the stationary sources must enter

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into an enforceable agreement as provided by *Minnesota Statutes*, section 115.071, subdivision 1, to reduce mercury emissions between the stationary sources. If this option is selected, the reduction plan must include the enforceable agreement. Execution of an enforceable agreement under this part does not relieve the owner or operator of the obligation to obtain a permit or permit amendment if otherwise required under this chapter.

B. For iron and steel melters, the plan must demonstrate that, by June 30, 2018, mercury emissions from the iron or steel melter shall not exceed  $77 \times 10^{-6}$  pounds of mercury per ton (35 milligrams per ton) of iron or steel produced. For purposes of this item:

(1) "iron or steel melter" means a stationary source where shredded motor vehicle scrap or other undifferentiated shredded ferrous scrap is melted to produce steel or iron products;

(2) "motor vehicle scrap" means vehicle or automobile bodies, including automobile body hulks, that have been processed through a shredder. Motor vehicle scrap does not include miscellaneous vehicle parts, such as wheels, bumpers, or other components that do not contain mercury switches; and

(3) "undifferentiated shredded ferrous scrap" means white goods or industrial equipment that has been processed through a shredder and the component parts were not separated and sorted prior to shredding.

C. For industrial, commercial, and institutional (ICI) coal-fired boilers, the plan must demonstrate reductions of 70 percent from 2005 mercury emissions at all ICI coal-fired boilers that emit five pounds per year or more. The commissioner shall determine the pounds of mercury emitted in 2005. For each ICI coal-fired boiler, within one year of the effective date of this part, the owner or operator must determine whether the reduction of 70 percent is met and must retain records of the determination on site for five years from the date the determination was made.

(1) A reduction plan under this part is not required if:

(a) actual mercury emissions from the ICI coal-fired boiler, considering existing controls, are less than five pounds per year;

or

(b) actual mercury emissions from the ICI coal-fired boiler are greater than five pounds per year and 70 percent of the mercury present in the fuel when combusted is captured and not emitted.

(2) If actual mercury emissions are five pounds per year or more and emission control is less than 70 percent, the owner or operator must evaluate actual mercury emissions that will be achieved under the federal regulations incorporated under part 7011.7050 or 7011.7055 relative to the 70 percent reduction. If the emission limits, control equipment, or operating practices under the federal regulations do not achieve the 70 percent reduction, the owner or operator must ensure that by January 1, 2018, mercury emissions are reduced by at least 70 percent from 2005 levels.

D. For mercury emission sources with processes that individually emit three or more pounds of mercury per year and that are not otherwise identified in this subpart, owners or operators must submit a plan to the commissioner that shows that air pollution control equipment, work practices, or the use of alternative fuels or raw materials has been optimized such that the mercury is reduced by 70 percent or greater from the input of mercury to the process or processes emitting mercury.

Subp. 7. **Posting of plans.** The commissioner shall electronically post the mercury emissions reduction plans submitted by the owners or operators of an existing mercury emission source on the agency's Internet site. A person may request to receive notification from the commissioner of plans received.

Subp. 8. **Mercury emissions reduction plan implementation.** The owner or operator must implement the mercury emissions reduction plan as approved by the commissioner. The owners or operators must submit annual progress reports to the commissioner by December 30 of each year starting with the year following plan submittal until one full year after achievement of the reduction as described in the plan. The report must provide the status of facility modifications and actions taken in the preceding 12 months on each of the plan elements in subpart 5.

Subp. 9. **Modifications of plans.**

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A. The owners or operators of an existing mercury emission source may request modification of the approved mercury emissions reduction plan or enforceable agreement by submitting a written request to the commissioner. The request must include:

(1) a description of the modification;

(2) reasons for the modification; and

(3) if the request is to modify the mercury reduction, the information required under subpart 5, item A, subitem (1), for the requested new reduction.

B. The owners or operators may not implement any proposed plan modifications until the commissioner approves the modification, issues an amended permit, or revises an enforceable agreement, as applicable.

## **7011.0561 CONTROL OF MERCURY FROM ELECTRIC GENERATING UNITS.**

Subpart 1. **Applicability.** The owners or operators of a coal-fired electric generating unit that have demonstrated actual mercury emissions of five pounds per year or more must comply with this part, except as provided under subpart 3.

Subp. 2. **Definitions.** The terms used in this part have the meanings given them in this subpart.

A. “Boiler operating day” means a 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time in the steam-generating unit. It is not necessary for fuel to be combusted during the entire 24-hour period.

B. “Coal-fired electric generating unit” or “coal-fired EGU” means an electric generating unit that burns coal either exclusively or with any fuels in any amount.

C. “Electric generating unit” or “EGU” means a fossil-fuel combustion unit greater than 25 megawatt (MW) electric that serves a generator that produces electricity for sale. A fossil-fuel fired unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity to any utility power distribution system for sale is considered an electric generating unit.

D. “Grace period” means a specified number of hours after the deadline of a required quality assurance test has passed, within which the test may be performed without the loss of data.

E. “Operating hour” means a clock hour in which an EGU combusts any fuel for part of or for the entire hour.

F. “Quality-assured operating quarter” means a calendar quarter in which there are at least 168 operating hours.

Subp. 3. **Exemption.** The owners or operators of a coal-fired EGU that does not combust coal for more than ten percent of the average annual heat input during any three consecutive calendar years or for more than 15 percent of the annual heat input during any calendar year is not subject to this part.

Subp. 4. **Performance standards for mercury emissions.** Unless the commissioner establishes an alternative mercury emissions reduction under Minnesota Statutes, section 216B.687, subdivision 3, the owners or operators of coal-fired electric generating units that do not qualify for the exemption under subpart 3 must control mercury emissions as described in this subpart.

A. By January 1, 2018, owners or operators of a coal-fired EGU with a nameplate electricity generation capacity greater than 100 MW must:

(1) control mercury such that 90 percent of the mercury present in the fuel when combusted is captured and not emitted; or

(2) demonstrate that the unit emits no more than 0.8 pounds of mercury per trillion British thermal units (Tbtu) of heat input.

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B. By January 1, 2025, owners or operators of a coal-fired EGU that is not a supplemental unit as defined in *Minnesota Statutes*, sections 216B.682 to 216B.688, and with a nameplate capacity less than or equal to 100 MW must:

- (1) control mercury such that 70 percent of the mercury present in the fuel when combusted is captured and not emitted; or
- (2) demonstrate that the unit emits no more than 2.3 pounds of mercury per Tbtu of heat input.

C. By January 1, 2018, owners or operators of a coal-fired EGU that is a supplemental unit as defined in *Minnesota Statutes*, sections 216B.682 to 216B.688, must:

- (1) control mercury such that 70 percent of the mercury present in the fuel when combusted is captured and not emitted; or
- (2) demonstrate that the unit emits no more than 2.3 pounds of mercury per Tbtu heat input.

**Subp. 5. Monitoring mercury emissions.** The owners or operators of a coal-fired EGU must monitor mercury emissions as described in this subpart.

A. Coal-fired EGUs with a generating capacity equal to or greater than 250 MW (net) must continuously monitor mercury at a representative sampling location following the outlet of the last air pollution control device. A continuous monitor is either a continuous emissions monitoring system (CEMS) for mercury or a sorbent trap monitoring system capable of monitoring mercury as described in this part.

(1) If the system is a CEMS for mercury, the owners or operators must prepare a monitoring plan according to subpart 6. If the system is a sorbent trap system, the owner or operator must prepare a monitoring plan according to subpart 7. The plan must be submitted within 180 days of the effective date of this part or as established by a permit, whichever is later.

(2) If applicable federal regulations establish requirements for installation and operation of continuous monitoring of the coal-fired EGU, the monitoring plan must describe the compliance procedures for the monitors according to the federal regulation, in addition to the requirements of this part.

B. If a coal-fired EGU with a generating capacity less than 250 MW does not use a CEMS or a sorbent trap monitoring system to monitor mercury, the owner or operator must conduct performance testing for mercury according to this item at least once every 12 months and must complete the test no more than 13 months after the previous test. Owners or operators may conduct performance stack tests for mercury no less frequently than once every three years, but no longer than 37 months after the previous performance test. If the performance tests for at least the immediately preceding three consecutive years show mercury reduction is greater than or equal to 85 percent or mercury emissions are at or below 1.2 pounds of mercury per Tbtu of heat input and if there are no changes in the operation of the EGU or air pollution control equipment that could increase emissions, the owner or operator must resume annual performance stack tests. Subitems (1) to (3) apply to performance testing conducted under this item.

(1) Performance testing must be conducted using *Code of Federal Regulations*, title 40, part 60, Appendix A-8, Method 30B. The initial performance test must be conducted for 30 boiler operating days. Sorbent traps must be used no longer than ten boiler operating days. Subsequent performance tests may be ten boiler operating days long.

(2) Compliance is determined by calculating the average mercury concentration from all sorbent trap results.

(3) Performance testing must be conducted according to parts 7017.2001 to 7017.2060 unless modified by this subpart.

**Subp. 6. Monitoring provisions; CEMS for mercury.** This subpart applies to the measurement of mercury from a coal-fired EGU using a continuous emissions monitoring system (CEMS) for mercury. "CEMS for mercury" means the total equipment required to measure the total vapor phase mercury concentration, consisting of three major subsystems: sample acquisition, transport, and conditioning; mercury converter and analyzer; and a data acquisition and handling system.

A. The monitoring plan for the CEMS for mercury must include:

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(1) a description of the CEMS span value and justification for the span value's selection;

(2) methods, procedures, equations, and performance specifications, both main and alternate, to be used to conduct a certification test of the CEMS for mercury. The certification must include a seven-day calibration error test, a linearity check, a three-level system integrity check, a cycle time test, and a relative accuracy test audit as described in *Code of Federal Regulations*, title 40, part 60, Appendices for Test Methods;

(3) methods, procedures, equations, and performance specifications to be used for ongoing daily calibration error tests, system integrity checks, linearity checks, or three-level system integrity checks, and a relative accuracy test audit. Relative accuracy must be calculated as described in *Code of Federal Regulations*, title 40, part 60, Appendix B: Performance Specification 2, section 12, or Performance Specification 6;

(4) a description of calculations used to convert mercury concentration values to the appropriate units of the emission standard; and

(5) procedures to provide substituted data in the event that monitors are not collecting mercury emissions data and data is missing from the monitoring record.

B. The CEMS must operate in compliance with parts 7017.0100, 7017.1002, 7017.1030, 7017.1080 to 7017.1130, 7017.1150, and 7017.1180.

C. Owners or operators must conduct routine quality assurance and control tests on a frequency as follows:

(1) a calibration error test must be conducted daily using either mid- or high-level gas. The calibrations are not required when the EGU is not in operation;

(2) single-level system integrity checks must be conducted weekly, meaning once every 168 operating hours for systems with mercury converters. This test is not required if daily calibrations are done with a National Institute of Standards and Technology-traceable source of oxidized mercury;

(3) linearity checks or three-level system integrity checks must be conducted quarterly in each quality-assured operating quarter and no less than once every four calendar quarters;

(4) a relative accuracy test audit is required annually, meaning once every four quality-assured operating quarters. This deadline may be extended for non-quality-assured operating quarters up to a maximum of eight quarters from the quarter of the previous test; and

(5) a 720 continuous-hour grace period is allowed for relative accuracy test audits.

D. Calibration gas mercury concentrations used to conduct quality assurance tests on a CEMS must have the following concentrations:

(1) zero-level with a mercury concentration below the detectable limit of the analyzer;

(2) low-level with a mercury concentration of 20 to 30 percent of the span value of the analyzer;

(3) mid-level with a mercury concentration of 50 to 60 percent of the span value of the analyzer;

(4) high-level with a mercury concentration of 80 to 100 percent of the span value of the analyzer; and

(5) alternative concentrations may be used if approved by the commissioner. The data collected with the alternative concentration must be improved, given the applicable limit to qualify for approval.

E. Measurement or adjustment of the CEMS mercury data for bias is not required.

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F. The owners or operators must certify, operate, maintain, and quality-assure the CEMS used to convert measured hourly mercury concentrations to applicable emission standards according to the applicable provisions of *Code of Federal Regulations*, title 40, part 75.

G. The owners or operators must reduce the hourly averages data from the CEMS for mercury according to *Code of Federal Regulations*, title 40, section 60.13(h)(2).

H. The owners or operators must convert hourly emissions concentrations to 30 boiler operating day rolling average (lb/Tbtu) according to appropriate emission rate equations of *Code of Federal Regulations*, title 40, part 60, Appendix A-7, Method 19.

I. Using fuel sampling data generated by the procedures in subpart 8, the owners or operators must demonstrate that the output from item G is no greater than ten percent of the input from fuel or demonstrate that emissions in item H are no greater than those specified in subpart 4.

J. The first 30 days of the monitoring period are used to determine compliance with the mercury emissions concentration limit.

## Subp. 7. **Monitoring provisions; sorbent trap monitoring system.**

A. Owners or operators of a coal-fired EGU using a sorbent trap monitoring system must follow the monitoring provisions under this subpart for the measurement of mercury. "Sorbent trap monitoring system" means the equipment necessary to monitor mercury emissions continuously by using paired sorbent traps containing iodated charcoal or other sorbent medium. The system consists of sample acquisition, transport, conditioning, sorbent traps, and an automated data acquisition and handling system. The system samples the stack gas at a constant proportional rate relative to the stack gas volumetric flow rate. The sampling is a batch process. The average mercury concentration in the stack gas for the sampling period is determined, in units of micrograms per dry standard cubic meter (ig/dscm), based on the sample volume measured by the gas flow meter and the mass of mercury collected in the sorbent traps. The use of a sorbent trap monitoring system also requires the installation and certification of a stack gas flow monitor to maintain the ratio of stack gas flow rate to sample flow rate.

B. The monitoring plan for the sorbent trap monitoring system must include:

(1) methods, procedures, equations, and performance specifications, both main and alternate, to be used to conduct a certification test of the sorbent trap monitoring system;

(2) methods, procedures, equations, and performance specifications, both main and alternate, to be used for ongoing relative accuracy test audits;

(3) the rationale for the minimum acceptable data collection period for the size of the sorbent trap selected;

(4) procedures used to monitor system integrity and data quality;

(5) a description of calculations used to convert mercury concentration values to the appropriate units of the emission standard;

(6) procedures for inscribing or permanently marking a unique identification number on each sorbent trap for tracking purposes. A record system must be developed to track the identification of the monitoring system along with dates and hours for each collection period; and

(7) procedures for providing substituted data in the event that monitors are not available to measure mercury emissions and data is missing from the monitoring record.

C. The continuous monitor must be operated in compliance with parts 7017.0100, 7017.1002, 7017.1030, 7017.1080 to 7017.1130, 7017.1150, and 7017.1180.

D. Owners or operators must conduct routine quality assurance and control tests on a frequency as follows:

(1) relative accuracy test audits are required annually, meaning once every four quality-assured operating quarters. This deadline



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may be extended for non-quality-assured operating quarters up to a maximum of eight quarters from the quarter of the previous test; and

(2) a 720 continuous-hour grace period is allowed for relative accuracy test audits.

E. Measurement or adjustment of continuous monitor mercury data for bias is not required.

F. Monitoring systems that are used to measure stack gas volumetric flow rate, diluent gas concentration, or stack gas moisture content, either for routine operation of a sorbent trap monitoring system or to convert mercury concentration data to units of the applicable emission limit, must be certified according to the applicable provisions of *Code of Federal Regulations*, title 40, part 75.

G. The owners or operators must determine the mercury concentration for each data collection period and assign this concentration value to each operating hour in the data collection period.

H. The owners or operators must convert hourly emissions concentrations to 30 boiler operating day rolling average (lb/Tbtu) according to appropriate emission rate equations of *Code of Federal Regulations*, title 40, part 60, Appendix A-7, Method 19.

I. Using fuel sampling data generated by the procedures in subpart 8, the owners or operators must demonstrate that the output from item H meets the limits specified in subpart 4.

J. The first 30 days of the monitoring period is the first period used to determine compliance with the mercury emissions concentration limit.

**Subp. 8. Procedures for determining mercury content of fuel.** When the mercury content of fuel is needed to determine total mercury emission reductions, owners or operators of a coal-fired EGU must use the fuel sampling and measuring fuel content procedures in items A to E. The mercury content of fuel used for start-up, unit shutdown, or transient flame stability does not need to be measured. The owners or operators must:

A. collect samples of each fuel using ASTM D2234/D2234M;

B. prepare a composited sample for each fuel type using ASTM D2013/D2013M;

C. determine the heat content of the fuel using ASTM D5865;

D. determine the moisture content of the fuel using ASTM D3173; and

E. measure mercury in the fuel sample using ASTM D6722-11, or SW-846-7471 for solid samples, and report in terms of lb/ton of fuel burned.

**Subp. 9. Demonstrating applicability of mercury control requirements.** The owners or operators of a coal-fired EGU must conduct a 28 to 30 operating day performance test, using *Code of Federal Regulations*, title 40, part 60, Appendix A-8, Method 30B, to determine the mercury concentration according to this subpart. The test must be completed within one year of the effective date of this part. The owner or operator must:

A. conduct performance tests according to parts 7017.2001 to 7017.2060. When preparing the test plan required in part 7017.2030, the owner or operator must identify parametric data for air pollution control devices in place during the performance test that will be recorded;

B. use *Code of Federal Regulations*, title 40, part 60, Appendix A-8, Method 30B, or a substantially similar alternative method approved by the commissioner;

C. locate the Method 30B sampling probe tip at a point within the ten percent centroidal area of the duct at a location selected according to Method 1 in *Code of Federal Regulations*, title 40, part 60, Appendix A-1, and conduct at least three nominally equal length test runs over the 28- to 30-day test period. Test runs may not be longer than ten days;

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D. collect diluents gas data over the corresponding time period using *Code of Federal Regulations*, title 40, part 60, Appendix A-2, Method 3A, or a diluent gas monitor certified according to *Code of Federal Regulations*, title 40, part 75;

E. for calculation of pounds per year of mercury, collect:

(1) stack gas flow rate using Method 2, 2F, or 2G in *Code of Federal Regulations*, title 40, part 60, Appendix A-1 or A-2, or a flow rate monitor that has been certified according to *Code of Federal Regulations*, title 40, part 75; and

(2) moisture data using Method 4 in *Code of Federal Regulations*, title 40, part 60, Appendix A-3, or a moisture monitor certified according to *Code of Federal Regulations*, title 40, part 75;

F. calculate the average mercury concentration, in micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), for the 28- to 30-day performance test, as the arithmetic average of all sorbent trap results. The owner or operator must calculate the average  $\text{CO}_2$  or  $\text{O}_2$  concentration for the test period. The owner or operator must use the average mercury concentration and diluents gas values to express the performance test results in units of pounds of mercury per trillion British thermal units (lb/Tbtu) and actual pounds of mercury emitted per year, using the expected fuel input over a one-year period. Alternatively, the owner or operator must calculate pounds of mercury emitted per year using the average mercury concentration, average stack gas flow rate, average stack gas moisture, and maximum operating hours per year;

G. record parametric data for air pollution control devices in place during the performance test. If the calculation in item F demonstrates that the EGU emits less than five pounds per year of mercury, the owner or operator must operate air pollution control equipment at the rates exhibited during the performance test; and

H. repeat the performance test once every five years to demonstrate that the mercury emissions from the EGU remain below five pounds per year.

Subp. 10. **Incorporations by reference.** For purposes of this part, the methods listed in items A and B are incorporated by reference, as amended. These documents are subject to frequent change.

A. The Annual Book of American Society for Testing and Materials International (ASTM) methods D2234/D2234M (Standard Practice for Collection of a Gross Sample of Coal), D2013/D2013M (Standard Practice for Preparing Coal Samples for Analysis), D5865 (Standard Test Method for Gross Calorific Value of Coal and Coke), D3173 (Standard Test Method for Moisture in the Analysis Sample of Coal and Coke), and D6722 (Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by Direct Combustion Analysis). These methods are published in the Annual Book of ASTM Standards; Volume 05.06 Gaseous Fuels; Coal and Coke, 2012 edition. These documents are available through the Minitex interlibrary loan system.

B. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA SW-846, Third Edition, November 1986, issued by the United States Environmental Protection Agency (EPA). Method 7471 Mercury in Solid or Semisolid Waste (Manual Cold Vapor Technique) is available electronically from the Environmental Protection Agency and through the Minitex interlibrary loan system.

## **7011.0563 INCORPORATION OF EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FROM COAL- AND OIL-FIRED ELECTRIC UTILITY STEAM GENERATORS.**

*Code of Federal Regulations*, title 40, part 63, subpart UUUUU, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units" is incorporated by reference, except that the authorities identified in *Code of Federal Regulations*, section 63.10041(b), are not delegated to the commissioner and are retained by the administrator.

## **7011.1201 DEFINITIONS.**

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

Subp. 12. [See repealer.]

Subp. 13. **Class I waste combustor.** "Class I waste combustor" means that the design capacity for a waste combustor unit is  $93.75 \times 10^6$  Btu/hr or more, and that the waste combustor unit burns mixed municipal solid waste, and construction of the unit is commenced after September 20, 1994, or modification or reconstruction is commenced after June 19, 1996.

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Subp. 14. **Class II waste combustor.** “Class II waste combustor” means that the design capacity for a waste combustor unit is 15 x 10<sup>6</sup> Btu/hr or more and less than 93.75 x 10<sup>6</sup> Btu/hr, the waste combustor unit burns mixed municipal solid waste, and that construction of the unit is commenced after September 20, 1994, or modification or reconstruction is commenced after June 19, 1996.

Subp. 15. **Class III waste combustor.** “Class III waste combustor” means that the design capacity for a waste combustor unit is 3.0 x 10<sup>6</sup> Btu/hr or more and less than 15 x 10<sup>6</sup> Btu/hr, the waste combustor unit burns mixed municipal solid waste or medical waste, and the waste combustor is issued a permit for construction after December 20, 1989.

[For text of subp 16, see M.R.]

Subp. 16a. **Commercial or industrial solid waste incinerator.** “Commercial or industrial solid waste incinerator” means any distinct operating unit at a commercial or industrial solid waste facility that combusts, or has combusted in the preceding six months, any solid waste as defined in Code of Federal Regulations, title 40, part 241.

[For text of subps 17 to 43a, see M.R.]

Subp. 43b. **Resinated wood.** “Resinated wood” has the meaning given in Code of Federal Regulations, title 40, section 241.2.

[For text of subps 44 to 45a, see M.R.]

Subp. 46. **Waste combustor.** “Waste combustor” means any emissions unit or emission facility where mixed municipal solid waste, solid waste, or refuse-derived fuel is combusted, and includes ~~incinerators~~, energy recovery facilities, or other combustion devices. A metals recovery incinerator is a waste combustor. A combustion device combusting primarily wood, or at least 70 percent fossil fuel and wood in combination with up to 30 percent resinated wood or dewatered papermill wastewater treatment plant sludge, is not a waste combustor. A soil treatment facility, paint burn-off oven, wood heater, or residential fireplace is not a waste combustor.

[For text of subps 47 to 50, see M.R.]

### 7011.1215 APPLICABILITY OF STANDARDS OF PERFORMANCE FOR WASTE COMBUSTORS.

Subpart 1. **Waste combustors.** A person who constructs, modifies, reconstructs, or operates a waste combustor shall comply with parts 7011.1201 to 7011.1290, except as provided in subparts ~~2, 2a, and~~ to 3.

Subp. 2. **Cofired facilities.** A person who constructs, modifies, reconstructs, or operates a cofired unit is not a waste combustor, ~~and shall comply with the applicable requirements of parts 7011.0500 to 7011.0551 or 7011.0600 to 7011.0625 under parts 7011.1201 to 7011.1285.~~

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

Subp. 2c. **Commercial and industrial solid waste incinerators.** A person who constructs, modifies, or reconstructs a waste combustor such that it becomes a commercial or industrial solid waste incinerator is not subject to parts 7011.1225 to 7011.1285 and shall comply with parts 7011.1360 to 7011.1370.

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

Subp. 4. **Standards.** The standards of parts 7011.1227, 7011.1228, 7011.1229, 7011.1230, ~~7011.1231,~~ 7011.1233, 7011.1240, subpart 2, and 7011.1272, subpart 2, apply at all times when waste is being continuously burned, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction does not exceed three hours. Fugitive emissions standards applicable to ash conveying systems do not apply during maintenance and repair of ash conveying systems. “Malfunction” means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown are not considered malfunctions.

The start-up period commences when the waste combustor begins the continuous burning of solid waste and does not include any warm-up period when the waste combustor is combusting fossil fuel or other solid fuel.

Continuous burning is the continuous, semicontinuous, or batch feeding of solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of solid waste solely to provide thermal protection of the grate or hearth during the start-up period when municipal solid waste is not being fed to the grate is not considered to be continuous burning.

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

Subp. 6. [See repealer.]

## **7011.1291 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARD FOR NEW LARGE MUNICIPAL WASTE COMBUSTORS.**

Subpart 1. **Incorporation by reference.** Code of Federal Regulations, title 40, part 60, subpart Eb, as amended, entitled “Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996” is incorporated by reference, except that decisions made by the administrator under *Code of Federal Regulations*, title 40, section 60.50b(n), are not delegated to the commissioner and must be made by the administrator.

Subp. 2. **Exceedance of emission limits.** Owners and operators of a new large municipal waste combustor must comply with part 7011.1340.

## **7011.1292 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARD FOR NEW HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS.**

Subpart 1. **Incorporation by reference.** Code of Federal Regulations, title 40, part 60, subpart Ec, as amended, entitled “Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996” is incorporated by reference, except that decisions made by the administrator under *Code of Federal Regulations*, title 40, section 60.50c(i), are not delegated to the commissioner and must be made by the administrator.

Subp. 2. **Exceedance of emission limits.** Owners and operators of a new hospital/medical/infectious waste incinerator must comply with part 7011.1340.

## **7011.1293 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARD FOR NEW SMALL MUNICIPAL WASTE COMBUSTORS.**

Subpart 1. **Incorporation by reference.** Code of Federal Regulations, title 40, part 60, subpart AAAA, as amended, entitled “Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001” is incorporated by reference.

Subp. 2. **Exceedance of emission limits.** Owners and operators of a new small municipal waste combustor must comply with part 7011.1340.

## **7011.1294 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARD FOR NEW OTHER SOLID WASTE INCINERATION UNITS.**

Subpart 1. **Incorporation by reference.** Code of Federal Regulations, title 40, part 60, subpart EEEE, as amended, entitled “Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006” is incorporated by reference, except that decisions made by the administrator under *Code of Federal Regulations*, title 40, section 60.2889(b), are not delegated to the commissioner and must be made by the administrator.

Subp. 2. **Exceedance of emission limits.** Owners and operators of a new other solid waste incineration unit must comply with part 7011.1340.

## **7011.1340 EMISSION LIMITS EXCEEDANCE REQUIREMENTS.**

Subpart 1. **Applicability.** The owners or operators of an emissions unit subject to parts 7011.1350, 7011.1355, 7011.1360, and 7011.1370 must comply with this part.

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**Subp. 2. Definitions.** The terms used in this part have the meanings given them in this subpart.

A. “Accurate and valid data” means data that provides the measurement of emissions of an air contaminant from the incinerator or of operating parameters of a component of the incinerator. For continuously monitored emissions, data is accurate and valid immediately upon recording. For emissions for which a performance test is conducted, data is accurate and valid 14 days after the incinerator owners or operators receive the performance test report, unless the incinerator owners or operators notify the commissioner in writing within the same 14 days that the owners or operators can show reason for rejecting the data.

B. “Normal start-up” means the period of time between the initial start-up of a new, modified, retrofitted, or reconstructed emissions unit of an incinerator or an emissions unit of an incinerator that is modified, retrofitted, or reconstructed to meet the requirements of parts 7011.1360 to 7011.1370 and the lesser of 60 days after achieving the maximum production rate at which the emissions unit will operate or 180 days after initial start-up.

**Subp. 3. Exceedance of continuously monitored emission limits.** If, after normal start-up, accurate and valid data results collected from continuous emission monitors exceed emission limits established in part 7011.1350, item B; 7011.1355, subpart 2; 7011.1365; or 7011.1370, subpart 1, or in the permit for the incinerator, the incinerator owner or operator must:

A. report the exceedance to the commissioner as soon as reasonably possible, giving consideration to matters of plant or worker safety or access to communications;

B. commence appropriate repairs or modifications to return the incinerator to compliance within 72 hours of the exceedance;

C. shut down the incinerator if the incinerator cannot be returned to compliance within 72 hours of the exceedance; and

D. when repairs or modifications have been completed, demonstrate to the commissioner that the incinerator is in compliance. The incinerator may be started up after the owner or operator has notified the commissioner in writing of the date the owner or operator plans to start up the incinerator. Notification must be given at least 24 hours before resuming operation. Compliance is demonstrated by providing to the commissioner written results from the continuous monitor showing compliance with the emission limits.

**Subp. 4. Exceedance of emission limits determined through performance testing.**

A. If, after normal start-up, accurate and valid data results of a performance test demonstrate an exceedance of an emissions limit established in part 7011.1355, subpart 2; 7011.1365; or 7011.1370, subpart 1, or in the facility air emissions permit, the owners or operators of an incinerator must:

(1) report the exceedance to the commissioner according to part 7019.1000;

(2) undertake appropriate steps to return the incinerator to compliance and demonstrate compliance within 60 days of the initial report to the commissioner of the exceedance; and

(3) shut down the incinerator if the commissioner determines that compliance has not been achieved within 60 days of the initial report of exceedance.

B. If shutdown was required under item A, subitem (3), the owner or operator may restart the incinerator under the conditions specified by the commissioner. The owners or operators must notify the commissioner in writing of the date on which the owners or operators plan to start up and to begin compliance testing. Notification must be received at least ten days in advance of the compliance test date.

## **7011.1350 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARD BY REFERENCE FOR SEWAGE SLUDGE INCINERATORS.**

**Subpart 1. Incorporation by reference.** The following new source performance standards are incorporated by reference:

A. *Code of Federal Regulations*, title 40, part 60, subpart O, as amended, entitled “Standards of Performance for Sewage Treatment

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Plants,” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.153(e), are not delegated to the commissioner and must be made by the administrator.

B. *Code of Federal Regulations*, title 40, part 60, subpart LLLL, as amended, entitled “Standards of Performance for New Sewage Sludge Incineration Units” is incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.4785(c), are not delegated to the commissioner and must be made by the administrator.

Subp. 2. **Exceedance of emission limits.** Owners and operators of a new sewage sludge incineration unit must comply with part 7011.1340.

## **7011.1355 STANDARDS OF PERFORMANCE FOR EXISTING SEWAGE SLUDGE COMBUSTION FACILITIES; COMPLIANCE WITH CLEAN AIR ACT SECTION 129 STANDARDS.**

Subpart 1. **Applicability.** The owners or operators of each sewage sludge incineration unit as defined in *Code of Federal Regulations*, title 40, section 60.5250, for which construction commenced on or before October 14, 2010, must comply with this part, except:

A. combustion units that incinerate sewage sludge, as defined under *Code of Federal Regulations*, title 40, section 60.5250, and are not located at a wastewater treatment facility designed to treat domestic sewage sludge are exempt from this part. The owners or operators of the combustion unit must notify the United States Environmental Protection Agency and the commissioner of an exemption claim under this item;

B. if the owners or operators of a sewage sludge incineration unit make changes that meet the definition of modification incorporated in subpart 2 after September 21, 2011:

(1) the sewage sludge incineration unit becomes subject to *Code of Federal Regulations*, title 40, part 60, subpart LLLL; and

(2) this part no longer applies to the sewage sludge incineration unit; and

C. physical or operational changes made to a sewage sludge incineration unit for which construction commenced on or before September 21, 2011, primarily to comply with this part:

(1) are not considered modifications or reconstructions; and

(2) do not result in a sewage sludge incineration unit becoming subject to Code of Federal Regulations, title 40, part 60, subpart LLLL.

Subp. 2. **Incorporation of federal performance standards for existing sewage sludge incinerators.**

A. The following requirements from *Code of Federal Regulations*, title 40, part 60, subpart MMMM, Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units, are incorporated by reference, as amended:

(1) increments of progress: *Code of Federal Regulations*, title 40, sections 60.5085 to 60.5125. The deadlines for each increment of progress are found in Table 1 of *Code of Federal Regulations*, title 40, part 60, subpart MMMM, and are as follows:

(a) owners or operators must submit the final control plan to the commissioner by one year after the effective date of this part; and

(b) owners or operators of an affected unit must demonstrate compliance with the emission guidelines adopted under this part within three years after the effective date of this part;

(2) operator training and qualification: *Code of Federal Regulations*, title 40, sections 60.5130 to 60.5160;

(3) emission limits, emission standards, and operating limits and requirements: *Code of Federal Regulations*, title 40, sections 60.5165 to 60.5181;

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(4) initial compliance requirements: *Code of Federal Regulations*, title 40, sections 60.5185 to 60.5200;

(5) continuous compliance requirements: *Code of Federal Regulations*, title 40, sections 60.5205 to 60.5215;

(6) performance testing, monitoring, and calibration requirements: *Code of Federal Regulations*, title 40, sections 60.5220 to 60.5225;

(7) record keeping and reporting: *Code of Federal Regulations*, title 40, sections 60.5230 to 60.5235; and

(8) definitions: *Code of Federal Regulations*, title 40, section 60.5250.

B. For purposes of this subpart, the terms used in *Code of Federal Regulations*, title 40, sections 60.5085 to 60.5250, are defined as follows:

(1) “administrator” means the commissioner; and

(2) “you” means the owner or operator of an affected sewage sludge incineration unit.

Subp. 3. **Exceedance of emission limits.** Owners and operators of an existing sewage sludge incinerator must comply with part 7011.1340.

## **COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS**

### **7011.1360 EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS COMPLIANCE REQUIREMENTS.**

Subpart 1. **Applicability.** Except as provided in items A to H, the owners or operators of a commercial or industrial solid waste incineration unit as defined in *Code of Federal Regulations*, title 40, section 60.2875, that commenced construction on or before June 4, 2010, must comply with this part and part 7011.1365. The following units are not commercial and industrial solid waste incineration units:

A. pathological waste units;

B. units subject to *Code of Federal Regulations*, title 40, part 60, subparts Ea, Eb, Cb, AAAA, and BBBB, standards of performance for existing or new municipal waste combustors or a federal plan for medical waste incinerators;

C. units subject to *Code of Federal Regulations*, title 40, part 60, subpart Ec or Ce, standards of performance for existing or new medical waste incinerators or a federal plan for medical waste incinerators;

D. small power production units, if:

(1) the unit is a qualifying small power production facility under section 3(17)(C) of the Federal Power Act, *United States Code*, title 16, section 796(17)(C);

(2) the unit burns homogeneous wastes, not including refuse-derived fuel, to produce electricity; and

(3) the commissioner approves a determination that the qualifying small power production facility is combusting homogeneous wastes, as defined in *Code of Federal Regulations*, title 40, section 60.2875. The request for a determination must include sufficient information to document that the unit meets the criteria of a qualifying small power production facility and that the waste material the unit is proposing to burn is homogeneous;

E. cogeneration facility units, if:

(1) the unit is a qualifying cogeneration facility under section 3(18)(B) of the Federal Power Act, *United States Code*, title 16, section 796(18)(B);

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(2) the unit burns homogeneous waste, not including refuse-derived fuel, to produce electricity and steam or other forms of energy used for industrial solid waste, commercial, heating, or cooling purposes; and

(3) the commissioner approves a determination that the qualifying cogeneration facility is combusting homogeneous waste, as defined in *Code of Federal Regulations*, title 40, section 60.2875. The request for a determination must include sufficient information to document that the unit meets the criteria of a qualifying cogeneration facility and that the waste material the unit is proposing to burn is homogeneous;

F. units that are required to obtain a permit under section 3005 of the Solid Waste Disposal Act, *United States Code*, title 42, section 6925;

G. units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters; and

H. air curtain incinerators, as defined under *Code of Federal Regulations*, title 40, section 60.2875, provided that the incinerators burn only 100 percent wood waste, 100 percent clean lumber, or 100 percent mixture of clean lumber, wood waste, or yard waste.

Subp. 2. **Compliance deadline.** The owners or operators of a commercial or industrial solid waste incinerator shall demonstrate compliance with part 7011.1365 no later than March 16, 2016, or three years after the United States Environmental Protection Agency approves a 111(d) plan incorporating this part, whichever is earlier. Commercial and industrial solid waste incinerators operating on the effective date of this part shall submit a control plan to the commissioner within 180 days after the effective date of this part.

Subp. 3. **Modifications.** If the owners or operators of a commercial or industrial solid waste incineration unit make changes after September 21, 2011, that meet the definition of modification in *Code of Federal Regulations*, title 40, section 60.2875:

A. the commercial or industrial solid waste incineration unit becomes subject to part 7011.1370; and

B. this part no longer applies to the commercial or industrial solid waste incineration unit.

Subp. 4. **Physical or operational changes.** Physical or operational changes made by owners or operators to a commercial or industrial solid waste incineration unit for which construction commenced on or before June 4, 2010, to comply with this part:

A. are not considered modifications or reconstructions; and

B. do not result in a commercial or industrial solid waste incineration unit becoming subject to part 7011.1370.

Subp. 5. **Exceedance of emission limits.** Owners and operators of a commercial or industrial solid waste incineration unit must comply with part 7011.1340.

## **7011.1365 INCORPORATION BY REFERENCE OF STANDARDS OF PERFORMANCE FOR EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS.**

A. The following requirements from *Code of Federal Regulations*, title 40, subpart DDDD, sections 60.2575 to 60.2875, as amended, entitled “Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before November 30, 1999” are incorporated by reference, as amended:

(1) increments of progress: *Code of Federal Regulations*, title 40, sections 60.2575 to 60.2615. The deadlines for each increment of progress are found in Table 1 of *Code of Federal Regulations*, title 40, part 60, subpart DDDD, and are as follows:

(a) owners or operators must submit a final control plan to the commissioner by one year after the effective date of this part;  
and

(b) owners or operators of an affected unit must demonstrate compliance with the emission guidelines adopted under this part within three years after the effective date of this part;



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(2) waste management plan: *Code of Federal Regulations*, title 40, sections 60.2620 to 60.2630;

(3) operator training and qualification: *Code of Federal Regulations*, title 40, sections 60.2635 to 60.2665;

(4) emission limitations and operating limits: *Code of Federal Regulations*, title 40, sections 60.2670 to 60.2685;

(5) performance testing: *Code of Federal Regulations*, title 40, sections 60.2690 to 60.2695;

(6) initial compliance requirements: *Code of Federal Regulations*, title 40, sections 60.2700 to 60.2706;

(7) continuous compliance requirements: *Code of Federal Regulations*, title 40, sections 60.2710 to 60.2725;

(8) monitoring: *Code of Federal Regulations*, title 40, sections 60.2730 to 60.2735;

(9) record keeping and reporting: *Code of Federal Regulations*, title 40, sections 60.2740 to 60.2800;

(10) Title V operating permits: *Code of Federal Regulations*, title 40, section 60.2805. Owners or operators of commercial and industrial solid waste incineration units that do not hold Title V operating permits must submit an application for a Title V permit by one year after the effective date of this part;

(11) air curtain incinerators: *Code of Federal Regulations*, title 40, sections 60.2810 to 60.2870; and

(12) definitions: *Code of Federal Regulations*, title 40, section 60.2875.

B. For the purposes of this subpart, the terms used in *Code of Federal Regulations*, title 40, sections 60.2572 to 60.2875, are defined as follows:

(1) “administrator” means the commissioner; and

(2) “you” means the owner or operator of an affected commercial and industrial solid waste incineration unit.

### **7011.1370 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARD FOR NEW COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS.**

Subpart 1. **Incorporation by reference.** *Code of Federal Regulations*, title 40, part 60, subpart CCCC, as amended, entitled “Standards of Performance for Commercial and Industrial Solid Waste Incineration Units For Which Construction Is Commenced After November 30, 1999 or For Which Modification or Reconstruction Is Commenced On or After June 1, 2001” is incorporated by reference, except that decisions made by the administrator under *Code of Federal Regulations*, title 40, section 60.2030(c) are not delegated to the commissioner and must be made by the administrator.

Subp. 2. **Exceedance of emission limits.** Owners and operators of a new commercial or industrial solid waste incinerator must comply with part 7011.1340.

### **7011.7050 INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS; MAJOR SOURCES.**

*Code of Federal Regulations*, title 40, part 63, subpart DDDDD, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters,” is incorporated by reference, except that the authorities identified in *Code of Federal Regulations*, title 40, section 63.313(d), are not delegated to the commissioner and are retained by the administrator.

### **7011.7055 INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS; AREA SOURCES.**

*Code of Federal Regulations*, title 40, part 63, subpart JJJJJ, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources,” is incorporated by reference, except that the authorities

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identified in *Code of Federal Regulations*, title 40, section 63.11236(c), are not delegated to the commissioner and are retained by the administrator.

## 7019.3000 EMISSION INVENTORY.

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

Subp. 3. **Mercury emission sources.** Owners or operators of a mercury emission source as defined in part 7005.0100, subpart 23b, must submit an annual emission inventory report of the mercury emissions to the commissioner in a format specified by the commissioner. The report must be submitted on or before April 1 of the year following the year being reported. Owners or operators of stationary sources that have air emissions of mercury but that are not mercury emission sources must report every three years.

Subp. 4. **Possible mercury emission sources.** If the commissioner determines that a stationary source has activity levels or emission factors that indicate that the source may be a mercury emission source, the commissioner may request that the owners or operators quantify the source's mercury emissions using the methods listed in part 7019.3030, item A. The owners or operators must complete the quantification and submit a report to the commissioner within 120 days of the commissioner's request.

## 7019.3020 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

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

F. All owners or operators of an emission reporting facility submitting an emission inventory based in whole, or in part, on a material balance calculation shall submit a sample material balance calculation with the emission inventory. Such facilities shall also maintain a record of the material safety data sheets or vendor certification of the VOC, mercury, or sulfur content of the material for each material or fuel used and the material balance calculations for a period of five years after the date of submittal of the emission inventory.

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

## 7019.3050 PERFORMANCE TEST DATA.

A. If an emission reporting facility or mercury emission source as defined in part 7005.0100, subpart 23b, has collected representative emission data through the use of performance tests in compliance with the preconditions in items B and C, and if CEM data under part 7019.3040 is not available, the facility shall calculate its emissions based on performance tests. If the emission data is unrepresentative because fuel or material feed used under the test conditions is substantially different than the conditions under which the emissions unit is normally operated or because the emissions unit has been modified, the facility shall calculate its emissions based on the next highest available method. Emissions unit operating load variation from test load does not make the data unrepresentative. In the event that the facility has collected emission data through the use of performance tests and determines that the data is unrepresentative for any reason, the facility shall submit an explanation of why the data is unrepresentative with the emissions calculated using the next highest available method. The commissioner shall determine if the conditions of the performance test were representative based upon the operating data supplied by the facility for the year of the inventory.

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

D. If the most recently conducted performance test data is more than ten years older than the last date of the emission inventory period, then the emission factor derived from the performance test shall be used if it results in higher calculated emissions than any default emission factor allowed under part 7019.3060, 7019.3070, or 7019.3080, as applicable, unless an alternative factor is approved by the commissioner under part 7019.3100 (facility proposal) or unless continuous emission monitor data that satisfies the conditions of part 7019.3040 is available. The performance test data must be representative of operating conditions during the calendar year for which the emission inventory is being submitted. Mercury emission sources, as defined in part 7005.0100, subpart 23b, must follow the testing schedule in item E.

E. Unless a mercury emission source, as defined in part 7005.0100, subpart 23b, is already subject to a compliance demonstration for mercury under another applicable requirement, operating permit, or enforceable agreement, the owners or operators of the source must test according to subitems (1) to (5):

(1) the owners or operators of a mercury emission source in operation on or before the effective date of this part must conduct an initial performance test for mercury emissions on the emission units and processes described in subitem (2):

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(a) the owners or operators must submit the test report to the commissioner within 365 days of the effective date of this part; and

(b) the test must be conducted in compliance with parts 7017.2001 to 7017.2060;

(2) the emission units and processes to be tested are those for which prior testing conducted under chapter 7017, emission factors, or similar calculations indicate actual emissions are three or more pounds of mercury per year from each unit or process;

(3) the owners or operators of a mercury emission source that commences operation or makes a physical or operational change that results in an increase in the potential to emit mercury after the effective date of this part must conduct an initial performance test for mercury emissions within 180 days of initial start-up or on a schedule established in an air emission permit or other enforceable agreement and submit the test report to the commissioner. "Start-up" has the meaning given in part 7005.0100, subpart 42a. "Potential to emit" has the meaning given in part 7005.0100, subpart 35a;

(4) if a stationary source has mercury emissions from units or processes that are substantially equivalent, the results of testing from one may be applied to the others, scaled for throughput or operating hours. With the test results, the owners or operators must provide documentation that the units or processes are substantially equivalent; and

(5) after the initial test, the owners or operators must conduct subsequent performance tests within 60 months of each prior test:

(a) subsequent performance tests are not required if the owners or operators determine that the stationary source is no longer a mercury emission source as defined under part 7005.0100, subpart 23b; and

(b) if the stationary source becomes a mercury emission source again, the owners or operators must resume conducting subsequent performance tests according to this subitem within 180 days of making the determination that actual emissions exceed the threshold for a mercury emission source.

## **7019.3065 MERCURY MATERIAL BALANCE.**

If an owner or operator does not have either a continuous emission monitor to monitor the facility's mercury emissions or a physical location at which to conduct a mercury emissions performance test and if inputs and outputs of mercury are known, the owner or operator of a mercury emission source may calculate mercury air emissions using the material balance method described in this part. A person using material balance to calculate mercury emissions must determine the total mercury air emissions (E) as follows:

$$E = (A - B - C) * (1 - CE)$$

Where: A = the total amount of mercury entering the process. The amount of mercury used in this calculation must be the amount certified by the supplier, the maximum amount stated on a material safety data sheet, or the maximum amount determined by sample analysis using a reference method. B = the sum of the amount of mercury incorporated into manufactured products. The owner or operator must submit an explanation of how this quantity was determined. C = the sum of the amount of mercury leaving the process by a mechanism other than through controlled stack gases or in a product, as when material leaves the process as a waste, is recycled, or is approved for beneficial reuse. The mercury leaving the process by such a mechanism must be established by sample analysis using a reference method. If the actual mercury content of the mercury leaving the process is unknown, then C = 0. CE = the overall efficiency, or the product of capture efficiency and control efficiency, of any air pollution control device used to capture or control mercury air emissions, expressed as a decimal fraction of 1.00. The overall efficiency must be based on efficiency factors, as defined in part 7005.0100, subpart 9b, or must be based on the overall efficiency verified by a performance test conducted according to parts 7017.2001 to 7017.2060.

**REPEALER.** *Minnesota Rules*, parts 7011.1201, subpart 12; 7011.1215, subpart 6; 7011.1225, subpart 4; and 7011.1290, are repealed.

# Exempt Rules

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

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

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or

- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Board of Cosmetology Examiners Adopted Exempt Permanent Rules Relating to Cosmetology Salons and Cosmetology Examiners

### 2105.0120 INSPECTIONS.

#### Subpart 1. Violations.

A. All violations cited by board staff shall be corrected within ten business days, and written notification of the correction shall be sent to the board within that time.

B. On inspection, licensees cited for the violations listed in subitems (1) to (8) are subject to penalties under *Minnesota Statutes*, section 155A.25:

- (1) lapsed practitioner license, lapsed instructor license, lapsed salon license, or lapsed school license;
- (2) failure to display current license;
- (3) failure to dispose of single-use equipment, implements, or materials;
- (4) the presence of prohibited razor-type callus shavers, rasps, or graters;
- (5) esthetician or cosmetology services performed or offered in a nail salon;
- (6) nail or cosmetology services performed or offered in an esthetician salon;
- (7) an operator working as an independent contractor; or
- (8) refusal or failure to cooperate with an inspection.

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

### 2105.0140 APPLICANTS FOR INDIVIDUAL LICENSE.

Applications for licensure shall be made in writing and contain the requirements of items A to C.

A. The applicant shall provide evidence of completion of high school or a general educational development certificate.

B. The applicant shall demonstrate by examination minimal skills and knowledge necessary for the license sought. The applicant shall successfully complete a board-approved written theory and practical examination demonstrating knowledge of professional, health,

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# Exempt Rules

and safety methods and procedures and knowledge of Minnesota statutes and rules pertinent to the practice of cosmetology at the level of the license sought.

C. The applicant shall pay the required examination and license fees. Applicants whose professional training is documented under parts 2105.0150, items B and C, and 2105.0210, subparts 2 and 3, shall also pay the processing fee: fees identified in *Minnesota Statutes*, section 155A.25.

## **2105.0150 COSMETOLOGISTS, NAIL TECHNICIANS, AND ESTHETICIANS.**

In addition to the requirements of part 2105.0140, the applicant shall provide documentation of having completed the following professional training, within three years prior to this application:

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

B. successful completion, as documented by the school and including a certification of skills, of a full course of training of at least the same number of hours in a state other than Minnesota. If an applicant has received training in another state, but has not completed that state's prescribed course of training, or if that course is less than the number of hours required by this rule, completion of training and certification of skills in a Minnesota school shall be attained. The applicant shall receive credit for all hours of training earned in the non-Minnesota school. ~~He or she~~ The applicant shall then attend a Minnesota school until the required number of hours has been completed; ~~or~~.

C. ~~current licensure from another state, District of Columbia, territory, or country. A certified statement from the licensing body that the applicant is currently licensed shall be attached to the application. If the other jurisdiction does not issue a license, the applicant shall provide documentation of lawful practice for at least 1,800 hours within three years prior to the application. Applicants claiming training and experience in a foreign country shall supply official English language transcripts of all documentation and evidence submitted to the board.~~

## **2105.0160 MANAGERS.**

In addition to the requirements of part 2105.0140, the applicant shall provide documentation of a current cosmetologist, esthetician, or nail technician license, and at least 2,700 hours of licensed practice, in a licensed salon and supervised by a licensed manager, within the three years prior to this application. An individual wishing to manage a school shall also successfully complete an examination covering Minnesota laws and rules related to schools and hold a current active cosmetology salon manager's license. The applicant shall pay the processing fee fees identified in *Minnesota Statutes*, section 155A.25.

## **2105.0180 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS ENDORSEMENT OR TRANSFER OF LICENSES FROM OTHER STATES OR COUNTRIES.**

Subpart 1. **License issued.** ~~A~~ An operator license shall be issued to an individual applying from another jurisdiction if the requirements of subpart 2 are met.

Subp. 2. ~~Compliance with state rules~~ **Application for a Minnesota license.** The applicant shall demonstrate compliance with parts 2105.0140, item C, and 2105.0150, item B or C. The applicant shall also successfully complete a written examination demonstrating knowledge of Minnesota statutes and rules pertinent to the practice of cosmetology at the level of the license sought. ~~If more than three years have elapsed since the expiration of the applicant's most recent active license, the applicant shall provide evidence of completion of the appropriate refresher course in part 2105.0210, subpart 3, and compliance with part 2105.0140, items B and C. The individual applying for a reciprocity license must provide the following:~~

A. payment of fees as required by *Minnesota Statutes*, section 155A.25;

B. documentation of completion of training, consisting of 1,550 hours for a cosmetologist, 600 hours for an esthetician, and 350 hours for a nail technician. Foreign language transcripts must be translated by a board-approved translator. Applicants with less than the required number of hours of school may substitute three years of experience under a current active license in another jurisdiction;

C. current licensure from another state, District of Columbia, territory, or country. A certified statement from the licensing body that the applicant is currently licensed shall be attached to the application. If the other jurisdiction does not issue a license, the applicant shall provide documentation of lawful practice for at least 1,800 hours within three years prior to the application;

# Exempt Rules

D. if more than three years have elapsed since the expiration of the applicant's most recent active license, the applicant shall provide evidence of completion of a refresher course, including a certification of skills, consisting of 155 hours for a cosmetologist, 60 hours for an esthetician, and 35 hours for a nail technician;

E. original passing results of the Minnesota general exam or verification of passing a national general exam via verification letter from a state in which the applicant is currently licensed; and

F. original passing results of the Minnesota state laws and rules exam for a cosmetologist, esthetician, or nail technician.

## **2105.0185 CONTINUING EDUCATION PROVIDERS.**

Continuing education credit hours required for the renewal of operator and salon manager licenses may be offered through in-person classes, online classes, and independent study classes. The four credit hours must include one credit hour on state cosmetology laws and rules, and three credit hours on health, safety, and sanitation.

A. Board-licensed cosmetology schools and postsecondary schools licensed by the Minnesota Office of Higher Education under Minnesota Statutes, section 136A.103, paragraph (a), may choose to offer the four-hour continuing education.

B. Professional associations may, on recognition by the board, offer the continuing education course, and may apply for recognition in writing on forms supplied by the board.

C. All providers of continuing education courses, including schools under item A and professional associations under item B, must provide attendees with a receipt showing successful completion of the credit hours, and must retain records of attendees for five years after the credit hours are earned. Providers must respond to any board request to verify a licensee's credit hours within 15 days of the request.

## **2105.0190 MAINTAINING INDIVIDUAL LICENSES.**

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

Subp. 4. **Display of license.** The licensee shall post his or her license as required by part 2105.0380, item ~~Y~~ **BB**.

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

## **2105.0200 LICENSE RENEWAL FOR INDIVIDUALS.**

Subpart 1. **Application.** All licenses expire on the last day of the individual's birth month of the year due and each licensee is responsible for renewing ~~his or her~~ the licensee's license. An individual who does not renew ~~his or her~~ the licensee's license by the last day of the birth month of the year in which it is due is considered unlicensed as of the first day of the following month. Failure to receive a notice of renewal from the board does not constitute a valid excuse for not renewing the license.

Subp. 2. **Practical and educational requirements.** The licensee shall establish that ~~his or her~~ the licensee's knowledge and skills are up to date, by meeting the following requirements no later than the expiration of ~~his or her~~ the licensee's current license:

A. A cosmetologist, nail technician, esthetician, or ~~salon~~ salon manager shall provide documentation of:

(1) having practiced in a licensed salon, or school for school managers, for at least 1,800 hours at any time within the three years prior to the license expiration, or 400 hours acquired through approximately regular weekly experience within each of the last three years, or successfully completed an approved refresher course, of at least 40 hours, within the three years prior to the license expiration or reactivation; and

(2) four credit hours of continuing education credits from a board-licensed cosmetology school, a Minnesota-licensed postsecondary school, or a board-recognized professional association of cosmetology, including one credit pertaining to state cosmetology laws and rules, and three credit hours related to health, safety, and sanitation matters. The four credit hours must be completed within the three years prior to the license expiration and are valid for only one license renewal period. Licensees must retain proof of the continuing education credits for one year after the license renewal. Continuing education credits are required of licensees renewing a license on or after August 1, 2014. An individual holding more than one operator or salon manager license may use the same four credit hours to renew both licenses if the credit hours were completed within the three years prior to the license renewal.

B. An instructor ~~shall pay the processing fee and~~ shall provide evidence of having successfully completed 45 hours of continuing education approved by the board, within three years before the license expiration or reactivation, including at least 15 hours of teaching-related material and 15 hours related to analysis and use of professional clinical products. To renew the instructor's license, the instructor

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# Exempt Rules

must have an active operator or salon manager license in the area in which the instructor holds an instructor's license. No later than June 30, 2014, the board must grant an active operator license to instructors who had an expired operator license on August 1, 2013, and grant an active salon manager license to instructors who had an expired salon manager license on August 1, 2013.

C. A school manager must maintain an active salon manager's license, and provide documentation of having practiced in a licensed school as a school manager for at least 1,800 hours at any time within the three years prior to the license expiration, or 400 hours acquired through approximately regular weekly experience within each of the last three years, or successfully completed an approved refresher course, of at least 40 hours, within the three years prior to the license expiration or reactivation. No later than June 30, 2014, the board must grant an active salon manager license to school managers who did not hold an active salon manager license on August 1, 2013.

Subp. 3. **Fee.** The licensee shall pay the ~~required license fee fees as required by Minnesota Statutes, section 155A.25,~~ before the expiration of the current license.

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

## **2105.0210 PROCEDURE FOR ACTIVATING A LAPSED OR INACTIVE LICENSE.**

Subpart 1. **Procedure for lapsed licensee.** If an individual's license has expired, the individual shall be reissued a license after submission of a request for renewal, proof of experience ~~or and~~ education as required in part 2105.0200, subpart 2, ~~payment of the license fee;~~ and payment of the ~~processing fee fees identified in Minnesota Statutes, section 155A.25.~~ If more than three years have elapsed, the applicant shall apply for a new license in accordance with subpart 3 and parts 2105.0140 to 2105.0160.

Subp. 2. **Procedure for inactive license.** An individual who has an "inactive" Minnesota license and whose most recent active license has expired by less than three years shall be reissued an active license for the remainder of the licensing period, after completion of an application, evidence of compliance with part 2105.0200, subpart 2, and payment of the ~~processing fee fees identified in Minnesota Statutes, section 155A.25.~~ If more than three years have elapsed since the applicant's most recent active license has expired, an applicant who wishes to resume the practice of cosmetology shall be reissued a license after submission of an application, payment of the ~~license fee;~~ ~~payment of the processing fee fees identified in Minnesota Statutes, section 155A.25,~~ and evidence of completion of the appropriate refresher course in subpart 3.

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

## **2105.0220 REINSTATEMENT AFTER REVOCATION.**

An applicant may apply for relicensure after revocation by meeting the following requirements:

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

C. the applicant shall pay the ~~reinstatement fee and the license fee fees identified in Minnesota Statutes, section 155A.25;~~

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

## **2105.0300 SCOPE OF RULES.**

The provisions of parts 2105.0300 to 2105.0400 apply to cosmetology, esthetician, and manicure salons. The following are exceptions for esthetician salons: parts 2105.0370, item B; and 2105.0380, items A, B, C, ~~G, L, Q, and S I, O, T, and V.~~ The following are exceptions for ~~manicure nail~~ salons: part 2105.0380, items A, B, C, ~~G, L, Q, and S I, O, T, and V.~~

## **2105.0310 SALON LICENSURE.**

Subpart 1. **All salon licenses.** The requirements of parts 2105.0300, 2105.0310, 2105.0360, 2105.0370, and 2105.0400 shall be met by all applicants proposing to establish a salon. ~~Upon compliance, the board will issue a provisional license which will enable the salon to open for business. The salon's compliance with this chapter and Minnesota Statutes, chapter 155, shall be confirmed by an operational inspection by the board. A permanent license for the balance of the three-year license cycle shall be issued upon confirmation of the salon's compliance.~~

Subp. 2. **Application.** The person, association, firm, or corporation proposing to establish a cosmetology, esthetician, or ~~manicure nail~~ salon shall apply in writing to the board, on forms supplied by the board, giving the following information:

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

## **2105.0330 SALON LICENSE RENEWAL.**

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

# Exempt Rules

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Subp. 3. **Fee.** The licensee shall pay the ~~required license fee fees~~ identified in *Minnesota Statutes*, section 155A.25, before the expiration of the current license.

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

## 2105.0340 DELINQUENT SALON LICENSES.

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

Subp. 2. **Renewal.** If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written request for renewal of license, ~~the license fee, and the processing fee and the fees~~ identified in *Minnesota Statutes*, section 155A.25. If more than 30 days have elapsed, the salon shall cease operation until a new salon application has been submitted and a ~~provisional~~ license has been issued.

## 2105.0350 SALON REQUIREMENTS.

Subpart 1. **Location.** No cosmetology service shall be provided in a place other than a licensed cosmetology salon, esthetician salon, ~~manicurist nail~~ salon, cosmetology school, or as otherwise provided by this chapter.

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

Subp. 5. **Change of name.** The salon owner shall inform the board in writing, within 60 days, of a name change, including old and new name, and pay the ~~processing fee fees~~ identified in *Minnesota Statutes*, section 155A.25. A license will be issued in the new name for the remaining term of the old license. The old license shall be returned to the board upon receipt of the license in the new name.

## 2105.0360 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.** Space:

A. There shall be at least 120 square feet of work space exclusive of any restroom, reception, or supply area for a one-practitioner cosmetology salon, 110 square feet of work space for a one-practitioner esthetician salon, and 100 square feet of work space for a one-practitioner ~~manicure nail~~ salon.

B. There shall be at least 50 additional square feet of work space for each additional licensee simultaneously on duty in a cosmetology salon or an esthetician salon, and at least 35 additional square feet of work space of each additional licensee simultaneously on duty in a ~~manicure nail~~ salon.

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

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

## 2105.0380 OPERATIONAL REQUIREMENTS FOR SALONS.

It is the responsibility of the manager and owner of the salon and of each operator to comply with the following operational requirements:

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

B. Before each use, all scissors, razors, clipper blades, tweezers, cutting tools, reusable esthetic and manicure instruments, combs, brushes, and brush rollers shall be cleaned and disinfected. Hair and debris shall be removed from all instruments and items, and all instruments and items shall be washed in hot water with soap or detergent and rinsed thoroughly before disinfecting. ~~Manicure and esthetic instruments or items made of wood or other porous material must not be reused, and must be discarded after each use.~~

C. Rollers, pins, clippies, hairnets, and all other instruments and items not specifically listed in any other provision of this part, shall be cleaned thoroughly and disinfected at a minimum of once per week.

D. Foam toe separators, foam buffer blocks, paper or foam flip-flops or slippers, cushioned nail files, paper sandpaper drill bits, wooden spatulas, cotton balls, cotton pads or swabs, gauze pads, neck strips, and other items made with paper, wood, foam, or other porous materials are single-use items, may be used one time only, and must be immediately disposed of in a waste receptacle after use.

E. Skin-cutting equipment, including razor-type callus shavers, credo blades, rasps, or graters, and other implements which are used to remove corns or calluses by cutting below the skin surface are prohibited and must not be present in a salon.

~~D. F.~~ Clean linens and protective papers shall be used for each person. A towel or protective paper shall be placed on the head rest



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## Exempt Rules

of the facial chair before any person reclines in that chair. A towel or protective paper shall be placed between the client's head and the shampoo bowl during shampooing.

~~E. G.~~ All fluids, semifluids, creams, and powders shall be kept in clean covered containers and shall be dispensed with a clean disinfected spatula or from a shaker or pump or spray dispenser. ~~Spatulas made of nonabsorbent material may be disinfected and reused; wooden spatulas shall be discarded after each use. Gauze or cotton applicators shall be discarded after each use.~~ Waving fluids shall be dispensed from suitable containers, in a manner which prevents contamination of unused fluid. All containers shall be covered when not in use.

~~F. H.~~ All bottles and containers shall be correctly and clearly labeled to disclose their contents. Poisonous substances shall be clearly and conspicuously marked.

~~G. I.~~ ~~Permanent waving end papers and neck strips shall not be reused.~~ All permanent wave rods and supplies shall be washed thoroughly after use on each client and shall be stored in clean, closed containers or covered by a clean towel when not in use.

~~H. J.~~ All electrical tools and implements shall be kept on stands or hangers or otherwise be stored properly when not in use. One six-foot grounded extension cord may be used in a work station if necessary to service a client with an implement actually in use. The extension cord shall not extend beyond the area of the work station.

~~F. K.~~ All clean towels, robes, and linen shall be stored in a clean, closed cabinet until used. The cabinet shall be made of a solid, completely closed material. Disinfected capes, aprons, and robes may be hung in an area of the salon that is not within five feet of any work station or customer servicing area for purposes of drying, and must be stored according to this part immediately after drying.

~~F. L.~~ Each towel, robe, apron, cape, and linen used to cover or protect customers shall be used only once and then be properly laundered or disinfected according to this part. After use and until laundering or disinfecting, each item shall be placed in a container which complies with local fire codes or the state Fire Code where no local fire codes exist. All soiled towels and linens shall be laundered commercially, or in washing machines with laundry detergent using water of a temperature of at least 160 degrees Fahrenheit. As an alternative to laundering, aprons and capes made of solid, nonwoven plastic may be disinfected on all sides with a disinfectant.

~~K. M.~~ All disinfected and laundered items shall be stored in a clean, closed container, drawer, or cabinet, or under a clean cover until reused. Any disinfectant used to fulfill the requirements of this part must be registered with the United States Environmental Protection Agency as a tuberculocidal agent and used according to the manufacturer's instructions.

N. Prohibited substances in salons are methyl methacrylate liquid monomers (MMA) and fumigants, including but not limited to, formalin tablets or formalin liquids.

~~E. O.~~ Wig blocks shall have a nonabsorbent covering which shall be kept clean and sanitary. Each nonabsorbent covering shall be removed after each servicing of the wig and shall be placed in a properly labeled container. Each wig accepted for service shall be stored in an individual sanitary receptacle such as a plastic bag and shall not be allowed to come into contact with any other wigs. New wigs shall not be allowed to come into contact with any client's hair, skin, or wig. Plastic wrap or other suitable covering material shall be placed over a prospective buyer's hair while trying on wigs.

~~M. P.~~ Each licensee on duty shall be assigned to a specific work station.

~~N. Q.~~ The licensee shall wash his or her hands with soap and hot water before any service to a new patron. Fingernails shall be kept clean.

~~Ø. R.~~ Each licensee shall be responsible for the order, cleanliness, and sanitation of his or her work station and all equipment and materials used.

~~P. S.~~ Each licensee shall be responsible for using only clean and properly disinfected implements when providing any service.

~~Q. T.~~ Each licensee shall ensure that all hair is removed from the floor after each haircut.

# Exempt Rules

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~~R.U.~~ Each licensee shall clean up any spills of water or other liquid from the floor immediately.

~~S.V.~~ Each licensee shall remove all hair and rinse the shampoo bowl immediately after each use.

~~F.W.~~ Each licensee shall be clean and shall wear clean clothing and shoes.

~~U.X.~~ Each licensee shall be free from communicable diseases and parasites when performing services on any client.

~~V.Y.~~ Licensees shall not smoke, eat, or drink while performing any services.

~~W.Z.~~ Licensees shall not carry combs or other implements in the pockets of clothing.

~~X.AA.~~ Services shall not knowingly be performed on any person who has a communicable disease, condition, or parasites.

~~Y.BB.~~ Current licenses of salon personnel shall be conspicuously posted in the reception area or in each licensee's assigned work station. The licensee's street address may be obliterated with tape, but name and town must remain unobstructed. If the license is at the reception area, the licensee's name shall be posted at the work station. The salon manager and owner are responsible for assuring that all licenses are current and renewed. All licensees must have a valid picture state or governmental identification in their possession when working in the salon, and must produce this identification for inspection when requested by the board staff.

~~Z.CC.~~ The current shop license shall be conspicuously posted in the reception area.

~~AA.DD.~~ No animals, birds, or pets shall be allowed in a salon. This prohibition does not apply to guide dogs.

~~BB.EE.~~ If a salon receives compensation for child care services, the following requirements shall be met:

[For text of subitems (1) to (3), see M.R.]

## 2105.0390 SALON SUPERVISION.

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

B. Only one person shall be designated as a manager for each salon. No manager may be concurrently responsible for more than one salon unless the salons are under the same ownership and all located in the same complex which is designated as an assisted-living care facility. When the manager is not on duty, the manager may specify a responsible person in the manager's absence. The responsible person shall be licensed as a manager, and licensed as a cosmetologist in a cosmetology salon, esthetician salon, or ~~manicurist nail~~ manicure nail salon; a licensed esthetician in an esthetician salon; or a licensed nail technician in a manicure nail salon.

C. The manager, owner, and responsible person shall ensure that all licensees under his or her supervision comply with all provisions of this chapter and Minnesota Statutes, chapter ~~154~~ 155A.

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

## 2105.0400 SPECIFIC TYPES OF SALON LICENSES.

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

Subp. 3. **Esthetician and manicure nail services.** Esthetician services shall not be offered in a ~~manicurist nail~~ manicure nail salon. ~~Manicurist Nail~~ services shall not be offered in a licensed esthetician salon.

[For text of subps 4 to 6, see M.R.]

## 2110.0120 INSPECTIONS.

### Subpart 1. **Violations.**

A. All violations cited by board staff shall be corrected within ten business days, and written notification of the correction shall be sent to the board within that time.

B. On inspection, licensees cited for the violations listed in subitems (1) to (5) are subject to penalties under Minnesota Statutes, section 155A.25:

- (1) lapsed instructor license or lapsed school license;
- (2) failure to display current license;
- (3) failure to dispose of single-use equipment, implements, or materials;
- (4) the presence of prohibited razor-type callus shavers, rasps, or graters; or
- (5) refusal or failure to cooperate with an inspection.

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

## **2110.0140 INSTRUCTORS.**

Subpart 1. **Full instructors.** In addition to the requirements of part 2105.0140, the applicant shall pay ~~a processing fee~~ the fees identified in *Minnesota Statutes*, section 155A.25, and shall successfully complete a practical examination demonstrating teaching skills and techniques as related to the instruction of cosmetology practices and provide documentation of:

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

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

## **2110.0310 SCHOOL LICENSURE.**

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

Subp. 2. **Payment of fee.** The applicant shall pay ~~the school license and school application fees~~ the fees identified in *Minnesota Statutes*, section 155A.25.

## **2110.0330 SCHOOL LICENSE RENEWAL.**

All of the following requirements shall be met in order to renew a license:

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

E. The licensee shall pay the ~~required license fee~~ fees identified in *Minnesota Statutes*, section 155A.25, before the expiration of the current license.

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

## **2110.0340 DELINQUENT SCHOOL LICENSES.**

Failure to renew a school license before its expiration date shall result in a delinquent license. The applicant shall comply with the following:

A. If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written request for renewal of license, ~~the license fee,~~ and the ~~processing fee~~ fees identified in *Minnesota Statutes*, section 155A.25.

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

## **2110.0370 BASIC REQUIREMENTS FOR SCHOOLS.**

Subpart 1. **Location.** ~~No cosmetology instruction shall be given in any place other than a licensed school of cosmetology or as otherwise provided in this chapter.~~

A. Instruction must take place within a licensed school building.

B. Schools may offer online board-approved theory-based classes. Practice-based classes must not be offered online.

Subp. 2. **License.** No cosmetology school shall be permitted to operate without a license.

[For text of subps 3 to 7, see M.R.]

## **2110.0570 CONTINUING EDUCATION CREDIT CLASSES.**

Licensed schools may offer the four credit hour continuing education classes required for operator and manager license renewals. The course must meet the requirements identified in *Minnesota Statutes*, section 155A.271, and must be regularly updated to incorporate newly developed standards and accepted professional best practices. Schools must provide attendees who successfully complete the class with a certificate of the continuing education credits, and must retain documentation of the class completion and credit hours for each attendee

# Exempt Rules

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for five years.

## **2110.0680 CERTIFICATION OF STUDENT HOURS.**

Certification of student hours shall be as follows:

A. All student hours shall be recorded, on a daily and a monthly basis.

B. The daily record of hours shall list the number of hours earned by each student and the nature of training received, designating all clinical experiences; shall be signed by the instructor who provided or supervised the training; shall be signed by the student; and shall be based on the hours actually recorded on the student's timecard.

Each student shall register on the timeclock at the beginning and end of each school day and at the beginning and end of lunch breaks. Timecards which are improperly punched or inadvertently altered, or contain any error may be corrected and that correction initiated by the student, the school manager, and the appropriate instructor.

Original timecards shall be deemed to be the property of the school. A student, within ten days of a request, is entitled to receive copies of his or her timecards from the school. The school may not withhold copies of his or her timecards after a proper request has been made.

C. Each school shall complete and maintain a monthly report for each student, summarizing the hours completed for that month, and signed by the school owner or manager. A copy of the report shall be given to the student within five days of the end of each month.

D. No school or student shall alter the content or the number of hours completed by a student unless because of error and signed by both parties.

E. Except as provided in parts 2110.0100, subpart 2, and 2110.0500, students shall receive credit only for hours spent in training for licensed cosmetology services.

F. No student shall receive credit for more than ~~eight~~ ten hours of training per calendar day.

G. Each student must be given a morning and afternoon break and at least one-half hour for lunch, or one hour for lunch and no breaks.

H. It shall be made clear to the students in materials designed to elicit their enrollment and at the time of enrollment, the circumstances under which Saturday and evening training will be held.

## **2110.0740 SCHOOL CLINICS.**

All instruction in school clinics and all work performed by students in school clinics shall comply with the operational requirements for a cosmetology salon in part 2105.0380, items A to ~~M, S, T, and W~~ P, and V, W, and Z. In addition:

A. No new school shall offer clinical services until the minimum preclinical hours required for students has been met.

B. No school shall be allowed to operate a student clinic at any location other than the school.

C. There shall be conspicuously displayed in the reception area of the school and its clinic a sign stating, "All services performed by students," in type at least 2-1/2 inches in height.

D. Instructors shall perform no cosmetology services on any client in the school clinic except to the extent necessary to demonstrate or instruct students. The student shall be physically present, observing the instruction or demonstration and shall participate in the learning experience by actual performance of the complete service.

E. No student shall perform clinic services until he or she has successfully completed the required hours of preclinical training.

F. All services performed by students shall be supervised by instructors and shall be checked before, during, and after performance.

G. All students shall be required to wear an identification badge at all times. The badges shall be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist Trainee," "Esthetician Trainee," or "Nail Technician Trainee." Badges shall be furnished by the school as part of tuition costs.

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H. Each student shall wash his or her hands with soap and hot water before providing any service, and each instructor shall similarly wash his or her hands before demonstrating any service or portion thereof on a client.

I. Instructors shall ensure that students and instructors maintain the clinic work area in the same manner and degree as is required for salon cleanliness under part 2105.0380, item Θ R.

J. Instructors shall ensure that all students working in the school clinic and all instructors observe the same personal hygiene and safety requirements as those imposed on salon practitioners in part 2105.0380, item P S.

K. Cosmetology services shall not knowingly be performed in a school clinic on any person who has a communicable disease or parasite.

L. It shall be permissible for the school to charge clients for services performed by students to the extent necessary to cover the cost of supplies and materials used, and expenses incurred in and for the operation of the school. These prices shall be conspicuously posted in the clinic reception area.

## Minnesota Department of Natural Resources (DNR) Adopted Exempt Permanent Rules: Aquatic Plant Management Permit Fees

### 6280.0450 APM PERMIT REQUIREMENTS.

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

Subp. 4. **APM permit application fees.** Items A to C apply to APM permit fees.

A. When application is made to control two or more nuisance conditions, only the larger fee applies. A permit application fee, in the form of a check or money order payable to the Minnesota Department of Natural Resources, must accompany each permit application when required by the following fee schedule:

(1) to control rooted aquatic vegetation by pesticide means, to install and operate an automatic untended aquatic plant control device, or to control emergent or floating-leaf rooted aquatic vegetation by mechanical means: \$35 for each contiguous parcel of shoreline owned by an owner, up to a maximum of ~~\$750~~ \$2,500;

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

(3) to control submerged rooted aquatic vegetation in an area larger than 2,500 square feet, by mechanical means: \$35 for the first acre or portion of an acre and \$2 for each additional acre or portion of an acre to be controlled, up to a maximum of ~~\$750~~ \$2,500;

[For text of subitems (4) to (8), see M.R.]

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

[For text of subps 5 to 7, see M.R.]

## Minnesota Department of Natural Resources (DNR) Adopted Exempt Permanent Game and Fish Rules Relating to Taking Fish and Wildlife

### 6133.0030 GAME BIRDS.

The restitution values for game bird species are as follows:

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

R. tundra swan, \$200; and

# Exempt Rules

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S. trumpeter swan, \$1,000; and

T. sandhill crane, \$200.

## 6244.0400 WILDLIFE REHABILITATION PERMITS.

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

Subp. 5. **Wildlife affected by oil spills.** Nonresident professional wildlife rehabilitators with a federal rehabilitation permit may possess and transport wildlife affected by oil spills.

## 6262.0100 GENERAL RESTRICTIONS ON TAKING FISH.

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

Subp. 7. **Spawn bags.** Spawn bags may be bought or sold only if the bags are made with:

A. fish eggs from a licensed aquaculture facility; or

B. fish eggs that are:

(1) legally taken from a source outside Minnesota that has been certified disease-free; and

(2) preserved and labeled as required under a bait preservation permit. Records must be maintained as required for bait preservation permits.

## 6262.0300 FISHING REGULATIONS FOR LAKE SUPERIOR AND TRIBUTARIES.

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

Subp. 5. **Prohibition on taking fish for bait purposes.**

A. Except as provided in this subpart, taking fish for bait purposes from all Minnesota waters of Lake Superior and all waters of the St. Louis River downstream of the Fond du Lac Dam in St. Louis and Carlton Counties, including any and all outflows, estuaries, streams, creeks, or waters adjacent to or flowing into these waters, is prohibited.

B. Notwithstanding *Minnesota Statutes*, sections 84D.03, subdivision 3, and 97C.341, paragraph (b), eggs from legally taken and possessed trout harvested from Lake Superior or its tributaries below the posted boundaries may be used to make spawn bags for bait as provided in this item and as authorized in *Minnesota Statutes*, section 97C.341, paragraph (a). Spawn bags may be used only in Lake Superior and its tributaries below the posted boundaries and may be transported to and from Lake Superior or its tributaries below the posted boundaries.

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

## 6262.0600 SEASONS AND METHODS FOR TAKING ROUGH FISH.

Subpart 1. **Generally.** Rough fish may be taken according to *Minnesota Statutes*, sections 97C.345, 97C.371, and 97C.375.

Subp. 1a. **Taking by harpooning, archery, seine, traps, or dip net.** Rough fish may be taken by ~~the following methods fish trap, net, dip net, seine, or other device capable of taking fish~~ from May 1 through the ~~last Sunday before the third Monday~~ in February between sunrise and sunset in all inland waters and by archery at night on water bodies designated under subpart 2 from June 1 to the last day in August, except where the taking of fish is otherwise prohibited by law or rule. ~~Nonresidents may not spear from a fish house or darkhouse.~~

A. Rough fish may be taken by harpooning with a rubber powered gun, spring gun, or compressed air gun. Harpooning equipment may not be used within 1,000 feet of an established swimming beach. Harpooning equipment may be discharged only when both the equipment and operator are entirely beneath the surface of the water and may not be carried in a cocked position while out of the water.

B. Rough fish may be taken by archery, provided that the arrows used are tethered or controlled by an attached line. The use of

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# Exempt Rules

crossbows is prohibited, except as provided in *Minnesota Statutes*, section 97B.106.

C. Rough fish may be taken by means of hand-held dip nets having a diameter not exceeding 24 inches.

**Subp. 1b. Taking by spear.** Rough fish may be taken by hand-held spears in open water or through the ice. The season for taking rough fish by hand-held spears is from the last Saturday in April up to but including the third Monday in February. The season is closed from the third Monday in February to the Friday before the last Saturday in April. A person may possess a spear on or near waters between sunrise and sunset during the open season.

**Subp. 1c. Taking suckers.** Suckers may be taken by spearing from the last Saturday in April through the last Sunday in February. The season is closed from the Monday following the last Sunday in February to the Friday before the last Saturday in April. A person may possess a spear on or near waters between sunrise and sunset during the open season.

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

## 6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

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

Subp. 8. **Spearing restrictions.** A person may not take fish by spearing and may not possess a spear while on or fishing in the following lake.

	<b>Name</b>	<b>Location</b>	<b>County</b>
A:	Baby	T.140,141, R.29, S.4,5,8,9,17	Cass
B:	Beers Lake	T.135, R.42, S.Various	Otter Tail
C:	Big Mantrap	T.141,142, R.33,34, S.Various	Hubbard
D:	Cross	T.39, R.21, S.Various, and Snake River flowage in T.39, R.21, S.28,29, 31,32,33	Pine
E:	Deer	T.56,57, R.26,27, S.1,3-6,31-34	Itasca
F:	Lobster	T.128, R.38,39, S.Various	Douglas
G:	Sugar	T.121,122, R.27, S.1-3,10,11,35,36	Wright
H:	West Battle	T.132, R.40, S.1-3,26, 29-32,34- 36 T.133, R.39,40	Otter Tail

[For text of subps 9 to 26, see M.R.]

Subp. 27. **Spearing restrictions.** The following waters are closed to the taking of fish by spearing from December 1 to the last Sunday in February. A person may not have a spear in possession or under control while on or fishing in these waters during this period.

	<b>Name</b>	<b>Location</b>	<b>County</b>
A.	Bald Eagle	T.30,31, R.21,22, S.Various	Anoka, Ramsey, Washington
B.	Eagle	T.118,119, R.22, S.Various	Hennepin
C.	Owasso	T.29,30, R.23, S.Various	Ramsey

# Exempt Rules

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Dr. B. Rebecca

T.118,119, R.24, S.Various Hennepin  
[For text of subps 28 to 73, see M.R.]

Subp. 74. **North Star and Little North Star Lakes northern pike size restrictions and spearing restriction.** While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. Possession and daily limit may not include more than one northern pike over 36 inches in length. ~~While on the following waters, a person may not take fish by spearing and may not possess a spear.~~

Name	Location	County
North Star (including Little North Star and other unnamed connected waters)	T.58,59, R.26, S.4,5,20,28,29,32,33	Itasca

Subp. 75. **Moose Lake walleye size restrictions and spearing restriction.** While on or fishing in the following waters, all walleye in possession must be less than 17 inches in length or greater than 26 inches in length. All walleye that are 17 to 26 inches in length, inclusive, must be immediately returned to the water. Possession and daily limit may not include more than one walleye over 26 inches in length. ~~While on the following waters, a person may not take fish by spearing and may not possess a spear.~~

Name	Location	County
Moose	T.57, R.26,27, S.19,20,24,25,29,30	Itasca

Subp. 76. **Spider Lake northern pike size restriction and spearing restriction.** While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. Possession and daily limit may not include more than one northern pike over 36 inches in length. ~~While on the following waters, a person may not take fish by spearing and may not possess a spear.~~

Name	Location	County
Spider	T.58, R.25,26, S.7,18,19,24,25,30,36	Itasca

[For text of subps 77 to 113, see M.R.]



# Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Department of Natural Resources (DNR) Adopted Expedited Emergency Game and Fish Rules: Spring Turkey Hunt, Special Provisions for Wildlife Management Areas

**NOTICE IS HEREBY GIVEN** that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rules is *Minnesota Statutes*, sections 86A.06, 97A.045, 97A.137, 97A.435, 97B.711, and 97B.723, 97B.731, 97B.803.

The conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that distribution of licenses for the turkey season are subject to modification on an annual basis as the Department of Natural Resources refines the manner by which the season is conducted. Annual turkey population and harvest data used for selecting hunters and setting quotas and areas is gathered annually and analyzed in late summer. Adjustments to permit area boundaries and license quotas are based on annual and long-term population data as well as input from the public. The St. Michaels Meadows Wildlife Management Area is an integral part of a wetland restoration project but cannot sustain hunting due to its proximity to a large residential housing development. The crow season is being amended to meet requirements specified in *Minnesota Statutes* 97B.731.

Dated: 12 October 2013

Tom Landwehr, Commissioner  
Department of Natural Resources

### 6230.0200 SPECIAL PROVISIONS FOR WILDLIFE MANAGEMENT AREAS.

[For text of subps 1 to 10, see M.R.]

#### Subp. 11. Areas with other restrictions.

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

[For text of item E, see 37 SR 845]

[For text of item F, see 38 SR 300]

G. The St. Michaels Meadows Wildlife Management Area in Wright County is closed to firearms hunting, but open to trapping and archery deer hunting.

[For text of subp 12, see 38 SR 185]

[For text of subp 13, see M.R.]

### 6236.0100 DEFINITIONS.

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

Subp. 4. **Landowner or tenant.** "Landowner" or "tenant" means a person who is an owner or tenant of and who lives on at least 40 acres of ~~agricultural or grazing~~ land within the zone permit area being applied for.

[For text of subps 5 to 7, see M.R.]

### 6236.0300 TURKEY HUNT DRAWING.

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

# Expedited Emergency Rules

Subp. 2. **Participation in application drawings.** Applicants may complete an application for ~~either the spring or fall turkey hunt or both.~~ A person may not apply more than once for a hunt, whether as an individual or as a member of a group. Qualifying individuals may apply for the resident landowner-tenant turkey drawing. All of the information in items A to H must be supplied on the application forms.

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

~~C. A resident or nonresident applicant age 12 to 15 by the opening day of the season may provide one of the above numbers or may participate in the drawing without a number by providing the applicant's full first, middle, and last name and date of birth. Youthful applicants who do not provide a number will be placed into the drawing using a number generated by the department.~~

~~D. C.~~ Up to four persons desiring to hunt together as a group may apply as a group. Group applications shall either all be selected or none selected. All group members must apply for the same wild turkey permit areas and time periods. The preference rating of applicants who apply as a group shall be determined by the individual in the group with the lowest preference. Group applications may be made up of all general or all landowner-tenant applications, but not both.

~~E. D.~~ A person who applies as a landowner or tenant but does not meet the definition as provided by this part will be ineligible for that season's drawings.

~~F. E.~~ The application deadlines are as follows: deadline for the

~~(1) spring season: is the second Friday in January; and,~~

~~(2) fall season: the last Friday in July.~~

~~G. F.~~ Youth age 17 and younger may purchase a wild turkey hunting license to hunt ~~one~~ all eight time periods of the spring turkey season. A wild turkey hunting license under this item is separate from the normal lottery process and is valid for hunting in any wild turkey permit area ~~during an established time period. The youth hunter must select a time period.~~

~~H. G.~~ A person who has not applied for a wild turkey license through the lottery or who applied for a license and was unsuccessful in the lottery may purchase a wild turkey hunting license to hunt the spring turkey season during ~~either the fourth, fifth, sixth, seventh, or eighth time period.~~ A wild turkey hunting license under this item is separate from the normal lottery process. Firearms hunters who purchase a license under this item must choose and hunt in one time period. Archery hunters who purchase a license under this item may hunt throughout the combined time periods.

(1) Turkey lottery preference points shall not be reduced for a person purchasing a license under this item.

(2) A person may take only one bearded turkey in a spring turkey season regardless of whether the hunter purchased a license through the lottery system or as provided in this item.

[For text of subps 3 to 6, see M.R.]

## 6236.0600 SPRING TURKEY SEASON; QUOTAS.

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

Subp. 1a. **Open areas and quotas.** The following wild turkey permit areas are open for the 2014 spring wild turkey season, with the quotas on numbers of permits for time periods A to C established below. An unlimited number of licenses are available for time periods D to H:

### 2014 Spring Wild Turkey Permit Area Quotas

#### Wild Turkey Permit

#### Area Number

#### Time Period

	<u>A</u>	<u>B</u>	<u>C</u>
	<u>April 16-20</u>	<u>April 21-25</u>	<u>April 26-30</u>
<u>501</u>	<u>1835</u>	<u>1835</u>	<u>1835</u>
<u>502</u>	<u>125</u>	<u>125</u>	<u>125</u>
<u>503</u>	<u>625</u>	<u>625</u>	<u>625</u>
<u>504</u>	<u>145</u>	<u>145</u>	<u>145</u>

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<u>505</u>	<u>500</u>	<u>500</u>	<u>500</u>
<u>506</u>	<u>240</u>	<u>240</u>	<u>240</u>
<u>507</u>	<u>1325</u>	<u>1325</u>	<u>1325</u>
<u>508</u>	<u>576</u>	<u>576</u>	<u>576</u>
<u>509</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>510</u>	<u>345</u>	<u>345</u>	<u>345</u>
<u>511</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>512</u>	<u>5</u>	<u>5</u>	<u>5</u>

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

Subp. 4. **Open areas.** Wild turkey permit areas are open for the spring turkey season as prescribed by the commissioner. Turkey licenses are valid for taking turkeys only in the wild turkey permit area specified on the license, except for archery-only licenses issued under Minnesota Statutes, section 97A.435, subdivision 5, paragraph (a), and youth turkey licenses.

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

## 6236.0810 WILD TURKEY PERMIT AREA DESCRIPTIONS.

Subpart 1. **Designations.** Wild turkey permit areas are comprised of registration blocks with the same numbers, as established in part 6232.4700, except as follows: designated and described by the permit area numbers and boundary descriptions in this part.

A: wild turkey permit area 425 consists of Registration Blocks 425 and 435;

B: wild turkey permit area 451 consists of Registration Blocks 451, 452, and 453; and

C: wild turkey permit area 454 consists of Registration Blocks 454 and 455.

Subp. 2. **Permit area 501.** Permit area 501 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of the southern and eastern boundaries of the state; thence along the southern boundary to U.S. Highway 63, Fillmore County; thence along U.S. Highway 63 to State Trunk Highway (STH) 30, Olmsted County; thence along STH 30 to County State-Aid Highway (CSAH) 13, Olmsted County; thence along CSAH 13 to STH 57, Dodge County; thence along STH 57 to U.S. Highway 52; thence along U.S. Highway 52 to STH 19; thence along STH 19 to the west bank of the Little Cannon River; thence along the west bank of the Little Cannon River to the north bank of the Cannon River; thence along the north bank of the Cannon River to U.S. Highway 61; thence along U.S. Highway 61 to CSAH 18, Goodhue County; thence along CSAH 18 to Lock and Dam 3 and the eastern boundary of the state; thence along the eastern boundary of the state to the point of beginning.

Subp. 3. **Permit area 502.** Permit area 502 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 42 and County State-Aid Highway (CSAH) 4, Wabasha County; thence along CSAH 4 to CSAH 10, Olmsted County; thence along CSAH 10 to CSAH 9, Olmsted County; thence along CSAH 9 to CSAH 22, Winona County; thence along CSAH 22 to STH 74; thence along STH 74 to U.S. Highway 14; thence along U.S. Highway 14 to CSAH 33, Winona County; thence along CSAH 33 to STH 248; thence along STH 248 to CSAH 31, Winona County; thence along CSAH 31 to CSAH 28, Winona County; thence along CSAH 28 to CSAH 25, Winona County; thence along CSAH 25 to U.S. Highway 61; thence along U.S. Highway 61 to CSAH 14, Wabasha County; thence along CSAH 14 to STH 42; thence along STH 42 to the point of beginning.

Subp. 4. **Permit area 503.** Permit area 503 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of the southern boundary of the state and U.S. Highway 63, Fillmore County; thence along the southern boundary of the state to State Trunk Highway (STH) 22, Faribault County; thence along STH 22 to County State-Aid Highway (CSAH) 29, Faribault County; thence along CSAH 29 to CSAH 3, Waseca County; thence along CSAH 3 to STH 30; thence along STH 30 to STH 22, Blue Earth County; thence along STH 22 to U.S. Highway 14; thence along U.S. Highway 14 to STH 60, Blue Earth County; thence along STH 60 to CSAH 26, Blue Earth County; thence along CSAH 26 to CSAH 15, Le Sueur County; thence along CSAH 15 to STH 99, Le Sueur County; thence along STH 99 to CSAH 11, Le Sueur County; thence along CSAH 11 to

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CSAH 26, Le Sueur County; thence along CSAH 26 to CSAH 11, Le Sueur County; thence along CSAH 11 to STH 19, Le Sueur County; thence along STH 19 to Interstate Highway 35; thence along Interstate Highway 35 to CSAH 70, Scott County; thence along CSAH 70 to CSAH 23, Dakota County; thence along CSAH 23 to STH 50, Dakota County; thence along STH 50 to STH 3, Dakota County; thence along STH 3 to CSAH 66, Dakota County; thence along CSAH 66 to U.S. Highway 52; thence along U.S. Highway 52 to CSAH 46, Dakota County; thence along CSAH 46 to CSAH 47, Dakota County; thence along CSAH 47 to U.S. Highway 61; thence along U.S. Highway 61 to U.S. Highway 10; thence along U.S. Highway 10 to the eastern boundary of the state; thence along the eastern boundary of the state to Lock and Dam 3 and CSAH 18, Goodhue County; thence along CSAH 18 to U.S. Highway 61; thence along U.S. Highway 61 to the Cannon River; thence along the north bank of the Cannon River to its confluence with the Little Cannon River; thence along the west bank of the Little Cannon River to STH 19, Goodhue County; thence along STH 19 to U.S. Highway 52; thence along U.S. Highway 52 to STH 57; thence along STH 57 to CSAH 13, Dodge County; thence along CSAH 13 to STH 30, Dodge County; thence along STH 30 to U.S. Highway 63, Olmsted County; thence along U.S. Highway 63 to the point of beginning.

Subp. 5. **Permit area 504.** Permit area 504 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of the southern boundary of the state and State Trunk Highway (STH) 22; thence along the southern boundary of the state to the western boundary of the state; thence along the western boundary of the state to County State-Aid Highway (CSAH) 24, Lac qui Parle County; thence along CSAH 24 to U.S. Highway 75, Lac qui Parle County; thence along U.S. Highway 75 to CSAH 28, Lac qui Parle County; thence along CSAH 28 to STH 119; thence along STH 119 to CSAH 20, Lac qui Parle County; thence along CSAH 20 to CSAH 31, Lac qui Parle County; thence along CSAH 31 to U.S. Highway 212, Lac qui Parle County; thence along U.S. Highway 212 to CSAH 19, Lac qui Parle County; thence along CSAH 19 to CSAH 8, Yellow Medicine County; thence along CSAH 8 to STH 67, Yellow Medicine County; thence along STH 67 to CSAH 43, Yellow Medicine County; thence along CSAH 43 to STH 23, Yellow Medicine County; thence along STH 23 to CSAH 2, Yellow Medicine County; thence along CSAH 2 to STH 67, Yellow Medicine County; thence along STH 67 to CSAH 1, Yellow Medicine County; thence along CSAH 1 to CSAH 9, Redwood County; thence along CSAH 9 to STH 273, Redwood County; thence along STH 273 to STH 19, Redwood County; thence along STH 19 to STH 67, Redwood County; thence along STH 67 to STH 68; thence along STH 68 to STH 4; thence along STH 4 to CSAH 24, Brown County; thence along CSAH 24 to CSAH 11, Brown County; thence along CSAH 11 to CSAH 20, Brown County; thence along CSAH 20 to STH 257; thence along STH 257 to STH 15; thence along STH 15 to CSAH 19, Brown County; thence along CSAH 19 to CSAH 22, Blue Earth County; thence along CSAH 22 to CSAH 6, Blue Earth County; thence along CSAH 6 to STH 60; thence along STH 60 to STH 22; thence along STH 22 to STH 30; thence along STH 30 to CSAH 3, Waseca County; thence along CSAH 3 to CSAH 29, Faribault County; thence along CSAH 29 to STH 22; thence along STH 22 to the point of beginning.

Subp. 6. **Permit area 505.** Permit area 505 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of the western boundary of the state and County State-Aid Highway (CSAH) 24, Lac qui Parle County; thence along CSAH 24 to U.S. Highway 75, Lac qui Parle County; thence along U.S. Highway 75 to CSAH 28, Lac qui Parle County; thence along CSAH 28 to State Trunk Highway (STH) 119; thence along STH 119 to CSAH 20, Lac qui Parle County; thence along CSAH 20 to CSAH 31, Lac qui Parle County; thence along CSAH 31 to U.S. Highway 212; thence along U.S. Highway 212 to CSAH 19, Lac qui Parle County; thence along CSAH 19 to CSAH 8, Yellow Medicine County; thence along CSAH 8 to STH 67, Yellow Medicine County; thence along STH 67 to CSAH 43, Yellow Medicine County; thence along CSAH 43 to STH 23; thence along STH 23 to CSAH 2, Yellow Medicine County; thence along CSAH 2 to STH 67; thence along STH 67 to CSAH 1, Yellow Medicine County; thence along CSAH 1 to CSAH 9, Redwood County; thence along CSAH 9 to STH 273; thence along STH 273 to STH 19, Redwood County; thence along STH 19 to STH 67, Redwood County; thence along STH 67 to STH 68, Redwood County; thence along STH 68 to STH 4, Brown County; thence along STH 4 to CSAH 24, Brown County; thence along CSAH 24 to CSAH 11, Brown County; thence along CSAH 11 to CSAH 20, Brown County; thence along CSAH 20 to STH 257, Brown County; thence along STH 257 to STH 15, Brown County; thence along STH 15 to CSAH 19, Brown County; thence along CSAH 19 to CSAH 22, Blue Earth County; thence along CSAH 22 to CSAH 6, Blue Earth County; thence along CSAH 6 to STH 60, Blue Earth County; thence along STH 60 to CSAH 26, Blue Earth County; thence along CSAH 26 to CSAH 15, Le Sueur County; thence along CSAH 15 to STH 99, Le Sueur County; thence along STH 99 to CSAH 11, Le Sueur County; thence along CSAH 11 to

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CSAH 26, Le Sueur County; thence along CSAH 26 to CSAH 11, Le Sueur County; thence along CSAH 11 to STH 19, Le Sueur County; thence along STH 19 to Interstate Highway 35; thence along Interstate Highway 35 to CSAH 70, Dakota County; thence along CSAH 70 to CSAH 8, Scott County; thence along CSAH 8 to STH 13, Scott County; thence along STH 13 to STH 282; thence along STH 282 to CSAH 9, Scott County; thence along CSAH 9 to Valley View Drive, Scott County; thence along Valley View Drive to 195th Street, Scott County; thence along 195th Street to the eastern boundary of the Minnesota Valley State Recreation Area; thence along the eastern and northern boundary of said recreation area to the east bank of the Minnesota River; thence along the east bank of the Minnesota River to CSAH 45, Carver County; thence along CSAH 45 to CSAH 50, Carver County; thence along CSAH 50 to CSAH 43, Carver County; thence along CSAH 43 to CSAH 11, Carver County; thence along CSAH 11 to STH 5; thence along STH 5 to CSAH 30, Carver County; thence along CSAH 30 to CSAH 92, Hennepin County; thence along CSAH 92 to CSAH 6, Hennepin County; thence along CSAH 6 to CSAH 20, Carver County; thence along CSAH 20 to the east bank of the south fork of the Crow River; thence along the east bank of the south fork of the Crow River to STH 25; thence along STH 25 to STH 5; thence along STH 5 to U.S. Highway 212; thence along U.S. Highway 212 to STH 5; thence along STH 5 to CSAH 9, Sibley County; thence along CSAH 9 to CSAH 3, Nicollet County; thence along CSAH 3 to STH 22; thence along STH 22 to CSAH 1, Nicollet County; thence along CSAH 1 to STH 15; thence along STH 15 to STH 19; thence along STH 19 to STH 4; thence along STH 4 to CSAH 4, Renville County; thence along CSAH 4 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 212; thence along U.S. Highway 212 to STH 23; thence along STH 23 to CSAH 4, Chippewa County; thence along CSAH 4 to STH 7; thence along STH 7 to STH 29; thence along STH 29 to STH 40; thence along STH 40 to STH 7; thence along STH 7 to CSAH 25, Big Stone County; thence along CSAH 25 to CSAH 10, Big Stone County; thence along CSAH 10 to CSAH 21, Big Stone County; thence along CSAH 21 to STH 28; thence along STH 28 to the western boundary of the state; thence along the western boundary of the state to the point of beginning.

**Subp. 7. Permit area 506.** Permit area 506 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 28 and the western boundary of the state; thence along the western boundary of the state to U.S. Highway 10; thence along U.S. Highway 10 to STH 9; thence along STH 9 to Interstate Highway 94; thence along Interstate Highway 94 to STH 29; thence along STH 29 to STH 104; thence along STH 104 to U.S. Highway 12; thence along U.S. Highway 12 to the east bank of the south fork of the Crow River; thence along the east bank of the south fork of the Crow River to STH 25; thence along STH 25 to STH 5; thence along STH 5 to U.S. Highway 212; thence along U.S. Highway 212 to STH 5; thence along STH 5 to County State-Aid Highway (CSAH) 9, Sibley County; thence along CSAH 9 to CSAH 3, Nicollet County; thence along CSAH 3 to STH 22; thence along STH 22 to CSAH 1, Nicollet County; thence along CSAH 1 to STH 15; thence along STH 15 to STH 19; thence along STH 19 to STH 4; thence along STH 4 to CSAH 4, Renville County; thence along CSAH 4 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 212; thence along U.S. Highway 212 to STH 23; thence along STH 23 to CSAH 4, Chippewa County; thence along CSAH 4 to STH 7; thence along STH 7 to STH 29; thence along STH 29 to STH 40; thence along STH 40 to STH 7; thence along STH 7 to CSAH 25, Big Stone County; thence along CSAH 25 to CSAH 10, Big Stone County; thence along CSAH 10 to CSAH 21, Big Stone County; thence along CSAH 21 to STH 28; thence along STH 28 to the western boundary of the state; thence along the western boundary of the state to the point of beginning.

**Subp. 8. Permit area 507.** Permit area 507 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State-Aid Highway (CSAH) 17, Clearwater County and U.S. Highway 2; thence along U.S. Highway 2 to State Trunk Highway (STH) 92; thence along STH 92 to CSAH 27, Clearwater County; thence along CSAH 27 to the Mahnomen County line; thence along the Mahnomen County line to CSAH 3, Mahnomen County; thence along CSAH 3 to STH 113; thence along STH 113 to CSAH 13, Mahnomen County; thence along CSAH 13 to CSAH 21, Becker County; thence along CSAH 21 to CSAH 132, Becker County; thence along CSAH 132 to CSAH 26, Becker County; thence along CSAH 26 to U.S. Highway 59; thence along U.S. Highway 59 to U.S. Highway 10; thence along U.S. Highway 10 to STH 9; thence along STH 9 to Interstate Highway 94; thence along Interstate Highway 94 to STH 29; thence along STH 29 to STH 104; thence along STH 104 to U.S. Highway 12; thence along U.S. Highway 12 to the south fork of the Crow River; thence along the Crow River to its confluence with the Mississippi River; thence along the Mississippi River to U.S. Highway 169; thence along U.S. Highway 169 to STH 95; thence along STH 95 to STH 23; thence along STH 23 to the Mississippi River; thence along the east bank of the Mississippi River to the confluence with the Crow Wing River; thence

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along the north bank of the Crow Wing River to CSAH 36, Cass County; thence westerly and northerly along CSAH 36 to STH 210; thence along STH 210 to CSAH 18, Cass County; thence along CSAH 18 to CSAH 77, Cass County; thence along CSAH 77 to CSAH 15, Cass County; thence along CSAH 15 to County Road 107, Cass County; thence along County Road 107 to the city limits of Lake Shore, Cass County; thence along the southern, western, and northern boundaries of the city limits of Lake Shore to CSAH 29, Cass County; thence along CSAH 29 to STH 371; thence along STH 371 to STH 200; thence along STH 200 to STH 371; thence along STH 371 to U.S. Highway 2; thence along U.S. Highway 2 to the point of beginning.

Subp. 9. **Permit area 508.** Permit area 508 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 2 and State Trunk Highway (STH) 371; thence along U.S. Highway 2 to STH 6; thence along STH 6 to STH 200; thence along STH 200 to U.S. Highway 2; thence along U.S. Highway 2 to the eastern boundary of the state; thence along the eastern boundary of the state to STH 95; thence along STH 95 to STH 23; thence along STH 23 to the Mississippi River; thence along the east bank of the Mississippi River to the confluence with the Crow Wing River; thence along the north bank of the Crow Wing River to County State-Aid Highway (CSAH) 36, Cass County; thence westerly and northerly along CSAH 36 to STH 210; thence along STH 210 to CSAH 18, Cass County; thence along CSAH 18 to CSAH 77, Cass County; thence along CSAH 77 to CSAH 15, Cass County; thence along CSAH 15 to County Road 107, Cass County; thence along County Road 107 to the city limits of Lake Shore, Cass County; thence along the southern, western, and northern boundaries of the city limits of Lake Shore to CSAH 29, Cass County; thence along CSAH 29 to STH 371; thence along STH 371 to STH 200; thence along STH 200 to STH 371; thence along STH 371 to the point of beginning.

Subp. 10. **Permit area 509.** Permit area 509 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 10 and the western boundary of the state; thence along the western boundary of the state to the northern boundary of the state; thence along the northern boundary of the state to State Trunk Highway (STH) 310; thence along STH 310 to STH 89; thence along STH 89 to County State-Aid Highway (CSAH) 54, Marshall County; thence along CSAH 54 to a point due west of the northwestern corner of the Red Lake Indian Reservation; thence east to said corner; thence along the western boundary of the Red Lake Indian Reservation to the west shore of the Sandy River, Clearwater County; thence along the west shore of the Sandy River to Township Road (TR) 279th Avenue or Bailey's Road; thence along TR 279th Avenue or Bailey's Road south to TR Clover Road; thence along TR Clover Road to CSAH 11, Clearwater County; thence along CSAH 11 to CSAH 4, Clearwater County; thence along CSAH 4 to CSAH 14, Clearwater County; thence along CSAH 14 to CSAH 3, Clearwater County; thence along CSAH 3 to CSAH 17, Clearwater County; thence along CSAH 17 to U.S. Highway 2; thence along U.S. Highway 2 to STH 92; thence along STH 92 to CSAH 27, Clearwater County; thence along CSAH 27 to the Mahnomon County line; thence along the Mahnomon County line to CSAH 3, Mahnomon County; thence along CSAH 3 to STH 113; thence along STH 113 to CSAH 13, Mahnomon County; thence along CSAH 13 to CSAH 21, Becker County; thence along CSAH 21 to CSAH 132, Becker County; thence along CSAH 132 to CSAH 26, Becker County; thence along CSAH 26 to U.S. Highway 59; thence along U.S. Highway 59 to U.S. Highway 10; thence along U.S. Highway 10 to the point of beginning.

Subp. 11. **Permit area 510.** Permit area 510 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 10 and the eastern boundary of the state; thence along U.S. Highway 10 to U.S. Highway 61; thence along U.S. Highway 61 to County State-Aid Highway (CSAH) 47, Dakota County; thence along CSAH 47 to CSAH 46, Dakota County; thence along CSAH 46 to U.S. Highway 52; thence along U.S. Highway 52 to CSAH 66, Dakota County; thence along CSAH 66 to State Trunk Highway (STH) 3; thence along STH 3 to STH 50; thence along STH 50 to CSAH 23, Dakota County; thence along CSAH 23 to CSAH 70, Scott County; thence along CSAH 70 to CSAH 8, Scott County; thence along CSAH 8 to STH 13, Scott County; thence along STH 13 to STH 282; thence along STH 282 to CSAH 9, Scott County; thence along CSAH 9 to Valley View Drive, Scott County; thence along Valley View Drive to 195th Street, Scott County; thence along 195th Street to the eastern boundary of the Minnesota Valley State Recreation Area; thence along the eastern and northern boundary of said recreation area to the east bank of the Minnesota River; thence along the east bank of the Minnesota River to CSAH 45, Carver County; thence along CSAH 45 to CSAH 50, Carver County; thence along CSAH 50 to CSAH 43, Carver County; thence along CSAH 43 to CSAH 11, Carver County; thence along CSAH 11 to STH 5; thence along STH 5 to CSAH 30, Carver County; thence along CSAH 30 to CSAH 92, Hennepin County; thence along CSAH 92 to CSAH 6, Hennepin County; thence along CSAH 6 to CSAH 20, Carver County; thence along

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CSAH 20 to the east bank of the south fork of the Crow River; thence along the east bank of the south fork of the Crow River to its confluence with the Mississippi River; thence along the Mississippi River to U.S. Highway 169; thence along U.S. Highway 169 to STH 95; thence along STH 95 to the eastern boundary of the state; thence along the eastern boundary of the state to the point of beginning.

Subp. 12. **Permit area 511.** Permit area 511 is that portion of the state posted as the Carlos Avery Wildlife Management Area in Anoka and Chisago Counties.

Subp. 13. **Permit area 512.** Permit area 512 is that portion of the state posted as the Mille Lacs Wildlife Management Area in Mille Lacs County.

## **6240.2300 COMMON CROW SEASON.**

Subpart 1. **Open dates.** Common crows may be taken from July 15 through October 15 and from March 1 through to March 31, August 1 to September 20, and December 7 to January 15.

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

**REPEALER.** The expedited emergency amendments to *Minnesota Rules*, parts 6236.0300; and 6236.0810, published in the *State Register*, volume 38, page 5, July 1, 2013, are repealed.

**EFFECTIVE PERIOD.** The expedited emergency amendments to *Minnesota Rules*, parts 6236.0100, 6236.0300, 6236.0600, 6236.0810, and 6240.2300, expire July 1, 2014. The expedited emergency amendments to *Minnesota Rules*, part 6230.0200, expires May 1, 2015.

## Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

## Office of the Governor

### Executive Order 13-13: Assigning Emergency Responsibilities to State Agencies; Rescinding Executive Order #11-03

**I, MARK DAYTON, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and the applicable statutes, including *Minnesota Statutes*, Chapter 12, do hereby issue this Executive Order:

**WHEREAS**, natural and technological disasters, as well as emergencies have and may occur in any part of the state; and

**WHEREAS**, national and international events, such as conflict or threats of terrorism can increase the need for emergency preparedness within the state; and

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**WHEREAS**, agencies may be called upon to respond to and/or assist in the recovery from the effects of these emergency situations and disasters.

**NOW, THEREFORE**, I hereby order that:

1. Each department and independent state agency included in this Executive Order shall designate a member of its staff as its emergency preparedness response contact/coordinator (EPRC/C). Such individual shall serve as the point of contact for the Division of Homeland Security and Emergency Management and other state agencies with regard to emergency preparedness and response issues, and shall represent that agency on the Minnesota Emergency Preparedness and Response Committee (EPRC).
2. The Division of Homeland Security and Emergency Management shall establish a Homeland Security Advisory Committee (HSAC) to determine strategies and priorities for homeland security activities across disciplines and ensure coordination of all available federal preparedness funding sources. Each agency, as identified by Homeland Security and Emergency Management, shall designate a member of its staff to represent it on the HSAC.
3. Each department, independent division, bureau, board, commission and independent institution of the State government, hereinafter referred to as "agency," shall carry out the general emergency preparedness, planning, response, recovery, hazard mitigation continuity of operations and service continuation responsibilities described in this Executive Order, the specific emergency assignments contained in the Minnesota Emergency Operations Plan, the State All-Hazard Mitigation Plan, and such other duties as may be requested by the Division of Homeland Security and Emergency Management. The head of each agency shall be accountable for the execution of the responsibilities described in this Executive Order.

## I. Emergency Preparedness/Planning

A. The Division of Homeland Security and Emergency Management shall have overall responsibility for coordinating the development and maintenance of the All-Hazard Minnesota Emergency Operations Plan.

B. Each agency shall develop and update, as necessary, its own emergency plan/procedures. Each agency's emergency operations plan/ procedures must provide for:

1. Execution of the emergency responsibilities that are assigned to the agency in this Executive Order, and are elaborated upon in the Minnesota Emergency Operations Plan;
2. Pre-delegation of emergency authority;
3. Emergency action steps or procedures;
4. Commitment of resources for the development and maintenance of an agency's All-Hazard Emergency Operations Plan; and
5. Whole community planning by providing representation on the Access and Functional Needs committee upon request of the division of Homeland Security and Emergency Management. This committee will enhance whole community planning statewide by advocating for the needs of citizens with access and functional needs, providing planning guidance and training, identifying specialized resources, and assisting agencies providing services to people with disabilities in participating in whole community planning efforts.

C. Each agency shall develop and update, as necessary, its own service continuation plan. Minnesota Management and Budget shall manage the state's service continuation program, to include any event that may impact critical government services as it relates to human capital. Each agency's service continuation plan must provide for:

1. Prioritizing the agency's service functions, using the state defined priority service function levels one through four; and
2. Commitment of resources for the development and maintenance of an agency's service continuity plan.



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## Executive Orders

D. The Office of MN.IT Services shall have overall responsibility for the state's enterprise business continuity management program, managing the state's preparedness for and response to business and technology interruptions.

1. Each agency shall develop and maintain its own continuity of operations plan.
2. Each agency must designate a member of its staff as its business continuity management coordinator who is responsible for managing the agency's business continuity management program and developing and maintaining the agency's continuity of operations plan.
3. Each agency's continuity of operations plan must meet existing state continuity of operations plan standards.

### II. Emergency Response

A. Each agency responding to a disaster or emergency shall use the National Incident Management System (NIMS) Incident Command System. In the event of a disaster or emergency requiring a multiple state agency response, a unified command structure shall be established. If, due to the nature of an incident, a single agency has a larger/primary role in the response to that incident, that agency may be referred to as the "lead agency." The Division of Homeland Security and Emergency Management shall have the coordinating role in a multiple agency response to a disaster or emergency. Each agency shall support this coordinated multi-agency response and carry out their specific assignments, as described in the Minnesota Emergency Operations Plan.

B. Each agency shall be responsible for assigning necessary personnel to report to the state, regional and/or on-site emergency operations center(s) and information hotline, if such are activated, in accordance with the Minnesota Emergency Operations Plan when directed by the Division of Homeland Security and Emergency Management. The responding personnel shall be prepared to direct the activities of their agency's response personnel, and shall carry out the emergency responsibilities assigned to their agency in this Executive Order and elaborated upon in the Minnesota Emergency Operations Plan.

C. Each agency responding to a disaster or emergency must have at least one employee who has completed the entire emergency management training curriculum. The Division of Homeland Security and Emergency Management training curriculum provides the knowledge and skills to assist state employees whose essential job duties involve emergency management.

### III. Recovery/Hazard Mitigation

A. Each agency that has a role in emergency management shall participate in the development of hazard mitigation strategies to reduce or eliminate the vulnerability of life and property to the effects of emergencies and disasters.

B. Following a presidential declaration of a major disaster, each agency shall be responsible for carrying out the hazard mitigation responsibility assignments contained in this Executive Order and elaborated upon in the State All-Hazard Mitigation Plan.

C. Each agency shall, when requested by the Division of Homeland Security and Emergency Management, provide appropriate personnel to assist with the damage assessment activities associated with the Public Assistance, Individual Assistance, and Hazard Mitigation programs. They shall also provide personnel to serve on an Interagency Hazard Mitigation Team or Hazard Mitigation Survey Team, when requested.

D. Each agency shall, when requested by the Division of Homeland Security and Emergency Management, provide appropriate personnel to serve on the Minnesota Recovers Task Force, and be prepared to commit and combine resources toward the long-term recovery/mitigation effort.

E. Each agency shall, when requested by the Division of Homeland Security and Emergency Management, provide necessary personnel to staff the Disaster Recovery Centers (DRCs) that are established, following a disaster.

# Executive Orders

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F. Following a state disaster relief bill, each agency that receives disaster related appropriations from the bill shall report the balance of those appropriations to the Division of Homeland Security and Emergency Management for the purposes of coordinating the Minnesota Recovers Task Force.

4. Executive Order 11-03 is rescinded.

Pursuant to *Minnesota Statutes*, section 4.035, subdivision 2, this Executive Order will be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and will remain in effect, in accordance with *Minnesota Statutes*, section 4.035, subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this 26th day of November, 2013.

Signed: **Mark Dayton**  
**Governor**

Filed According to Law:

Signed: **Mark Ritchie**  
**Secretary of State**

## Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270C.07.

**KEY:** Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

## Minnesota Department of Revenue

### Revenue Notice # 13-07: Corporate Franchise Tax – Royalties, Fees and Other Like Income; Revocation of Revenue Notice # 93-24

Revenue Notice #93-24, which was corrected by Revenue Notice #02-20, sets forth a Department position regarding a Minnesota modification for certain royalties, fees, and other like income. That modification was repealed by 2013 *Minnesota Laws*, chapter 143, article 6, section 9 for taxable years beginning after December 31, 2012.

Revenue Notice #93-24 is revoked effective for taxable years beginning after December 31, 2012.

Publication Date: December 2, 2013

Susan VonMosch, Assistant Commissioner for Tax Policy  
Minnesota Department of Revenue

## 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, state grants and loans, and state contracts

### **Minnesota Department of Agriculture (MDA) Rural Finance Authority Notice of Meeting Schedule, Meeting Via Conference Call**

Future monthly meetings of the Rural Finance Authority Board are scheduled for 1:00 P.M. at 625 Robert Street North on the following dates in 2014: January 8; February 5; March 5; April 2; May 7; June 4; July 2; August 6; September 3; October 1; November 5; December 3.

Some members may participate in certain of these meetings by electronic means. In accordance with Minnesota Statutes, Section 471.705 (1997), the Agency, to the extent practicable, will allow a person to monitor those certain meetings electronically from a remote location. If such monitoring shall occur, the Agency may require the person making such a connection to pay for documented marginal costs that the Agency incurs as a result of the additional connection. If you wish to attend, sign in at the front desk; you will be issued a badge and call 651-201-6610 for an escort to the meeting.

For additional information, contact Jim Boerboom, Minnesota Department of Agriculture, 625 Robert Street North, St. Paul, MN 55155-2538 or call (651) 201-6395.

Jim Boerboom, Deputy Commissioner  
Minnesota Department of Agriculture

### **Minnesota Comprehensive Health Association (MCHA) Notice for Board of Directors Meeting Tuesday 10 December 2013**

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held at 1:00 p.m. on Tuesday, December 10th, 2013.

The meeting will be initiated at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

If anyone wishes to attend or participate in this meeting please contact MCHA's Executive Office (952) 593-9609 for additional information.

### **Minnesota Department of Health (MDH) Division of Health Policy Limited Exception from Minnesota's Requirements for the Standard, Electronic Exchange of Health Care Eligibility Benefit Inquiry and Response (270/271) Transactions for Payers Not Subject to HIPAA Is Continued for 2014**

*Minnesota Statutes*, section 62J.536 requires that health care providers, clearinghouses, and group purchasers (payers) exchange specified administrative transactions electronically, using a standard data content and format adopted in rule. The statute also authorizes the Commissioner of Health to exempt group purchasers not subject to federal HIPAA administrative transactions and code sets regulations from one or more of the state's data exchange requirements if the Commissioner determines that:

- i. a transaction is incapable of exchanging data that are currently being exchanged on paper and is necessary to accomplish the purpose of the transaction; or

# Official Notices

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- ii. another national electronic transaction standard would be more appropriate and effective to accomplish the purpose of the transaction.

Group purchasers not subject to HIPAA regulations include workers' compensation, auto, and property and casualty carriers.

MDH consults annually with the Minnesota Administrative Uniformity Committee (AUC) to determine whether to grant the exemption described above. Based on these consultations, MDH previously granted very narrowly targeted, annually renewable exceptions to the state rules for standard, electronic exchange of health care administrative transactions for the years 2009 through 2013. The exceptions were limited to only group purchasers not subject to HIPAA regulations, who were exempted from the data exchange requirements for only the ASC X12N/005010X279A1 Health Care Eligibility Benefit Inquiry and Response (270/271) transaction because criterion (i) above was met.

MDH consulted with the AUC in October 2013 regarding the continued need for the targeted exemption described above. MDH determined through the review process that the current limited exception to Minnesota's health care administrative data exchange rules will continue through 2014. This exception applies only to exchanges of the ASC X12N/005010X279A1 Health Care Eligibility Benefit Inquiry and Response transaction (270/271) with health care group purchasers that are not subject to federal HIPAA transactions and code sets regulations, through 2014.

The next annual review of this exception to rules adopted pursuant to Minnesota Statutes, section 62J.536 is scheduled for October 2014, to determine whether the exception will be continued through 2015.

For questions or additional information, please contact:

David K. Haugen, Director  
Center for Health Care Purchasing Improvement  
*david.haugen@state.mn.us*; (651) 201-3573

Dated: December 2, 2013

Edward P. Ehlinger, MD, MSPH, Commissioner  
Minnesota Department of Health  
P.O. Box 64975, St. Paul, MN 55164-0975

## Minnesota Higher Education Facilities Authority (MHEFA) Notice of Public Hearing on Revenue Obligations on behalf of St. Mary's University

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of Saint Mary's University of Minnesota (the "University"), as owner and operator of Saint Mary's University of Minnesota, at the Authority's office at 380 Jackson Street, Suite 450, St. Paul, Minnesota on December 18, 2013 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original principal amount of up to approximately \$10,000,000 to finance a project (the "Project") consisting of the refunding of the Authority's outstanding Revenue Bonds, Series Five-U (Saint Mary's University of Minnesota), dated March 1, 2004, which were issued in the original principal amount of \$10,980,000 (the "Series Five-U Bonds").

The Series Five-U Bonds were issued to provide funds to refinance the Authority's outstanding Mortgage Revenue Bonds, Series Three-Q (St. Marys College), dated June 1, 1993, which were issued in the original principal amount of \$12,535,000 to provide funds to finance, or to refund certain revenue bonds of the Authority originally issued to finance, various projects described as follows: (i) the acquisition, construction, furnishing and equipping of an approximately 80,000 square foot recreational facility, including pool and athletic track; (ii) the refunding of the Authority's First Mortgage Revenue Bonds, Series C (St. Marys College), dated January 1, 1973, originally issued to finance the acquisition, construction and equipping of the Village II Apartments, consisting of six residential buildings for students and faculty; (iii) the refunding of the Authority's outstanding Mortgage Revenue Bonds, Refunding Series 1976-2 (St. Marys College), dated April 1, 1977, originally issued to finance the construction and equipping of an approximately 63,000 square foot multipurpose college center building known as College Center; (iv) the refunding of the Authority's Mortgage Revenue Bonds, Series Three-F (St. Marys College), dated June 1, 1991, originally issued to refund the Authority's Variable Rate Demand Revenue Bonds, Series Two-H (St. Marys College), dated October 2, 1984, which were originally issued to finance an approximately 530 seat theater/recital hall; and (v) the refunding of the Authority's outstanding Mortgage Revenue Bonds, Series Two-M (St. Marys College), dated May 1, 1987, originally issued to finance construction and equipping of an ice arena building and an addition to the Adducci Science Center (formerly known as Hoffman Science Hall), renovation of approximately 4,600 square feet of Saint Marys/Griffin Hall and acquisition and

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## Official Notices

installation of minicomputer and telecommunications systems; all owned and operated by the University and located on the University's main campus, the principal street address of which is 700 Terrace Heights, Winona, Minnesota 55987.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: December 2, 2013.

By Order of the  
Minnesota Higher Education Facilities Authority  
Marianne Remedios, Executive Director

### Minnesota Department of Labor and Industry (DLI) Labor Standards Unit Notice of Correction to Highway Heavy, Commercial and Residential Prevailing Wage Rates

Corrections have been made to the Highway Heavy Prevailing Wage Rates certified 10/28/13:

**Labor Code 205 (Pavement Marking or Marking Removal Equipment – Operator)** in Regions 1 and 6.  
**Labor Code 707, (Electrician)** in Region 9.

Corrections have been made to the Commercial Prevailing Wage Rates certified 11/18/13:

**Labor Code 707, (Electrician)** in Anoka, Chisago, Dakota, Isanti, Kanabec, Mille Lacs, Pine, Ramsey, Rice, Sherburne, Washington Counties for Commercial Prevailing Wage Rates.

Corrections have been made to the Residential Prevailing Wage Rates certified 10/28/13:

**Labor Code 707, (Electrician)** in Anoka, Chisago, Dakota, Isanti, LeSeuer, Mille Lacs, Ramsey, Rice, Sherburne, Washington Counties for Residential Prevailing Wage Rates.

Copies with the corrected certified wage rates for these Regions may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at [www.dli.mn.gov](http://www.dli.mn.gov). Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Ken B. Petereson, Commissioner  
Minnesota Department of Labor & Industry

### Minnesota Interagency Council on Homelessness Notice of Meeting on Wednesday 11 December 2013

A meeting of the Minnesota Interagency Council on Homelessness has been scheduled for Wednesday, December 11, 2013 from 2:30 p.m. – 4:30 p.m. The location of this meeting is pending confirmation.

If you would like to attend the meeting or would like more information or to be notified of the meeting location, please send an e-mail to: [becky.schack@state.mn.us](mailto:becky.schack@state.mn.us) with your name, organization (if applicable), e-mail address and day time telephone number.

### Office of the Secretary of State Notice of Publication of the Fiscal Year 2013 Open Appointments Annual Compilation and Statistical Report

The Office of the Secretary of State has published the *Fiscal Year 2013 Open Appointments Annual Compilation and Statistical Report*.

# Official Notices

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The full publication is available on the OSS website at: <http://www.sos.state.mn.us/index.aspx?page=360>.

Vacancies are published one time per month. Current vacancies can be found on the OSS website at:

<http://www.sos.state.mn.us/index.aspx?page=308>.

You may join our e-mail list-serve by submitting your e-mail address to:

<https://public.govdelivery.com/accounts/MNSOS/subscriber/new>.

For further information please contact Nancy Breems at (651) 297-5845.

## Teachers Retirement Association (TRA) Notice of Meeting of the Board of Trustees Wednesday 11 December 2013

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, December 11, 2013 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board. Board members may participate by telephone.

## Minnesota Department of Transportation (MnDOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

### NOTICE OF DEBARMENT

**NOTICE IS HEREBY GIVEN** that the Department of Transportation ("MnDOT") has ordered that the following vendors be debarred for a period of thirty (30) months, effective August 22, 2011 until February 22, 2014:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

**NOTICE IS HEREBY GIVEN** that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, MN

**NOTICE IS HEREBY GIVEN** that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective May 6, 2013 until May 6, 2016:

- Gary Francis Bauerly and his affiliates, Rice, MN
- Gary Bauerly, LLC and its affiliates, Rice, MN
- Watab Hauling Co. and its affiliates, Rice, MN

*Minnesota Statute* section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller's or transfer's debarment.

## 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.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

## Minnesota Department of Human Services (DHS)

### Adult Mental Health Division

### Notice of Request for Proposals to Provide Acute Care Hospital Inpatient Treatment for Mental Illness under the Fee-for-Service Continuing Care Benefit Program

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services is requesting proposals to provide acute care hospital inpatient treatment for mental illness under the fee-for-service continuing care benefit program.

Work is proposed to start April 1, 2014. For more information, or to obtain a copy of the Request for Proposal, contact:

Julie L. Pearson  
Department of Human Services  
Adult Mental Health Division  
P.O. Box 64981  
444 Lafayette Road North  
St. Paul, MN 55155-0981  
**Phone:** (651) 431-4879  
**Fax:** (651) 431-7566  
**E-mail:** [julie.pearson@state.mn.us](mailto:julie.pearson@state.mn.us)

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the *e-mail* address above no later than **4:00 p.m., Central Time, January 31, 2014. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

[http://www.dhs.state.mn.us/main/id\\_000102](http://www.dhs.state.mn.us/main/id_000102)

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Minnesota Department of Human Services (DHS)

### Alcohol and Drug Abuse Division

### Notice of Request for Proposals to Implement Screening, Brief Intervention and Referral to Treatment (SBIRT)

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services is requesting proposals to implement SBIRT into primary care settings.

Work is proposed to start March 1, 2014. For more information, or to obtain a copy of the Request for Proposal, contact:

Janet Arleth  
Department of Human Services

# State Grants & Loans

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Alcohol and Drug Abuse Division  
P.O. Box 64977  
444 Lafayette Road North  
St. Paul, MN 551550977  
**Phone:** (651) 431-2459  
**Fax:** (651) 431-7449  
**E-mail:** [janet.arleth@state.mn.us](mailto:janet.arleth@state.mn.us)

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, January 13, 2014. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

[http://www.dhs.state.mn.us/main/id\\_000102](http://www.dhs.state.mn.us/main/id_000102)

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Minnesota Department of Human Services (DHS) Alcohol and Drug Abuse Division Notice of Request for Proposals to Implement Three to Four Regional Recovery Community Organizations

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services is requesting proposals to provide Regional Recovery Community Organizations in the northern, metro/central and southern regions of the State.

Work is proposed to start July 1, 2014. For more information, or to obtain a copy of the Request for Proposal, contact:

Karen Christensen, Principal Planner  
Minnesota Department of Human Services (DHS)  
Alcohol and Drug Abuse Division  
P.O. Box 64977  
540 Cedar Street  
St. Paul, MN 55155  
**Phone:** (651) 431-4239  
**Fax:** (651) 431-7449  
**E-mail:** [Karen.D.Christensen@state.mn.us](mailto:Karen.D.Christensen@state.mn.us)

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, February 4, 2014. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

[http://www.dhs.state.mn.us/main/id\\_000102](http://www.dhs.state.mn.us/main/id_000102).

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.



## State Contracts

In addition to the following listing of state contracts, readers are advised to check the Statewide Integrated Financial Tools (SWIFT) Supplier Portal at: <http://supplier.swift.state.mn.us> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be advertised in the Supplier Portal (see link above) or posted on the Department of Administration, Materials Management Division's (MMD) Web site at: <http://www.mmd.admin.state.mn.us/solicitations.htm>.

**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 advertised in the SWIFT Supplier Portal or alternatively, in the *Minnesota State Register* if the procurement is not being conducted in the SWIFT system.

## Minnesota Department of Administration (Admin) Advertising of Solicitations through the Supplier Portal

**NOTICE IS HEREBY GIVEN** that a new accounting and procurement system, called Statewide Integrated Financial Tools (SWIFT) has been implemented by the state of Minnesota which will alter the manner in which state contracts are advertised. Vendors will interact with the state through the new Supplier Portal, which is part of SWIFT. The Supplier Portal serves as an entry point for vendors to perform a variety of functions related to participation in the state's procurement activities such as vendor registration, review of contracting opportunities and submission of bids and proposals.

The Supplier Portal is found at: <http://supplier.swift.state.mn.us>. Solicitations that are announced in the Supplier Portal are not required to be announced elsewhere.

To see details of the solicitations announced in the Supplier Portal, or to respond to those solicitations, you must be a registered vendor. To become a registered vendor, go to the Vendor Registration Link in the Supplier Portal.

After a transition period, it is expected that most solicitations for professional/technical services will be announced in the Supplier Portal. In the meantime, solicitations may continue to be announced in any of these locations:

- The *State Register*
- The Department of Administration's website at: <http://www.mmd.admin.state.mn.us/solicitations.htm>
- On individual agency websites

During this transition period, vendors are encouraged to check for solicitations in the Supplier Portal and all of these locations.

## Minnesota Department of Administration (Admin) Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) Notice of Request for Proposals for Pharmaceutical Returned Goods Processing

The Department of Administration, on behalf of the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP), is requesting responses to establish contract(s) to service MMCAP Participating Facilities' needs for Pharmaceutical Returned Goods Processing Services. In the best interest of its members, MMCAP reserves the right to make multiple awards.

MMCAP is a voluntary group purchasing organization made up of governmental entities which contracts for pharmaceuticals. MMCAP members currently purchase over \$1 billion per year. For more information, go to [www.mmcap.org](http://www.mmcap.org) (no password necessary).

To request a copy of the RFP, go to <http://www.mmd.admin.state.mn.us/MMCAP/Vendors/OpenRFPs.aspx>  
The Pharmaceutical Returned Goods Processing RFP

Proposals submitted in response to the Request for Proposals in this notice must be received at the address specified in the Request for Proposals no later than January 13, 2014, 2 p.m. Central Time.

# State Contracts

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**Late proposals will not be considered.** The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice is solely the responsibility of the responder.

## **Minnesota Department of Administration (Admin) State Designer Selection Board Project No. 13-03 Notice of Availability of Request for Proposal (RFP) for Designer Selection for St. Peter Minnesota Sex Offender Program Project**

The State of Minnesota, Department of Administration is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the State Designer Selection Board website  
<http://mn.gov/admin/government/construction-projects/sdsb/> (click on Project 13-03).

The mandatory informational meeting will be held on Thursday, December 12, 2013 at 10:00 a.m. in Tomlinson Building, St. Peter Regional Treatment Center, 100 Freeman Drive, St. Peter, MN. Any questions should be directed to Mr. Gary Krocak at [gary.krocak@state.mn.us](mailto:gary.krocak@state.mn.us). Project questions will be taken by this individual only. Questions regarding this RFP must be received by December 16, 2013 no later than 4:30 p.m. CT.

Proposals must be delivered to Kathy Grochowski, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 (651.201.2389) not later than **12:00 Noon on Monday, December 30, 2013**. Late responses will not be considered.

The State of Minnesota is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

## **Minnesota State Colleges and Universities (MnSCU) Central Lakes College-Brainerd and Staples Campuses Request for Proposal for Facility Master Plan**

Central Lakes College is requesting proposals for a Facility Master Plan for Brainerd and Staples Campuses. A copy of the Request for Proposals may be obtained by contacting Debbie Sterriker, 1830 Airport Road, Staples, MN 56479, **phone:** (218) 894-5103, **e-mail:** [dsterrik@clcmn.edu](mailto:dsterrik@clcmn.edu)

Proposals must be submitted no later than Thursday, December 19, 2013 at 2:00 pm CST. All proposals must be sealed and marked "RFP for Facility Master Plan". Submit proposals to:

Central Lakes College  
Attn: Kari Christiansen  
501 West College Drive  
Brainerd, MN 56401

The college reserves the right to reject any or all proposals, to waive any information or irregularities in the bidding and to make the award serving the best interest of the college.

Central Lakes College is an affirmative action/equal opportunity employer and educator. These materials are available in alternative formats to individuals with disabilities upon request. If you use a TTY, call the Minnesota Relay Service at 1-800-627-3529 and request to contact Central Lakes College.

**Minnesota State Colleges and Universities (MnSCU)  
Metropolitan State University  
Request for Proposals for Development of Metropolitan State University Website****GENERAL STATEMENT/SCOPE:**

Metropolitan State University (hereinafter referred to as the "University" or "Metropolitan State") is requesting proposals for a fresh, innovative redesign of its university website, [www.metrostate.edu](http://www.metrostate.edu), using Ingeniux as a content management system and applying industry best practices. The work shall include development of an accessible, attractive, flexible, and vibrant look and feel driven by the needs of our primary audiences – prospective and current students, faculty, staff, job candidates, donors, alumni, board members, community members, and other University stakeholders. Work will include collaboration with Metropolitan State's Information Technology Services department, Marketing and Communications department and the Web Redesign Advisory Team, as determined.

To receive a complete copy of the proposal request/specifications, please contact Diane DeRosier Douglass by e-mail at [diane.derosierdouglass@metrostate.edu](mailto:diane.derosierdouglass@metrostate.edu).

Sealed proposals must be received by Aksana Belik **by 2:00 p.m. on Friday, January 3, 2014.**

Proposals should be mailed to: Metropolitan State University  
Purchasing Coordinator/Aksana Belik  
700 East Seventh Street  
Saint Paul, MN 55106.

The copy of the proposal must be unbound and signed in blue or black ink by an authorized representative of the vendor. Proof of authority of the person signing must accompany the response.

**Proposals received after this date and time will be returned to the responder un-opened. Fax and e-mail responses will not be considered.**

Proposals made in pencil will be rejected. Alterations in cost figures used to determine the lowest priced proposal will be rejected unless initialed in ink by the person responsible for or authorized to make decisions as to price quoted. The use of "white out" is considered an alteration.

Mail or deliver (faxes and email will not be accepted) sealed proposal to be received by Friday, January 3, 2014 2:00 p.m. CST to:  
Metropolitan State University  
Office of Financial Management  
Attn. Aksana Belik  
700 East Seventh Street, FH329  
Saint Paul, MN 55106  
**Phone:** (651) 793-1894

PROPOSAL CLOSE DATE IS **FRIDAY, JANUARY 3, 2014** – 2:00 PM CST

**Minnesota State Colleges and Universities (MnSCU)  
Winona State University  
Request for Proposals for Executive Search Consultant**

**NOTICE IS HEREBY GIVEN** that Winona State University is seeking proposals for Executive Search Consultant.

A **Pre-Award Conference Meeting** will be held on **Wednesday, December 11, 2013 at 10:30 to 11:30 A.M.** CT, in the Business Office Conference Room, Somsen 205H Winona State University, Winona, MN 55987. It is recommended that all potential or interested (Cite 38 SR 809)

# State Contracts

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responders attend the conference either in person or via conference call.

Proposal specifications are available by contacting: Deb Benz, Purchasing Director, P.O. Box 5838, 205 Somsen Hall, Winona, MN.  
**E-mail:** [dbenz@winona.edu](mailto:dbenz@winona.edu)

Sealed proposals must be received by Deb Benz, Purchasing Director, at Winona State University, PO Box 5838 or 175 West Mark Street, Business Office, Somsen Hall 205, Winona, MN 55987, by **Tuesday, December 17, 2103 at 2:00 PM. CT.**

Winona State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

## Minnesota Department of Commerce Division of Energy Resources Notice of Request for Proposals for an Assessment of the Small to Mid-sized Distributed Wind Turbine Market in Minnesota

The Minnesota Department of Commerce, Division of Energy Resources requests proposals from qualified contractors to perform an assessment of the small to mid-sized distributed wind turbine market in Minnesota.

A Request for Proposals (RFP) and required forms will be available for download on the Department's website:

<http://mn.gov/commerce/>

through Monday, January 6, 2014. Potential responders may also request a hard copy of the RFP by mail from this office. Requests for hard copies must be received by the Department no later than 12:00 p.m. (Noon) Central Standard Time (CST) on Monday, January 6, 2014. The RFP and forms can be obtained from:

**Preferred Method:** <http://mn.gov/commerce/>  
Hover over "Topics", then click on "Request for Proposals"

**U.S. Postal Service:** Grants Staff  
Minnesota Department of Commerce  
Division of Energy Resources  
85 7th Place East, Suite 500  
St. Paul, MN 55101-2198

Proposals submitted in response to this RFP must be received no later than 3:00 pm, CST, Monday, January 6, 2014. **Late proposals will NOT be considered.** Instructions for submitting proposals are detailed in the RFP.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Minnesota Department of Employment and Economic Development (DEED) Minnesota Trade Office Notice of Availability of Contract for Minnesota Trade Office – Sao Paulo, Brazil

The Minnesota Department of Employment and Economic Development is requesting proposals for the purpose of a qualified Contractor to market Minnesota as a location for foreign direct investment by South American-owned firms and to provide export

promotion services to Minnesota companies for the purpose of expanding exports of products and services to South America. Contractor must have an existing office in Sao Paulo, Brazil, as a primary business location.

Work is proposed to start after January 1, 2014

A Request for Proposals will be available by mail from this office through December 16, 2013. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After December 16, 2013, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Jackie Geiger  
Minnesota Trade Office  
1<sup>st</sup> National Bank Building  
332 Minnesota Street, East  
Phone: (651) 296-3555

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than December 23, 2013. **Late proposals will NOT be considered.** Fax or emailed proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Minnesota Department of Employment and Economic Development (DEED)

### Minnesota Trade Office

#### Notice of Availability of Contract for Minnesota Trade Office – Seoul, Korea

The Minnesota Department of Employment and Economic Development is requesting proposals for the purpose of a qualified Contractor to market Minnesota as a location for foreign direct investment by Asian-owned firms and to provide export promotion services to Minnesota companies for the purpose of expanding exports of products and services to Asia, not including China. Contractor must have an existing office in Seoul, Korea, as a primary business location.

Work is proposed to start after January 1, 2014

A Request for Proposals will be available by mail from this office through December 16, 2013. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After December 16, 2013, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Jackie Geiger  
Minnesota Trade Office  
1<sup>st</sup> National Bank Building  
332 Minnesota Street, East  
Phone: (651) 296-3555

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than December 23, 2013. **Late proposals will NOT be considered.** Fax or emailed proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

# State Contracts

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## Explore Minnesota Tourism

### Notice of Availability of Contract for French Tourism Marketing Representation

The Minnesota Department of Explore Minnesota Tourism is requesting proposals for the purpose of developing a proactive program of trade and consumer based activities which will enhance the position of Minnesota in key trade and media distribution markets in France to promote travel to Minnesota.

Work is proposed to start after February 1, 2014.

A Request for Proposals will be available by mail or email from this Office. **A written request (by direct mail, email or fax) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Leann Kispert, Senior Marketing Manager  
Explore Minnesota Tourism  
121 East 7<sup>th</sup> Place, Suite 100  
Saint Paul, MN 55101 USA  
Telephone: (651) 757-1854  
Fax: (651) 296-7095  
E-mail: [Leann.Kispert@state.mn.us](mailto:Leann.Kispert@state.mn.us)

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:30 pm Central Standard Time on December 17, 2013. **Late proposals will NOT be considered.**

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Minnesota State Lottery

### Request for Proposals for Sponsorship Agreements

#### Description of Opportunity

The Minnesota State Lottery develops sponsorship agreements throughout the year with organizations, events, and sports teams to create excitement for lottery players, to interest new players and increase the visibility of lottery games. The Lottery encourages and continually seeks new sponsorship agreements to help achieve current Lottery marketing goals.

#### Proposal Content

A sponsorship proposal presented to the Lottery should meet the following three criteria:

**1. Maximize Lottery Visibility** – the event, sports or tie-in proposal should draw a large number of desired participants (typically 50,000 or more) whose demographics match the Lottery player profile. The Lottery is interested in effectively delivering its message of fun and entertainment to Minnesota adults whose demographics skew primarily towards those aged 25-64, with a household income of \$35,000-\$75,000, and having an educational background of some college or higher. The Lottery does not market to those under the age of 18, and family events with high levels of children present are generally not accepted. Attendance, on-site signage visibility and paid media exposure will be critical components that will be evaluated.

**2. Enhance Lottery Image** – the event, sports or tie-in proposal should inherently project the attitude that the Lottery is a fun and socially acceptable part of the community. The Lottery's presence should fit well within the lineup of other sponsors. The Lottery is interested in creating opportunities whereby the sponsorship can translate into sales revenue, either via on-site sales from a Lottery booth, from sales-generating promotions with Lottery retailers or from joint programs with the sponsor's media partners.

**3. Provide Promotional Extensions** – the event, sports or tie-in proposal should offer exciting, value-added ways to interact with our players and have opportunities to motivate attendees, listeners and viewers to participate in and purchase Lottery games. The proposal must include proper staffing availability or other considerations to help the Lottery implement any appropriate promotional extension ideas.

Proposals should address all pertinent elements of the sponsorship and how the Lottery criteria as stated above and on the Evaluation Form are to be met. To view or print copies of the Request for Proposal go to <http://www.mnlottery.com/vendorops.html>

This Solicitation does not obligate the state to award a contract or pursue a proposed sponsorship opportunity, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

### Questions

Questions concerning this Solicitation should be directed to:

Jason LaFrenz, Marketing Director  
Minnesota State Lottery  
2645 Long Lake Road  
Roseville, MN 55113  
**Telephone:** (651) 635-8230  
**Toll-free:** 1-888-568-8379 ext. 230  
**Fax:** (651) 297-7496  
**TTY:** (651) 635-8268  
**E-mail:** [jasonla@mnlottery.com](mailto:jasonla@mnlottery.com)

Other personnel are not authorized to answer questions regarding this Solicitation.

### Response Delivery

All responses must be in writing and delivered to the contact noted above. Proposals will be accepted on an ongoing basis.

## Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop 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 awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to 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 expenses are 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 applications forms are available on Mn/DOT’s Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

# State Contracts

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Send completed application material to:

Kelly Arneson  
Consultant Services  
Office of Technical Support  
Minnesota Department of Transportation  
395 John Ireland Blvd. - Mail Stop 680  
St. Paul, MN 55155

## Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

**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](http://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. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

## Minnesota Zoo Request for Information for an Integrated Point of Sale (POS) System

The Minnesota Zoo is soliciting information regarding current products and services of qualified vendors specifically related to the implementation of an integrated point of sale (POS) system that will include admissions, memberships, group purchases, program bookings, event registration, retail and food sales. The goals of this project are to increase efficiency, increase revenue, and support a quality visitor experience.

The Minnesota Zoo is currently developing an RFP to procure the services of a vendor to implement and transition an integrated point of sale system, including the migration of existing data. The purpose of this RFI is to identify and obtain information from potential vendors from the industry to assist in finalizing the RFP. The release of this RFI does not guarantee that the Zoo will release the RFP. This RFI is strictly for informational purposes.

Vendors are asked to acknowledge their ability to fully implement an integrated point of sale system, and if yes, provide further information to support their ability by responding to this RFI.

The Request for Information can be obtained from: Mary Robison - E-mail: [mary.robison@state.mn.us](mailto:mary.robison@state.mn.us)

Responses are due by Dec 17, 2013 5:00 PM central time.



## Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the 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.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>.

### Goodhue County

#### Request for Proposals for Public-Private Partnership for Park and Recreation Enterprise

**NOTICE:** Goodhue County is soliciting Request for Proposals (RFP) for a *Public-Private Partnership for Park Related Enterprise on Goodhue County Land Adjacent to the Lake Byllesby Park*.

Sealed proposals will be received by the Goodhue County Administrator at his office (Room 309) in the Goodhue County Government Center, 509 W 5<sup>th</sup> St., Red Wing, Minnesota, 55066 until 4:00 p.m. on Friday, January 31<sup>st</sup>, 2014.

Interested parties can view the full ad and the RFP on the County **website:** [www.co.goodhue.mn.us](http://www.co.goodhue.mn.us)

BY ORDER OF THE GOODHUE COUNTY BOARD OF COMMISSIONERS  
Scott Arneson, Goodhue County Administrator

### Metropolitan Airports Commission (MAC)

#### Minneapolis-Saint Paul International Airport

#### Notice of Call for Bids for MAC Energy Conservation Project 2014 (P20/21)

MAC Contract No.: 106-2-669  
Bids Close At: 2:00 p.m. December 17, 2013

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The work of this project includes boiler stack heart recovery at the EMC, motor efficiency controllers at moving walks and escalators, and automatic lighting controls integrated with OABA.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 5%.

**Bid Security:** Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota. regularities, informalities or discrepancies.

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of Architectural Alliance, at the Minnesota Builders Exchange; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on

# Non-State Public Bids, Contracts & Grants

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November 25, 2013, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

## Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for Electrical Infrastructure Rehab 2014 (P6)

**MAC Contract No.:** 106-2-705  
**Bids Close At:** 2:00 p.m. December 17, 2013

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The work includes installing new medium voltage feeders from the existing MAC Gear in the East Switchgear Room to the new shell space/future North-East Switchgear Room via existing duct banks.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 8%.

**Bid Security:** Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of Architectural Alliance, at the Minnesota Builders Exchange; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on November 25, 2013, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

## Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for Emergency Power Upgrades 2014 (P5)

**MAC Contract No.:** 106-2-706  
**Bids Close At:** 2:00 p.m. December 17, 2013

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The work includes installing a close transition/isolation bypass transfer switch and distribution boards for emergency power distribution in the parking ramps to aid in the separation of emergency (life safety) and optional critical loads.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 6%.

**Bid Security:** Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of Architectural Alliance, at the

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## Non-State Public Bids, Contracts & Grants

Minnesota Builders Exchange; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on November 25, 2013, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

# Minnesota's Bookstore

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### **NEW EDITIONS:**

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Published by the Architects & Engineering Board, 6" x 9", Saddle stitched, 63-pages, Stock No. 179, \$13.00 + tax

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Published by the Campaign Finance & Public Disclosure Board, 8.5" x 11", Spiral bound, 106-pages, Stock No. 150, \$15.95 + tax

#### ***Dentistry Laws & Rules - NEW***

Published by the Board of Dentistry, 8 1/2" x 11", Perfect bound, 146-pages, Stock No. 151, \$16.95 + tax

#### ***Gambling Laws - NEW***

Published by the Gambling Control Board, 8.5" x 11", 3-hole punched, shrink wrapped, 63-pages, Stock No. 96, \$12.95 + tax

#### ***Home & Community-Based Services Standards - NEW***

(formerly known as Developmentally Disabled Laws & Rules)

Published by the Department of Human Services, 6" x 9", Perfect bound, 261-pages, Stock No. 750, \$21.95 + tax

#### ***Home Care Laws & Rules - new edition***

Published by the Department of Health, 6" x 9", Perfect bound, 235-pages, Stock No. 97, \$20.95 + tax

#### ***Lawful Gambling Manual - NEW***

Published by the Gambling Control Board, 8.5" x 11", Loose leaf, shrink-wrapped, 3-hole punched, 304-pages,

Stock No. 13964, \$34.95 + tax



**Several convenient ways to order:**

- ♦ **Retail store** Open 8 a.m. - 5 p.m. Monday - Friday, 660 Olive Street, St. Paul
- ♦ **Phone** (credit cards): 8 a.m. - 5 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- ♦ **On-line orders:** www.minnesotasbookstore.com
- ♦ **Minnesota Relay Service:** 8 a.m. - 5 p.m. Monday - Friday, 1.800.627.3529 (nationwide toll-free)
- ♦ **Fax** (credit cards): 651.215.5733 (fax line available 24 hours/day)
- ♦ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

**PREPAYMENT REQUIRED. Prices and availability subject to change.**

**Fax and phone orders:** Credit card purchases ONLY (American Express/Discover/MasterCard/VISA). Please allow 1-2 weeks for delivery. **Mail orders:** Complete order blank and send to address above. Enclose check or include credit card information. Please allow 4-6 weeks for delivery. Please make checks payable to "Minnesota's Bookstore." A \$20.00 fee will be charged for returned checks.

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<i>If Product</i>	<i>Please</i>
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\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$1,000	\$ 17.00*
*\$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.	
More than \$1,000	Call

Product Subtotal \_\_\_\_\_

Shipping \_\_\_\_\_

Subtotal \_\_\_\_\_

Sales tax \_\_\_\_\_

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**TOTAL** \_\_\_\_\_

If tax exempt, please provide ES number or completed exemption form.  
ES# \_\_\_\_\_