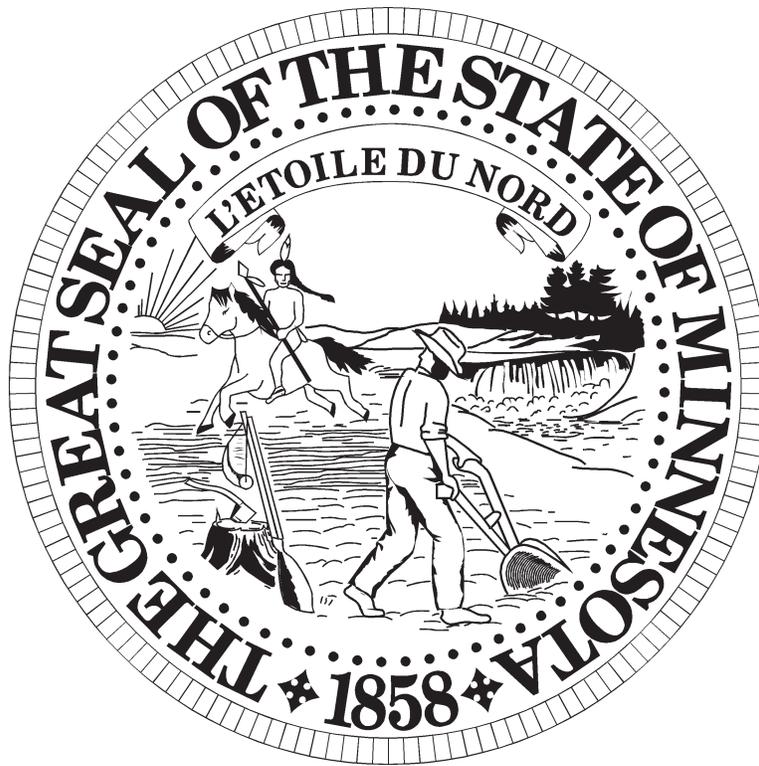


Minnesota

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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 9 November 2015
Volume 40, Number 19
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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- Withdrawn Rules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. 40 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 20	Monday 16 November	Noon Tuesday 10 November	Noon Thursday 5 November
# 21	Monday 23 November	Noon Tuesday 17 November	Noon Thursday 12 November
# 22	Monday 30 November	Noon Tuesday 24 November	Noon Thursday 19 November
# 23	Monday 7 December	Noon Tuesday 1 December	Noon WEDNESDAY 25 November

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Website: www.senate.mn

House Public Information Services (651) 296-2146
State Office Building, Room 175,
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

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Helpline (651) 296-2600, or Web site: www.mmd.admin.state.mn.us

For additional contracts go to:
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For additional grants go to the Office of Grants Management (OGM) at:
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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. 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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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 Department of Education (MDE)

Division of Equity and Innovation

Proposed Permanent Rules Relating to Achievement and Integration

NOTICE OF HEARING

Proposed Rule Amendment to Rules Governing Achievement and Integration, *Minnesota Rules*, Chapter 3535.0010-0060; Revisor's ID Number 4309; Repeal of *Minnesota Rules*, parts 3535.0100; 3535.0110; 3535.0120; 3535.0130; 3535.0140; 3535.0160; 3535.0170; and 3535.0180

Public Hearing. The Department of Education intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in Conference Center B, room 16, at the Minnesota Department of Education, 1500 Highway 36, Roseville, Minnesota 55113, starting at 9:30am on January 6, 2016 and continuing that day until the hearing is completed. If a second day is needed the hearing will continue on January 7, 2016, starting at 9:30am at the Minnesota Department of Education in Conference Center B, room 16. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. Administrative Law Judge Ann O'Reilly will conduct the hearing. Judge O'Reilly's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7875, and **fax:** (651) 539-0310 or **e-mail:** denise.collins@state.mn.us. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

Subject of Rules, Statutory Authority, and Agency Contact Person. The proposed rules are about achievement and integration in Minnesota schools. The existing *Minnesota Rules*, parts 3535.0100; 3535.0110; 3535.0120; 3535.0130; 3535.0140; 3535.0160; 3535.0170; and 3535.0180 will be repealed. The proposed rules are authorized by *Minnesota Statutes*, section 124D.896. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A copy of the proposed rules is also available at the agency's integration rulemaking website at: <http://education.state.mn.us/MDE/Welcome/Rule/ActiveRule/SchDesegInteg/index.htm>. A free copy of the rules is also available upon request from the agency contact person. The agency contact person is: Kerstin Forsythe Hahn at the Minnesota Department of Education, 1500 Highway 36, Roseville, Minnesota 55113, **phone:** (651) 582-8583 or **e-mail:** Kerstin.forsythe@state.mn.us.

Proposed Rules

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement of need and reasonableness is available from the agency contact person and also available on the agency's integration rulemaking website here: <http://education.state.mn.us/MDE/Welcome/Rule/ActiveRule/SchDesegInteg/index.htm> . You may review or obtain copies for the cost of reproduction by contacting the agency contact person list above.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above or to rulecomments@state.mn.us. All evidence that you present should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above prior to the hearing date.

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 agency contact person at the address or telephone number listed above.

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

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

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

Dated: 27 October 2015

Brenda Cassellius, Commissioner
Minnesota Department of Education

3535.0010 PURPOSE AND INTERACTION WITH OTHER LAW.

A. Parts 3535.0010 to 3535.0060 are intended to implement *Minnesota Statutes*, sections 124D.861 and 124D.862.

B. Parts 3535.0010 to 3535.0060 shall not be construed to limit the commissioner's, a school district's, or a charter school's responsibilities and duties under *Minnesota Statutes*, sections 123B.30, 124D.855, and 127A.42, and chapter 363A, and Title IV of the *Civil Rights Act of 1964*.

C. American Indian students who are members of sovereign nations maintain their dual status under the provisions of parts

Proposed Rules

3535.0010 to 3535.0060.

3535.0020 DEFINITIONS.

Subpart 1. Scope. For purposes of parts 3535.0010 to 3535.0060, and for determining funding under *Minnesota Statutes*, section 124D.862, the terms defined in this part have the meanings given them.

Subp. 2. Collaborative. “Collaborative” means:

A. a group of one or more districts adjacent to a district that qualifies under part 3535.0030, subpart 1, item A, that has voluntarily entered into an arrangement to develop and implement cross-district programs and activities and are aligned with part 3535.0040, item C;

B. a group of one or more charter schools that has voluntarily entered into an arrangement with a district that qualifies under part 3535.0030, subpart 1, item A, to develop and implement programs and activities that are aligned with part 3535.0040, item C; or

C. a group of one or more districts or charter schools that has voluntarily entered into an arrangement with a charter school that qualifies under part 3535.0030, subpart 1, item B, to develop and implement programs and activities that are aligned with part 3535.0040, item C.

Subp. 3. Eligible district. “Eligible district” means a district or charter school required to submit a plan under part 3535.0030, subpart 1, or that is a member of a collaborative under parts 3535.0020, subpart 2, and 3535.0030, subpart 2.

Subp. 4. Enrollment of protected students. “Enrollment of protected students” means the sum of students in the district’s or the charter school’s total enrollment identified in the following student categories:

A. American Indian/Alaskan Native;

B. Asian/Pacific Islander;

C. Hispanic; and

D. Black.

Subp. 5. Protected student percentage. “Protected student percentage” equals a district’s or charter school’s enrollment of protected students divided by the district’s or the charter school’s total enrollment.

Subp. 6. Total enrollment. “Total enrollment” means:

A. for a district, all students enrolled by the district plus resident students enrolled in an alternative learning center under *Minnesota Statutes*, section 123A.05, a public alternative program under *Minnesota Statutes*, section 126C.05, subdivision 15, or a contracted alternative program under *Minnesota Statutes*, section 124D.69; or

B. for a charter school, all students enrolled.

3535.0030 ELIGIBLE DISTRICTS.

Subpart 1. Districts and charter schools required to submit plans.

A. A district is required to submit a plan under *Minnesota Statutes*, section 124D.861, if:

(1) the district’s protected student percentage equals or exceeds 20 percentage points; or

(2) a school site within the district with protected student enrollment that is 20 percentage points or more higher than the other school sites within the district serving the same grades.

B. A charter school must submit a plan under *Minnesota Statutes*, section 124D.861, if:

(1) the charter school’s protected student percentage equals or exceeds 20 percentage points;

(2) the charter school has an enrollment of protected students that exceeds the enrollment of protected students of the nearest public school site serving the same but not necessarily all grade levels by 20 percentage points or more; or

Proposed Rules

(3) the charter school has an enrollment of protected students that is 20 percentage points or more lower than the enrollment of protected students of the nearest public school site serving the same grade levels.

C. Treatment facilities licensed by the Department of Human Services or the Department of Corrections are not considered schools or districts for the purposes of this part.

Subp. 2. **Collaborative option.** A district or charter school may be part of a collaborative under the qualifications set forth in part 3535.0020, subpart 2, items A to C. Participation in a collaborative is voluntary.

3535.0040 ACHIEVEMENT AND INTEGRATION PLAN REQUIREMENTS.

A. An eligible district or charter school is required to submit a plan under *Minnesota Statutes*, section 124D.861, and must implement its plan for the duration of the three-year plan period.

B. Consistent with *Minnesota Statutes*, section 124D.861, an eligible district or charter school shall include protected students and students eligible for free and reduced-price lunch in:

(1) plan development including setting measurable achievement goals related to academic growth or attainment and setting measurable racial and economic integration goals that reflect increased opportunities and participation in programs and activities included in the plan;

(2) implementation;

(3) reporting; and

(4) evaluation.

C. Eligible districts or charter schools that are members of a collaborative shall include cross-district programs and activities in each eligible district or charter school's plan. These programs and activities shall align with each eligible district or charter school's achievement and integration goals and *Minnesota Statutes*, section 124D.861, and each eligible district or charter school's world's best work force plan goals, under *Minnesota Statutes*, section 120B.11.

D. An eligible district with a parent committee required under *Minnesota Statutes*, section 124D.78, must consult with the parent committee in the development of the plan to address the economic integration and academic achievement issues of American Indian students.

3535.0050 INCENTIVE REVENUE CRITERIA.

Elementary or secondary programs for students included in an eligible district or charter school's plan qualify to be funded with incentive revenue under *Minnesota Statutes*, section 124D.862, if it provides:

A. courses for credit;

B. classes that meet Minnesota adopted academic standards at the elementary or middle school level; or

C. summer programs that support student achievement and reduce academic disparity.

3535.0060 PLAN EVALUATION.

The commissioner, in evaluating the efficacy of eligible district or charter school plans, shall identify the goals set by the eligible district or charter school in both achievement and integration and determine if the eligible district or charter school has met its goals in both achievement and integration by the end of its three-year plan. The commissioner shall commence the evaluation process prior to the third year of the plan. The commissioner may consult with the eligible district or charter school each year of the three-year plan in order to identify progress towards meeting the eligible district or charter school's achievement and integration goals. During the evaluation process, the commissioner may approve plan and budget adjustments to aid an eligible district or charter school in meeting its achievement and integration goals during the final year of the plan.

REPEALER. *Minnesota Rules*, parts 3535.0100; 3535.0110; 3535.0120; 3535.0130; 3535.0140; 3535.0150; 3535.0160; 3535.0170; and 3535.0180, are repealed.

Minnesota Pollution Control Agency (MPCA)

Environmental Analysis and Outcomes Division

Proposed Permanent Rules Relating to Existing Water Quality Variance Procedures

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 RD4136

Proposed Amendments to Rules Governing Water Quality Variances, *Minnesota Rules*, Chapter 7050 Waters of the State (specifically, part 7050.0190), Chapter 7052 Lake Superior Basin Water Standards (specifically, part 7052.0280), and Chapter 7053 State Waters Discharge Restrictions (specifically, part 7053.0195), and Repeal of *Minnesota Rules*, parts 7050.0190, subpart 3; and 7053.0195, subpart 3.

Plain English Summary. This Dual Notice is the Minnesota Pollution Control Agency's (MPCA) legal notice of its intent to adopt amended water quality variance rules. A water quality variance is a temporary change in a state water quality standard for a specific pollutant, allowing a permittee discharging wastewater additional time to meet the standard. The proposed amendments are intended to provide consistent application of the state's variance rules and applicable federal requirements.

This notice provides an opportunity for public comment and input on the proposed amendments. Anyone who would like to comment on the proposed rule language must submit written comment or a written request for a hearing on the proposed rules by the deadline identified below. Further description of these rules is provided in the Subject of Rules section. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

Introduction. The 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 December 29, 2015, the MPCA will hold a public hearing. The MPCA has scheduled a public hearing on the above-named rules starting at 3:30 p.m. on Thursday, February 4, 2016, at the MPCA offices listed below. The hearing continues until all parties are heard or until the Administrative Law Judge (ALJ) adjourns the hearing. The hearing will be held at the following locations:

MPCA - St. Paul

Room 100 and Video Conference Room 4-1
520 Lafayette Road North
St. Paul, Minnesota 55155

MPCA - Duluth

Video Conference Room
525 Lake Avenue South, Suite 400
Duluth, Minnesota 55802

The MPCA will hold the hearing simultaneously in the two locations listed above. The ALJ will conduct the hearing from the St. Paul location. MPCA staff will be present at the two locations to facilitate the process. Attendees will be invited to participate in the hearing in-person and by video conference in St. Paul and by video conference at the Duluth hearing location.

Directions to the hearing locations may be found on the MPCA webpage at <http://www.pca.state.mn.us/iryp3e4> or by contacting the MPCA contact person listed in this notice. Please note access to the MPCA offices is controlled. To attend a hearing you will be asked to sign in at the security desk and provide photo identification, such as a driver's license.

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 December 29, 2015, and before February 4, 2016.

MPCA Contact Person. Submit any written 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, and mary.lynn@state.mn.us. You may also call the MPCA at (651) 296-6300 or 1-800-657-3864 or use your preferred relay service info.pca@state.mn.us.

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 at <http://www.pca.state.mn.us/yrwc6a9>, and on the water quality variance rulemaking webpage at <http://www.pca.state.mn.us/zihy1479>.

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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.

Alternative Format/Accommodation. Upon request, the information in this notice 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.

Subject of Rules. The MPCA proposes amendments to its rules governing processing and consideration of water quality standard variance requests. A water quality variance is a temporary change in a state water quality standard for a specific pollutant. A variance allows a permittee discharging wastewater, such as a municipal wastewater treatment facility or industrial facility, additional time to meet the applicable standard. Federal rules allow states to grant and implement water quality standards variances, but require the U.S. Environmental Protection Agency (EPA) to review and approve water quality standards variances granted by the states. The MPCA implements water quality variances through its discharge permit program.

The MPCA proposes to amend three water rule chapters to address differences in the variance rules and to provide procedural consistency in application of the state's variance rules and with applicable federal requirements. The procedures for granting a variance are different in each chapter. The chapter 7052 rules are based on federal rules and apply to the Lake Superior Basin; the chapter 7050 and 7053 rules apply to the rest of the state and differ from federal requirements. These differences are confusing to regulated parties, and make it difficult for the MPCA to maintain consistency in the variance process and compliance with applicable federal requirements.

The proposed rules are only concerned with the procedural requirements for obtaining a variance and will not result in more or less restrictive water quality standards or change to a water quality standard of any kind. The rules will provide clearer variance procedures for regulated parties, and consistency in the state's variance rules and with applicable federal requirements for approving variances, resulting in improved efficiency in processing variance requests.

Described below are the main parts of the proposed rule amendments. For more information about the proposed amendments, please refer to the statement of need and reasonableness (SONAR) which is available as stated below.

1. **Eligibility and approval.** A permittee must meet certain conditions to be eligible for a variance and, if eligible, demonstrate that attaining the water quality standard is not feasible based on certain conditions.
2. **Submittal and public notice.** A variance application submittal and public notice of the MPCA's preliminary decision to grant a variance must conform to procedural rules.
3. **Final decision.** The MPCA maintains discretion on granting of variances; the MPCA's final decision on a variance must conform to procedural rules. If EPA approves the variance, the permit must include certain variance terms and conditions.
4. **Term, expiration, and renewal.** A variance may be granted for any period of time up to 10 years, but must expire in no more than 10 years, the equivalent of two permit terms. A variance renewal has the same requirements as the initial variance request.
5. **Public notice and review.** The MPCA will provide public notice of variances every three years consistent with triennial review of water quality standards. The public may submit new information relevant to the variances on notice; the MPCA will consider the information in its review for renewal of the variance.

As noted above, a goal of this rulemaking is to have Minnesota's rules conform, where appropriate, to the federal requirements. On August 21, 2015, the EPA published final Water Quality Standard Rules, which include requirements for water quality standards variances. These final federal rules for water quality standards variances are compatible with the proposed state rules in many areas; however, there are some differences. MPCA is currently working with EPA to better understand the final federal rules, to ascertain if any of the differences are substantive, and to determine whether the proposed rules will need to be modified. Interested and affected parties are encouraged to submit comments on the MPCA's proposed rules, and in particular their conformance with applicable requirements of the final federal rules, including proposed rule language regarding variance term, expiration, renewal, and review.

Statutory Authority. The statutory authority to adopt these proposed rule amendments is in *Minnesota Statutes*, section 116.07, subdivision 5, and *Minnesota Statutes*, section 115.03, subdivision 5. The MPCA is also directed to address negative impacts on air and water quality, as described in *Minnesota Statutes*, sections 116D.01 and 116D.02.

Comments. You have until 4:30 p.m. on Tuesday, December 29, 2015, 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 submitted in writing and received by the MPCA contact

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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. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the MPCA hold a hearing on the rules. You must make your request for a hearing in writing, which the MPCA contact person must receive by 4:30 p.m. on Tuesday, December 29, 2015. 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 to hold a 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 effect the withdrawal, and ask for written comments on this action. If a hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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 the modifications through 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.

Cancellation of Hearing. The MPCA will cancel the hearing scheduled for February 4, 2016, 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 it will be held. You may also call the MPCA contact person at (651) 757-2439 after December 29, 2015, 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 to the water quality variance rulemaking webpage at <http://www.pca.state.mn.us/zihy1479>.

Notice of Hearing. If 25 or more persons submit valid written requests for a hearing on the rules, the MPCA will hold a hearing following the procedures in *Minnesota Statute*, 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. ALJ, the Honorable Judge Barbara J. Case is assigned to conduct the hearing. Judge Case's Legal Assistant Denise Collins can be reached at the OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, **telephone:** (651) 361-7900, and **fax:** (651) 539-0310 or **e-mail:** denise.collins@state.mn.us.

Hearing Procedure. If the MPCA holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the 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. After 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 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 SONAR summarizes 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 listed above. The MPCA posted the SONAR on its public notice webpage at <http://www.pca.state.mn.us/yrvwc6a9>, and the water quality variance rulemaking webpage at <http://www.pca.state.mn.us/zihy1479>.

Lobbyist Registration. *Minnesota Statute*, chapter 10A, requires each lobbyist to register with the Minnesota Campaign Finance and Public Disclosure Board. You should direct questions about this requirement of the Campaign Finance and Public Disclosure Board located

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at 190 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone: (651) 539-1180 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 a legal review. You may ask to be notified of the date the rules are submitted to the OAH. If you want either 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, 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 listed above.

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

Dated: 23 October 2015

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

7050.0190 VARIANCE FROM STANDARDS.

Subpart 1. **Variance Applicability.** ~~In any case where, upon application of the responsible person or persons, the agency finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship, that disposal of the sewage, industrial waste, or other waste is necessary for the public health, safety, or welfare; and that strict conformity with the standards would be unreasonable, impractical, or not feasible under the circumstances; the agency in its discretion may grant a variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution in harmony with the general purposes of these classifications and standards and the intent of the applicable state and federal laws. A variance under this part is a temporary change in a state water quality standard for a specified pollutant that reflects the highest attainable conditions for a permittee during the term of the variance. This part applies to variance requests from individual point source discharges to surface waters of the state for any water quality-based effluent limit based on a water quality standard of this chapter that is included in a permit. The United States Environmental Protection Agency shall be advised of any variances that may be issued under this part together with information as to the need therefor. To be eligible for a water quality standards variance, the permittee must demonstrate to the agency that the permittee has met the following conditions:~~

~~A. the variance would not jeopardize the continued existence of an endangered or threatened species listed under chapter 6134 or section 4 of the Endangered Species Act, *United States Code*, title 16, section 1533, or result in destruction or adverse modification of the species' critical habitat;~~

~~B. standards will not be attained by implementing effluent limitations required under sections 301(b) and 306 of the Clean Water Act, *United States Code*, title 33, sections 1311(b) and 1316, and by the permittee implementing cost-effective and reasonable best management practices for nonpoint sources under the permittee's control as established under state authority; and~~

~~C. the variance would not remove an existing use.~~

Subp. 2. **Listing.** ~~The agency shall advise the United States Environmental Protection Agency of variances granted by the agency under this part, together with information as to the need for the variance. By October 1 each year, the commissioner shall prepare a list of the variances currently in effect granted and approved by the United States Environmental Protection Agency or granted by the agency under this part 7053.0195. The list must be available for public inspection and must be provided to the United States Environmental Protection Agency. The list must identify the person granted that received the variance, the rule from which the variance was granted, the water body affected, the year granted approved by the United States Environmental Protection Agency or granted by the agency under part 7053.0195, the date the variance expires, and any restrictions that apply in lieu of the rule requirement.~~

Subp. 3. ~~[See repealer.]~~

Subp. 4. **Conditions for approval.** ~~Before a variance can become effective, the variance must be submitted to and approved by the United States Environmental Protection Agency in accordance with section 303(c) of the Clean Water Act and *Code of Federal Regulations*, title 40, sections 131.20 and 131.21. To be eligible for a preliminary determination by the agency to grant the variance, the permittee must:~~

~~A. demonstrate to the agency that attaining the water quality standard is not feasible because:~~

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(1) naturally occurring pollutant concentrations prevent attainment of the water quality standard;

(2) natural, ephemeral, intermittent, or low-flow conditions or water levels prevent attainment of water quality standards, unless these conditions may be compensated for by discharging sufficient volume of effluent to enable water quality standards to be met without violating the water conservation requirements of *Minnesota Statutes*, chapter 103G;

(3) human-caused conditions or sources of pollution prevent attainment of water quality standards, and the conditions or sources cannot be remedied or would cause more environmental damage to correct than to leave in place;

(4) dams, diversions, or other types of hydrologic modifications preclude attainment of water quality standards, and it is not feasible to restore the water body to its original condition or to operate the modification in a way that would result in attainment of the water quality standard;

(5) physical conditions related to the natural features of the water body, such as the lack of a proper substrate cover, flow, depth, pools, riffles, and the like, unrelated to chemical water quality, preclude attainment of water quality standards; or

(6) controls more stringent than those required under sections 301(b) and 306 of the Clean Water Act, *United States Code*, title 33, sections 1311(b) and 1316, would result in substantial and widespread negative economic and social impacts;

B. show that the variance conforms with parts 7050.0180 and 7050.0185;

C. characterize the extent of any increased risk to human health and the environment associated with granting the variance, such that the agency is able to conclude that any increased risk is consistent with the protection of the public health, safety, and welfare; and

D. show sufficient information to allow the agency to determine the water quality currently attained and the interim numeric effluent conditions that reflect the highest attainable conditions for a permittee during the term of the variance.

Subp. 5. **Submittal and notice requirements.** Variance application submittal, public notice of the agency's preliminary determination to grant the variance, and notice requirements must conform to part 7000.7000.

Subp. 6. **Agency final decision; variance requirements.** The agency must make a final decision regarding the variance request that conforms to the procedural requirements in part 7000.7000. If the agency grants the variance and the variance is approved by the United States Environmental Protection Agency, the permit issued by the agency must include and incorporate the following variance terms and conditions:

A. an effluent limitation representing currently achievable treatment conditions based on discharge monitoring or projected effluent quality that is no less stringent than that achieved under the previous permit;

B. a schedule of compliance activities to improve water quality and move toward attainment of the underlying water quality standard;

C. an effluent limitation sufficient to meet the underlying water quality standard, upon the expiration of the variance, when the duration of the variance is shorter than the duration of the permit; and

D. a provision allowing the agency to reopen and modify the permit based on agency triennial water quality standards revisions applicable to the variance.

Subp. 7. **Renewal.** To be eligible for renewal of a variance, the permittee is subject to the requirements of subparts 1 to 6.

Subp. 8. **Term and expiration.** The terms and conditions of a water quality standards variance are included and incorporated in the permit issued by the agency. The term of a variance must be as short as possible but must expire no later than ten years after the United States Environmental Protection Agency approval date of the variance.

Subp. 9. **Public notice and review.**

A. Every three years, the agency shall provide public notice of a list of variances currently in effect at the time of public notice.

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consistent with the triennial review of water quality standards required under *Code of Federal Regulations*, title 40, section 131.20. The public notice shall include a statement that a person may submit to the agency new information that has become available relevant to the list of variances.

B. If a permittee requests a renewal of a variance according to subpart 7, the agency shall consider information submitted under item A in its review for renewal of the variance. Variances from discharge effluent limits and treatment requirements are granted by the agency under parts 7000.7000 and 7053.0195.

7052.0280 VARIANCES FROM WATER QUALITY STANDARDS ~~OR CRITERIA.~~

Subpart 1. **Applicability.** This part applies to GLI pollutant-specific variance requests from individual point source dischargers to surface waters of the state in the Lake Superior Basin for WQBELs which are included in a permit. This part does not apply to new dischargers, unless the proposed discharge is necessary to alleviate an imminent and substantial danger to public health and welfare. ~~A water quality standards or criteria variance must not be granted if any of the following conditions exist~~ To be eligible for a water quality standards variance, the permittee must demonstrate to the agency that the permittee has met the following conditions:

A. ~~if it the variance would not~~ jeopardize the continued existence of any endangered or threatened species listed under chapter 6134 or section 4 of the Endangered Species Act, *United States Code*, title 16, section 1533, or result in destruction or adverse modification of such species' critical habitat; ~~or~~

B. ~~if standards or criteria will not be attained by implementing effluent limitations required under sections 301(b) and 306 of the Clean Water Act, *United States Code*, title 33, sections 1311(b) and 1316, and by the permittee implementing cost-effective and reasonable best management practices for nonpoint source sources under the permittee's control; as established under state authority; and~~

C. the variance would not remove an existing use.

Subp. 2. **Maximum time frame Term.** A variance must not exceed five years or the term of the permit, whichever is less.

Subp. 3. **Conditions to grant a variance for approval.** ~~The agency must grant a variance if the following conditions are met~~ Before a variance can become effective, the variance must be submitted to and approved by the United States Environmental Protection Agency in accordance with section 303(c) of the Clean Water Act and *Code of Federal Regulations*, title 40, sections 131.20 and 131.21. To be eligible for a preliminary determination by the agency to grant the variance, the permittee must:

A. ~~the permittee demonstrates~~ demonstrate to the agency that attaining the water quality standard ~~or criterion~~ is not feasible because:

(1) naturally occurring GLI pollutant concentrations prevent attainment of the water quality standard ~~or criterion~~;

(2) natural, ephemeral, intermittent, or low-flow conditions or water levels prevent the attainment of water quality standards ~~or criteria~~, unless these conditions may be compensated for by discharging sufficient volume of effluent to enable water quality standards ~~or criteria~~ to be met without violating the water conservation requirements of *Minnesota Statutes*, chapter 103G;

(3) human-caused conditions or sources of pollution prevent the attainment of water quality standards ~~or criteria~~ and cannot be remedied, or would cause more environmental damage to correct than to leave in place;

(4) dams, diversions, or other types of hydrologic modifications preclude the attainment of water quality standards ~~or criteria~~, and it is not feasible to restore the ~~waterbody~~ water body to its original condition or to operate the modification in a way that would result in attainment of the water quality standard;

(5) physical conditions related to the natural features of the ~~waterbody~~ water body, such as the lack of a proper substrate cover, flow, depth, pools, riffles, and the like, unrelated to chemical water quality, preclude attainment of water quality standards ~~or criteria~~; or

(6) controls more stringent than those required under sections 301(b) and 306 of the Clean Water Act, *United States Code*, title 33, sections 1311(b) and 1316, would result in substantial and widespread economic and social impact;

B. ~~the permittee shows~~ show that the variance conforms with agency nondegradation procedures parts 7050.0180 and 7050.0185; and

C. ~~the permittee characterizes~~ characterize the extent of any increased risk to human health and the environment associated with

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granting the variance, such that the agency is able to conclude that any increased risk is consistent with the protection of the public health, safety, and welfare; and

D. show sufficient information to allow the agency to determine the water quality currently attained and the interim numeric effluent conditions that reflect the highest attainable conditions for a permittee during the term of the variance.

Subp. 4. ~~Variance application Submittal, public notice of preliminary determination, and notice requirements.~~ Variance application submittal, public notice of the agency's preliminary determination to grant the variance, and notice requirements must conform to part 7000.7000.

Subp. 5. **Agency final decision; variance requirements.** The agency must ~~issue~~make a final decision regarding the variance request that conforms to the procedural requirements in part 7000.7000. ~~If a variance is granted, it the agency grants the variance and the variance is approved by the United States Environmental Protection Agency, the permit issued by the agency must include and incorporate into the permit~~ the following variance terms and conditions:

A. an effluent limitation representing currently achievable treatment conditions based on discharge monitoring ~~which is or projected effluent quality.~~ If the variance is being considered for renewal, the effluent limitation must be no less stringent than that achieved under the previous permit;

B. a schedule of compliance activities ~~for attaining water quality standards or criteria to improve water quality and move toward attainment of the underlying water quality standard;~~

C. an effluent limitation sufficient to meet the underlying water quality standard ~~or criterion, upon the expiration of the variance, when the duration of the variance is shorter than the duration of the permit;~~

D. a provision allowing the agency to reopen and modify the permit based on agency triennial water quality standards revisions applicable to the variance; and

E. for BCCs, a GLI pollutant minimization program consistent with part 7052.0250, subpart 4.

Subp. 6. **Renewal of variance.** ~~The~~ To be eligible for renewal of a variance, the permittee is subject to the requirements of subparts 1 to 5.

Subp. 7. **Notice of variances Listing.** The agency shall advise the United States Environmental Protection Agency of variances granted by the agency under this part, together with information as to the need for the variance. The agency must list all variances to state water quality standards as required in part 7050.0190, subpart 2.

Subp. 8. **Public notice and review.** The agency shall provide public notice and review all variances currently in effect as required in part 7050.0190, subpart 9. Variances from discharge effluent limits and treatment requirements are granted by the agency under parts 7000.7000 and 7053.0195.

7053.0195 VARIANCE FROM DISCHARGE EFFLUENT LIMITS OR TREATMENT REQUIREMENTS.

Subpart 1. **Variance Applicability.** In any case when, upon application of the responsible person or persons, the agency finds that by reason of exceptional circumstances the strict enforcement of any provision of this chapter would cause undue hardship; that disposal of the sewage, industrial waste, or other waste is necessary for the public health, safety, or welfare; and that strict conformity with the effluent limits would be unreasonable, impractical, or not feasible under the circumstances, the agency in its discretion may grant a variance upon conditions it prescribes for prevention, control, or abatement of pollution in harmony with the general purposes of this chapter and the intent of the applicable state and federal laws. The United States Environmental Protection Agency shall be advised of any permits that may be issued under this subpart, together with information as to the need for the variance. A variance under this part is a temporary change in a discharge effluent limit or treatment requirement for a specified pollutant that reflects the highest attainable conditions for a permittee during the term of the variance. This part applies to variance requests from individual point source discharges to surface waters of the state for any provision of this chapter that is included in a permit. To be eligible for a variance from a discharge effluent limit or treatment requirement, the permittee must demonstrate to the agency that the permittee has met the conditions specified in part 7050.0190, subpart 1, items A to C.

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Subp. 2. **Listing.** By October 1 each year, the commissioner shall prepare a list of the variances in effect granted by the agency under this part. The list must be available for public inspection and must be provided to the United States Environmental Protection Agency. The list must identify the person granted the variance, the rule from which the variance was granted, the water affected, the year granted, and any restrictions that apply in lieu of the rule requirement. The agency shall advise the United States Environmental Protection Agency of variances granted by the agency under this part, together with information as to the need for the variance. The agency must list all variances as required in part 7050.0190, subpart 2.

Subp. 3. [See repealer.]

Subp. 4. **Conditions for approval.** To be eligible for a preliminary determination by the agency to grant the variance, the permittee must meet the conditions specified in part 7050.0190, subpart 4, except the requirement to submit the variance to the United States Environmental Protection Agency for approval does not apply to variances granted by the agency under this part.

Subp. 5. **Submittal and notice requirements.** Variance application submittal, public notice of the agency's preliminary determination to grant the variance, and notice requirements must conform to part 7000.7000.

Subp. 6. **Agency final decision; variance requirements.** The agency must make a final decision regarding the variance request that conforms to the procedural requirements in part 7000.7000. If the agency grants the variance, the permit issued by the agency must include and incorporate the terms and conditions of the variance specified in part 7050.0190, subpart 6.

Subp. 7. **Renewal.** To be eligible for renewal of a variance, the permittee is subject to the requirements of subparts 1 to 6.

Subp. 8. **Term and expiration.** The terms and conditions of a variance from a discharge effluent limit or treatment requirement are included and incorporated in the permit issued by the agency. The term of a variance must be as short as possible but must expire no later than ten years after the date the agency grants the variance.

Subp. 9. **Public notice and review.** The agency shall provide public notice and review all variances currently in effect as required in part 7050.0190, subpart 9. Variances from water quality standards are granted by the agency under parts 7000.7000, 7050.0190, and 7052.0280.

REPEALER. Minnesota Rules, parts 7050.0190, subpart 3; and 7053.0195, subpart 3, are repealed.

Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal 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 conditions. Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited 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 Pollution Control Agency (MPCA) Proposed Expedited Permanent Rules: Subsurface Sewage Treatment Systems in Campgrounds

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING Proposed Expedited Amendment to Rules Governing Subsurface Sewage Treatment Systems in Campgrounds and Resorts, *Minnesota Rules*, part 7081.0040; Revisor's ID Number 4348

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings (OAH), *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes* section 14.389. You may submit written comments on the proposed expedited rules until December 9, 2015.

MPCA contact person. You must submit any comments or questions on the rules to Katie Izzo at the Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155-4194; telephone: (651) 757-2595; toll-free: 1-800-657-3864; fax: (651) 297-8676; or e-mail: katie.izzo@state.mn.us .

Subject of the expedited rules and statutory authority. The proposed expedited rules eliminate the need for existing campgrounds and resorts that are open for 180 days or less per year to estimate wastewater flow rates to subsurface sewage treatment systems (*Minnesota Rules*, part 7081.0040). The statutory authority to adopt the rules under the expedited rulemaking process is Minnesota law from the 89th Legislature, 2015 1st Special Session, Chapter 4, Article 4, Section 144, which states, "The commissioner of the Pollution Control Agency shall adopt rules, using the expedited rulemaking process in *Minnesota Statutes*, section 14.389, to eliminate the need for existing campgrounds and resorts that are open for 180 days or less per year to estimate wastewater flow rates to subsurface sewage treatment systems as required by *Minnesota Rules*, part 7081.0040, subpart 1, item B." A copy of the proposed rules is published in the *State Register*, attached to this notice as mailed, and available at the MPCA's website at <http://www.pca.state.mn.us/yrwc6a9>.

Public comment. You have until 4:30 p.m. on December 9, 2015, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The MPCA encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments that you have on the legality of the proposed rules during this comment period.

Modifications. The MPCA may modify the proposed expedited rules using either of the following two avenues: the MPCA may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c); or the agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the *State Register*, the agency will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*. If the proposed expedited rule affect you in any way, the MPCA encourages you to participate in the rulemaking process.

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, please contact the MPCA contact person at the address or telephone number listed above.

Expedited Rules

Lobbyist registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at Suite #190, Centennial Building, 658 Cedar Street, St. Paul, MN 55155, telephone: (651) 539-1180 or 1-800-657-3889.

Adoption and review of expedited rules. The MPCA may adopt the rules at the end of the comment period. The agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the MPCA adopts the rules and files them with the Secretary of State, or ask to register with the MPCA to receive notice of future rule proceedings. If you want to be so notified, or want to receive a copy of the adopted rules, submit your request to the MPCA contact person listed above.

Dated: 2 November 2015

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

7081.0040 STATE REGULATION.

Subpart 1. Agency regulation.

A. All MSTs must be designed and operated according to this chapter, except as modified through an ordinance in compliance with chapter 7082 and *Minnesota Statutes*, section 115.55. All MSTs must be designed, installed, inspected, pumped, and operated by a qualified employee under part 7083.1010 or a licensed business under part 7083.0710. All MSTs must conform to applicable state statutes and rules.

B. The owner or owners of a single SSTS or a group of SSTS under common ownership must obtain an SDS permit from the agency according to chapter 7001 when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day. ~~For proposed SSTS, the flow must be determined according to item D. For existing SSTS, the flow is determined by the greater of:~~

~~(1) the average maximum seven-day measured flow; or~~

~~(2) the flow determined according to item D.~~

C. An SDS permit is required for any subsurface sewage treatment system or group of subsurface sewage treatment systems that the commissioner determines has the potential or an increased potential to cause adverse public health or environmental impacts if not regulated under a state permit. Conditions for these permits include systems in environmentally sensitive areas, unsubstantiated or unexpected flow volumes, and systems requiring exceptional operation, monitoring, and management.

~~D. Flow amounts to calculate whether an SDS permit is required must be determined according to part 7081.0110. The highest calculated value of the various methods in Table I under part 7081.0130, subpart 1, must be used to make this determination, with no reduction allowed. An SDS permit is not required if a factor of safety is added to the design flow that results in a design flow that is in excess of the SDS permit threshold.~~

Subp. 1a. **Flow determination.** The owner or owner's agent must determine flow in accordance with this subpart to establish whether an SDS permit is required under subpart 1, item B.

A. For proposed SSTS, the flow must be determined according to item C.

B. For existing SSTS, except as provided under item D, the flow is determined by the greater of:

(1) the average maximum measured daily flow for a consecutive seven-day period; or

(2) the flow determined according to item C.

C. When determined according to this item, flow is calculated according to part 7081.0110. The highest calculated value of the various methods in Table I under part 7081.0130, subpart 1, must be used to make the determination, with no reduction allowed. An SDS permit is not required if a factor of safety is added to the design flow that results in a design flow that exceeds the SDS permit threshold.

D. Campgrounds and resorts existing as of June 14, 2015, that are open 180 days per year or less must determine flow in accordance with this item or item A or B.

Expedited Rules

- (1) Flow measurements must be taken only from:
 - (a) a sewage lift station pump with a runtime meter and counter;
 - (b) a sewage flow meter;
 - (c) flow meters on wells; or
 - (d) a water softener system with flow measurement when the measurement includes all flow to the subsurface soil treatment system, including backwash.
- (2) Flow measurement devices must be calibrated before start-up of monitoring and must undergo an additional calibration during the measurement period to verify results.
- (3) The daily flow rate and daily occupancy rate must be recorded for a minimum of two weeks centered on and including July 4. Weekly measurements must also be done for an additional, continuous two weeks before and two weeks after July 4.
- (4) Flow measurements must be divided by the percent occupancy expressed as a decimal percent.
- (5) Flow extrapolation from units not measured is allowed as follows:
 - (a) flow may be extrapolated only if fewer than 25 percent of the campsites and units are not measured;
 - (b) flow extrapolation is allowed between similar sewage-generating units within the campground and resort;
 - (c) flow extrapolation is not allowed between other campgrounds and resorts; and
 - (d) flow from future expansions may be extrapolated. Extrapolation must be in accordance with units (a) to (c). No more than 25 percent of the total flow after expansion may be extrapolated.
- (6) If no flow data exist, the owner or operator of the campground or resort must implement an acceptable flow measurement plan and start measuring and recording flow data within 120 days of notification.
- (7) All flow measurement data generated from the flow measurement plan must be submitted to the commissioner within 30 days of the last measurement.

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

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.

Minnesota Department of Agriculture (MDA) Agricultural Marketing and Development Division (AMDD) Notice of Meeting of the Agriculture Research, Education, Extension and Technology Transfer Advisory Panel 30 November 2015

The Minnesota Department of Agriculture's Agriculture Research, Education, Extension and Technology Transfer Advisory Panel will hold a meeting on Monday, November 30, 2015 from 10 a.m. to noon in Room B145 in the Orville L. Freeman Building, 625 Robert St. N., St. Paul, MN. The Advisory Panel will consider matters pertaining to grant fund award processes and priorities.

Minnesota Environmental Quality Board (EQB) Environmental Review Program REQUEST FOR COMMENTS on Possible Amendments to Rules Governing the Environmental Review Program, *Minnesota Rules* Chapter, 4410; Revisor's ID Number R-04157

Subject of Rules. The Minnesota Environmental Quality Board (EQB or Board) is considering revising the existing rules governing the Environmental Review Program. These are the rules under which Environmental Assessment Worksheets (EAWs), Environmental Impact Statements (EISs), and other environmental review documents are prepared. This possible rulemaking may include the following categories or subparts:

- 1) Mandatory categories for environmental assessment worksheets located under part 4410.4300:
 - a. subp. 2. Nuclear fuels and nuclear waste;
 - b. subp. 3. Electric generating facilities;
 - c. subp. 5. Fuel conversion facilities;
 - d. subp. 8. Transfer facilities;
 - e. subp. 14. Industrial, commercial, and institutional facilities;
 - f. subp. 15 item B. Air Pollution
 - g. subp. 16. Hazardous waste;
 - h. subp. 17. Solid waste;
 - i. subp. 18. Wastewater systems;
 - j. subp. 19. Residential development;
 - k. subp. 22. Highway projects;
 - l. subp. 28, item B. Forestry;
 - m. subp. 30. Natural areas;
 - n. subp. 32. Mixed residential and industrial-commercial projects;
 - o. subp. 36. Land use conversion, including golf courses;
 - p. subp. 36a. Land conversions in shoreland; and
 - q. subp. 37, items B and C. Recreational trails.

- 2) Mandatory categories for environmental impact statements located under part 4410.4400:
 - a. subp. 2. Nuclear fuels and nuclear waste;
 - b. subp. 3. Electric generating facilities;

- c. subp. 11. Industrial, commercial, and institutional facilities;
- d. subp. 13. Solid waste;
- e. subp. 14. Residential development;
- f. subp. 21. Mixed residential and commercial-industrial projects; and

This rulemaking may also include revisions that may come up as a result of public comments and further review of Chapter 4410. This rulemaking can be referred to as the “Mandatory Categories Rulemaking” since the Board is currently pursuing two separate rulemakings for Chapter 4410.

Plain English Summary. This Request for Comments is the Board’s legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the **Subject of Rules** section above. If you have other ideas related to this rulemaking that we need to consider, please submit them in writing. Submitting your ideas and information to us at this early stage in rulemaking allows us more time to address issues that may come up, and helps to ensure informed decision-making on our part.

Where to Get More Information. If you are interested in being notified when a draft of the rule revisions is available and of other activities related to this rulemaking, please register under “Sign up for email notices” via GovDelivery at: <http://www.eqb.state.mn.us/>. If you are unable to receive electronic notices, please contact Beth Tegdesch at (651) 757-2100.

Persons Affected. The proposed amendments may affect project developers, local units of government and state agencies, private citizens and citizens groups, and environmental groups. However, changes to the rules governing the Environmental Review Program may directly or indirectly affect all citizens of the state.

Statutory Authority. *Minnesota Statutes*, section 116D.04, subd. 2a(a) and 5a and *Minnesota Statutes* section 116D.045, establish the Environmental Review Program and authorize the EQB to adopt rules governing its operation.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until December 31, 2015 at 4:30pm central time. The EQB will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. Interested and affected parties are invited to submit information relative to the cumulative effect of the rule with other federal and state regulations.

Rules Drafts. The Board has not yet drafted the possible rules amendments.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules, should be directed to:

Courtney Ahlers-Nelson
Environmental Quality Board
520 Lafayette Road North
St. Paul, MN 55155
Phone: (651) 757-2183
Fax: (651) 297-8683
E-mail: courtney.ahlers@state.mn.us
TTY users may call the EQB at: 1-800-627-3529

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 29 October 2015

David Frederickson, Chair
Environmental Quality Board

Official Notices

Minnesota Department of Health (MDH)

Division of Health Regulation

Managed Care Systems Section

Notice of Application for Essential Community Provider Status by RS Eden

NOTICE IS HEREBY GIVEN that an application for designation as an Essential Community Provider (ECP) has been submitted to the Commissioner of Health by RS Eden, 1025 Portland Avenue South, Minneapolis, MN 55404. Clinical services are offered at RS Eden, 1025 Portland Avenue South, Minneapolis, MN 55404.

An ECP is a health care provider that serves high-risk, special needs, and underserved individuals. In order to be designated as an ECP, a provider must demonstrate that it meets the requirements of *Minnesota Statutes* Section 62Q.19 and *Minnesota Rules* Chapter 4688. The public is allowed 30 days from the date of the publication of this notice to submit written comments on the application. The commissioner will approve or deny the application once the comment period and compliance review is complete.

For more information contact:

Julie Stone
Managed Care Systems Section
Division of Health Regulation
Minnesota Department of Health
P.O. Box 64882
St. Paul, MN 55164-0882
Phone: (651) 201-4238

Minnesota Department of Human Services (DHS)

Public Hearing and Comment Notice 2016–18 Federal Child Care and Development Fund (CCDF) Plan

We invite your input and feedback on the proposed 2016–18 Child Care and Development Fund (CCDF) Plan. The CCDF Plan describes how state and federal funds will be used to improve the quality of child care and development, and help low-income families access care for their children. Due to reauthorization of the Child Care and Development Block Grant (CCDBG), there are significant changes to the Plan. There are a number of ways to learn more about Minnesota’s proposed CCDF Plan and provide feedback.

In early December, 2015, The Minnesota Department of Human Services (DHS) is holding a public hearing on the CCDF Plan. This event will take place in Saint Paul, Minnesota and is open to the public. We have worked to ensure the widest accessibility possible for all Minnesotans, to view the public hearing in-person, via live-broadcast or video recording.

The live-stream of the CCDF Plan public hearing is accessible from almost any device with an internet connection (at home, work, or library). For those unable to view the hearing live, the recording of the hearing will be available within 24 hours after the event. It will remain available for 90 consecutive days, with convenient 24/7 access online (see links below).

Feedback on our proposed CCDF Plan will be accepted at any time during the comment period.

Public Hearing Location

DATE & TIME: Friday, December 11, 2015 from 9:30-11:30 a.m.

LOCATION: Minnesota Department of Human Services,
444 Lafayette Road North, Room 5137 (fifth floor), Saint Paul, Minnesota 55164

ONLINE: Link to *test* video-streaming technology on your computer (click “Watch us Live”):

<http://www.house.leg.state.mn.us/>

Link to live video-streaming access *during* the hearing:

<http://tinyurl.com/CCDF-Plan-Live>

Link to the archive of the hearing (available *after* Friday May 3rd, 2013):

<http://tinyurl.com/CCDF-Plan-Recorded>

R.S.V.P.

If you plan to attend in-person, please e-mail: dhs.CCDFreform@state.mn.us by Tuesday, December 8, 2015.

Proposed 2016–18 CCDF Plan and Comment Period

We will post the proposed 2016–18 CCDF Plan on the DHS website by December 1, 2015. We will continue to accept feedback on the proposed CCDF Plan until **Monday, January 11, 2015**. Comments and questions about the proposed Plan may be emailed to dhs.CCDFreform@state.mn.us or mailed to Child Development Services, Minnesota Department of Human Services, PO Box 64962, Saint Paul, MN 55164-0962.

Department of Human Services website link

Here is a link to the Child Care page on the DHS website: <http://tinyurl.com/CCDF-Plan>

Scroll down to find “2016-18 Child Care and Development (CCDF) Plan”.

DIRECTIONS to: Department of Human Services, Lafayette Building, 444 Lafayette Road North, Saint Paul, Minnesota 55164.



Official Notices

From Minneapolis and areas west of St. Paul:

Take 94 east to the Seventh Street exit (you will see the exits in this order: Fifth, 10th, then Seventh). Take a left onto Seventh Street and go to the first stoplight (this is Lafayette Road). Turn left onto Lafayette. DHS' 444 Lafayette Building is one-half block up and the first office building on the right.

From Minneapolis International Airport or Bloomington:

Take Highway 494 to 35E north to 94 east. Take the Seventh Street exit. Turn left onto Seventh Street, then left onto Lafayette Road. DHS is one-half block up and the first office building on the right.

From areas east of St. Paul:

Take 94 west to the Mounds exit. Take Mounds Avenue to East Seventh Street. Turn left onto Seventh Street (you'll be heading west). At the second stoplight, which is Lafayette, turn right. DHS' 444 Lafayette Building is one-half block up and the first office building on the right.

From areas north of St. Paul:

Take 694 east to 35E south. Take the University Avenue Exit (107C) and turn left on University. Take University to Lafayette Road and turn right. DHS' 444 Lafayette Building is two blocks down on the left.

From areas south of St. Paul:

Take 35W (or 35E) north to 94 east to the Seventh Street exit. Take a left onto Seventh Street and go to the first stoplight (this is Lafayette Road). Turn left onto Lafayette. DHS is one-half block up and the first office building on the right.

– Or –

Take 35E north to 494 east to Highway 52 north. This turns into Lafayette Road when you cross the river and get to Seventh Street. Cross over Seventh Street and DHS' 444 Lafayette Building is the first office building on the right.

Rochester:

Take Highway 52 north to St. Paul. This turns into Lafayette Road when you cross the river and get to Seventh Street. Cross over Seventh Street and DHS' 444 Lafayette Building is the first office building on the right.

Investment Advisory Council Official Notice of Meeting on 17 November 2015

The Investment Advisory Council will meet on Tuesday, November 17, 2015 at 12:00 Noon at the Retirement Systems Building, Room 117 (Main Floor), 60 Empire Drive, St. Paul, MN.

Minnesota Land Exchange Board Notice of Hearing on State Land Exchange: Land Exchange #: EXA0010010 - Nathan and Benette McFarlane - Roseau County

NOTICE IS HEREBY GIVEN, that pursuant to *Minnesota Statutes Annotated* 94.341 to 94.348, a public hearing will be held on behalf of the Minnesota Land Exchange Board by the Commissioner of Natural Resources, at 10:00 A.M. on Wednesday, November 18, 2015 in the Lobby Conference room of the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155, on a proposal for the exchange of certain Class A land belonging to the State of Minnesota, located in:

Section 28, Township 163 North, Range 44 West, Roseau County

To be offered in exchange for certain lands owned by Nathan and Benette McFarlane, located in:

Section 31, Township 163 North, Range 43 West, Roseau County

Official Notices

A complete list of the proposed exchange parcels will be posted in the office of the Roseau County Auditor at least two weeks before the date of said hearing.

If you would like to participate via conference call, or have questions regarding this land exchange, please contact Katherine Giel, Land Exchange Coordinator at (651) 259-5377.

Dated: 1 November 2015

Kathy A. Lewis, Assistant Director
Division of Lands and Minerals,
and Commissioner's Delegate
Department of Natural Resources

Minnesota Department of Natural Resources (DNR) Notice of Conveyance to Establish Boundary Lines Relating to Certain State Landholdings

NOTICE IS HEREBY GIVEN that pursuant to Minnesota Statutes, section 84.0273, the State of Minnesota proposes to convey by an quit claim deed such rights, titles and interests in state lands located in Section 14, Township 134 North, Range 43 West, Otter Tail County, to Wee Villa Resorts LLC, a Minnesota limited liability company or its successor(s) in interest, which in return proposes to convey by quit claim deed such right titles and interests in the adjacent lands as are necessary for the purpose of resolving ambiguity in the legal description for the public access on the south shore of Long Lake in Section 14, Township 134, Range 43, Otter Tail County. The reason for this conveyance is that the property descriptions in the 1958 deed to the state had no basis of bearing for the calls, thus the legal description was deficient and creates ambiguity in the location of the boundary lines.

The parties wish to make their mutual boundaries more definite and certain, and clarify their legal descriptions to coincide more accurately with the actual use on the ground.

Additional information about this conveyance or a copy of the proposed conveyance can be obtained by contacting:

Gloria Johnson
Minnesota Department of Natural Resources
Division of Lands and Minerals
500 Lafayette Road Box 45
St. Paul, Minnesota 55155-4045
Phone: 651-259-5395
E-mail: gloria.johnson@dnr.state.mn.us

Minnesota Board of Nursing Notice of 2016 Meetings of the Minnesota Board of Nursing

NOTICE IS HEREBY GIVEN that the February - December 2016 meetings of the Minnesota Board of Nursing have been scheduled at 8:30 a.m., at 2829 University Avenue SE, 4th Floor, Conference Rooms A & B, Minneapolis, Minnesota on the following dates:

February 4, 2016
April 7, 2016
June 2, 2016
August 4, 2016
October 6, 2016
December 1, 2016

A portion of each meeting is review of disciplinary cases and is closed to the public.

Official Notices

For details about time of the open meeting, the agenda or other information, please access the Board of Nursing website:
<http://mn.gov/health-licensing-boards/nursing/?agency=NursingBoard>

The following 2016 meetings are for review of disciplinary cases and are closed to the public:

January 7, 4:30 p.m.
March 3, 7:30 a.m.
May 5, 4:30 p.m.
July 7, 7:30 a.m.
September 1, 4:30 p.m.
November 3, 7:30 a.m.

Minnesota Pollution Control Agency (MPCA)

Industrial Division

Request for Comments on Planned Amendment to Rules Governing Underground Storage Tanks, *Minnesota Rules* Chapter 7150; Revisor's ID Number 04360

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on planned amendments to *Minnesota Rules* chapter 7150. This rulemaking is referred to as the Underground Storage Tanks (UST) Update Rule. The MPCA is considering amendments to the listed rule chapter and requests comments on the proposed amendments from affected or interested parties. Comments should be submitted in writing in accordance with the provisions of this notice under the public comment section below.

Subject of rules. The MPCA requests comments on its possible amendment to rules governing underground storage tanks. The MPCA is considering making corrections, clarifications, and adding conforming language for consistency with federal rules related to the operation and maintenance of underground storage tank equipment. Federal UST regulations were amended July 15, 2015, 80 FR 41566-41683. The proposed revisions will consider the topics listed below:

- adding secondary containment requirements for new and replaced tanks and piping
- adding operator training requirements for UST system owners and operators
- adding periodic operation and maintenance requirements for UST systems
- removing past deferrals for emergency generator tanks, airport hydrant systems, and field constructed tanks
- adding new release prevention and detection technologies
- updating codes of practice
- editorial and technical corrections

MPCA may consider related issues raised by commenters as time allows.

Plain language summary. This request for comments is the MPCA's legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the subject of rules section above. If you have other ideas related to this rulemaking that we need to consider, please submit them in writing. For example, we recognize that costs to regulated parties can be a concern with rule changes. If you have cost information or data related to this rulemaking that you wish to share with us to inform our decisions, please submit that information. Submitting your ideas and information at this early stage in rulemaking allows us more time to address issues that may come up, and helps to ensure informed decision-making on our part.

Persons affected. The amendment to the rules would likely affect any individual or organization that owns or operates an underground storage tank regulated by chapter 7150, a delivery company or individual truck driver that delivers regulated material to a UST, local units of government that oversee UST programs and other entities interested in this topic area.

Statutory authority. The proposed amendments are authorized by *Minnesota Statutes*, section 116.49, subdivision 1, which provides:

- The agency must adopt rules applicable to all owners and operators of underground storage tanks.

- The rules must establish the safeguards necessary to protect human health and the environment.
- The agency may delay adopting the rules until the United States Environmental Protection Agency proposes regulations for regulated substances, as defined in section 116.46, subdivision 6, clause (1).
- The agency shall delay adopting the rules for regulated substances, as defined in section 116.46, subdivision 6, clause (2), until the United States Environmental Protection Agency publishes final regulations for underground storage tanks, or February 8, 1987, whichever is earlier.

Public comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on December 11, 2015 that the MPCA intends to adopt or to withdraw the rules. The MPCA will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The MPCA will appoint an advisory committee to comment on the possible rules. Interested persons or groups may submit their names, and relevant information, for consideration to the contact person listed below no later than December 11, 2015. For more information, see: <http://www.pca.state.mn.us/yp9rha3> .

The MPCA does not anticipate that the rule amendments will require a local government to adopt or amend an ordinance or other regulation under *Minnesota Statutes*, section 14.128. Local governments may submit written information to the contrary.

The MPCA requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations related to the specific purpose of the rule. *Cumulative effect* means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

Rules drafts. The MPCA has not yet drafted the possible rule amendments. Persons interested in being notified when a draft of the rules is available and of other activities relating to this (or other MPCA rulemakings) are encouraged to register at:

<http://public.govdelivery.com/accounts/MNPCA/subscriber/new> .

Agency contact person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Zachary Klaus, Minnesota Pollution Control Agency, 18 Woodlake Drive S.E., Rochester, Minnesota 55904, **E-mail:** zachary.klaus@state.mn.us, **Telephone:** (507) 206-2649, **fax:** (507) 280-5513, **Toll-free:** 1-800-657-3864.

Alternative format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the Agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge (ALJ) if and when a proceeding to adopt rules is started. The Agency is required to submit to the ALJ only those written comments received in response to the draft rules after they are proposed. If you submit comments during the development of the rules and want to ensure that the ALJ reviews your comments, you should resubmit the comments after the rules are formally proposed.

Dated: 23 October 2015

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

Minnesota Department of Transportation (Mn/DOT) Notice to Bidders: Suspensions/Debarments as of January 12, 2015

NOTICE OF DEBARMENT

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

Official Notices

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective September 17, 2014 until September 17, 2017:

- Jeffrey Plzak and his affiliates, Loretto, MN
- Laurie Plzak and her affiliates, Loretto, MN
- Honda Electric Incorporated and its affiliates, Loretto, MN
- Jeffrey and Laurie Plzak doing business as Honda Electric Logistics, and its affiliates, Loretto, MN

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective January 12, 2015 until January 12, 2018:

- Marlin Dahl, Granada, MN
- Dahl Trucking, Elmore, MN
- Elmore Truck and Trailer, Inc., Elmore, 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 Employment and Economic Development (DEED)

Notice of Contract Opportunity for Individual Placement and Support (IPS) Project Expansion

DETAILS:

The Minnesota Department of Employment and Economic Development-Vocational Rehabilitation Services is requesting proposals for the purpose of providing employment services using the Individual Placement and Support (IPS) approach to assist individuals with serious mental illness to acquire, maintain and advance in integrated competitive employment. Work is anticipated to start on or after February 1, 2016.

COPY REQUEST:

The Request for Proposals and application materials will be published on November 9th, 2015 at: <http://mn.gov/deed/about/contracts/>

PROPOSAL DEADLINE:

Proposals submitted in response to the Request for Proposals in this advertisement must be received via email following the instructions in the RFP and application forms no later than Noon on December 17th, 2015. **Late proposals will not be considered.** Fax and mailed 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 Human Services (DHS) Children's Mental Health Division

Notice of Request for Proposals to Provide Psychiatric Inpatient Hospital 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 Psychiatric Inpatient Hospital Treatment for Mental Illness Under the Fee-for-Service Continuing Care Benefit Program.

Work is proposed to start February 1, 2016. For more information, or to obtain a copy of the Request for Proposal, contact:

Attention: Bill Wyss
Children's Mental Health Division
Department of Human Services
PO Box 64981
St. Paul, MN 55164-0981
E-mail: bill.wyss@state.mn.us

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

State Grants & Loans

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, December 1, 2015**. **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/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) Community Partnerships and Child Care Services Office of Economic Opportunity Availability of Emergency Medical Assistance Grant Legal Referral Funds

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) Office of Economic Opportunity announces the anticipated availability of Emergency Medical Assistance (EMA) funding. Funding under this grant may be used to pay the costs to provide legal services to individuals with emergency medical conditions who are not currently eligible for medical assistance or other public health programs based on their immigrant status, but who may meet eligibility requirements with legal assistance. Eligible applicants include non-profit organizations that provide legal services to clients based on indigence.

In 2015, the Minnesota Legislature authorized \$200,000 for the 2016-2017 state fiscal year. All funds will be awarded through a competitive grant process. Funds will be awarded for an 18 month period beginning January 1, 2016 and ending June 30, 2017. To be considered for funding under this program, one original, four hard copies, and one electronic version of the application must be received by 4:00 pm on Friday, December 11, 2015. The electronic copy of the application should be sent to *barb.alt@state.mn.us* The one original and four hard copies of the application should be sent/delivered to:

Mailed:

Attn: Barb Alt
MN Department of Human Services
Office of Economic Opportunity
PO Box 64962
St. Paul, Minnesota 55164-0962

OR

Delivered:

Attn: Barb Alt
MN Department of Human Services
Office of Economic Opportunity
444 Lafayette Road North
St. Paul, Minnesota 55155

For more information or to request an application packet, contact:

Franice Mathes
Minnesota Department of Human Services
Office of Economic Opportunity
PO Box 64962
St. Paul, MN 55164-0962
Phone: (651) 431-3814, or
E-mail: *francie.mathes@state.mn.us*

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.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

\$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600

\$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days.

\$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days.

Anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

Minnesota Department of Administration (Admin)

Risk Management Division

Notice of Contract Opportunity for Insurance and Risk Management Services

DETAILS: The Minnesota Department of Administration, Risk Management Division, is requesting proposals for the purpose of obtaining insurance agency and risk management services for all state departments and agencies. In fiscal year 2015, the State spent \$3.1 million on reinsurance.

The Risk Management Division is seeking to contract with an insurance agent(s) in the interest of:

- (1) minimizing the total cost of risk to the State;
- (2) developing a comprehensive risk management approach to handling the State's risk;
- (3) effectively procuring insurance, including reinsurance; and,
- (4) accessing comprehensive risk management services

Work is anticipated to start on January 1, 2016.

COPY REQUEST: To get a copy of the Request for Proposals, please send a written request, by email, to:

Marlys Williamson
Manager of Underwriting/Marketing
Department of Administration
Risk Management Division
310 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
E-mail: marlys.williamson@state.mn.us

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposals in this advertisement must be received by mail no later than 4:00 p.m. C.S.T., on **December 01, 2015**. **Late proposals will NOT be considered.** Email/fax 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

Minnesota State Colleges and Universities (MnSCU) Campus Service Cooperative Notice of Request for Proposals for Digital Signature Services

NOTICE IS HEREBY GIVEN that the State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of the various member institutions, is soliciting proposals from qualified vendors for assistance in implementing an enterprise-wide electronic signature system.

The full Request for Proposal (RFP) will be available Monday October 26, 2015 at the following website:

<http://www.csc.mnscu.edu/sourcing/RFP.html>.

All requirements and information, as well as proposal delivery instructions will be contained in the RFP.

Deadline for proposal response is 3:00pm Central Time Friday December 4, 2015. Submit proposals to:

Michael Noble-Olson, Chief Procurement Officer
MnSCU Campus Service Cooperative
Educational Services Building
7411 - 85th Avenue North
Brooklyn Park, MN 55445

Minnesota State Colleges and Universities reserves the right to reject any or all proposals, to waive any irregularities or informalities in proposals received, and to cancel the solicitation if it is considered to be in its own best interest. This Request for Proposal does not obligate the Minnesota State Colleges and Universities to award a contract.

Minnesota State Colleges and Universities (MnSCU) Rochester Community and Technical College Notice of Availability of Request for Proposals (RFP) for Branding, Positioning and Marketing Assessment, Strategy Development, and Creative Services

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Rochester Community is soliciting proposals from interested, qualified firms for the above referenced project.

To receive a Request for Proposal, please send an email to *nate.stoltman@rctc.edu* .

Proposals from interested firms must be delivered to June Meitzner, Purchasing Manager, Rochester Community and Technical College, 851 - 30th Avenue S.E., Room SS153, Rochester, MN 55904-4999, no later than 3:00 pm, Monday, November 30, 2015. **Late responses will NOT be considered.**

Minnesota State Colleges and Universities and Rochester Community and Technical College are not obligated to complete the proposed project and reserve the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota Board of Physical Therapy Administering Board of the Health Professionals Services Program Notice of Availability of Contract to Provide a Full Range of Toxicology Screening Services

The Health Professionals Services Program (HPSP) is requesting proposals from laboratories able and willing to provide HPSP and its participants with a full range of toxicology related services. These include, but are not limited to: testing roughly 14,000 urine specimens for substances of abuse annually, submitting results to HPSP in a timely manner, and providing medical review officer opinions/consultation as needed.

Work is proposed to start after December 15, 20015.

A Request for Proposals will be available by mail from this office through November 24, 2015. A written request by direct mail, fax, or email (direct e-mail to: **Monica.Feider@state.mn.us** with subject line: RFP Tox 15) is required to receive the *Request for Proposal*. After November 24, 2015, the *Request for Proposal* must be picked up in person.

The Request for Proposal can be obtained from:

Monica Feider
Health Professionals Services Program
1380 Energy Lane, Suite 202
St. Paul, MN 55108
Fax: (651) 643-2163
Or e-mail: **monica.feider@state.mn.us** (in subject line: RFP Tox 15)

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 8:00 a.m. CST on November 30, 2015. **No time extensions will be granted.**

The RFP can be viewed by visiting the Health Professionals Services Program's website at:

<http://mn.gov/health-licensing-boards/hpsp/>

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 Public Employment Relations Board (PERB) Notice of Contract Opportunity to Contract with Multiple Qualified Minnesota Licensed Attorneys to Serve as Hearing Officers

PROJECT NAME: The Minnesota Public Employment Relations Board (PERB) seeks to contract with multiple qualified Minnesota licensed attorneys to serve as Hearing Officers.

DETAILS: Persons serving as a PERB Hearing Officer will be required to prepare appropriately for proceedings; conduct unfair labor practice hearings; pre-hearing or settlement conferences; perform necessary legal research; and issue recommended decisions and orders.

Work is anticipated to start after July 1, 2016.

COPY REQUEST: To get a copy of the Request for Proposals, please send a written request, by email, to:
steven.hoffmeyer@state.mn.us

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposals in this advertisement must be received by mail

State Contracts

or in-person delivery to:

Steven G. Hoffmeyer
Interim General Counsel and Executive Director
PERB
1380 Energy Lane, Suite #1
St. Paul, MN 55108-5253

no later than 2:00 P.M. CST, on Monday, January 4, 2016. **Late proposals will NOT be considered.** Email or fax 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 Sports Facilities Authority (MSFA) Advertisement for Proposals for Crowd Management Services / 24 Hour Security Services

1. **Proposals** – Submit proposals for Crowd Management Services/24 Hour Security Services, U.S. Bank Stadium, Minneapolis, Minnesota, to Billy Langenstein, Director of Event Services SMG, at the MSFA office on or before 5:00pm on December 6, 2015.
2. **Work Includes** – Provide event staff and/or 24 hour security services for U.S. Bank Stadium.
3. **Pre-Proposal Meeting** – Pre-proposal meeting will be held at 3:00pm on November 6, 2016. Please meet at the MSFA offices. It is mandatory that proposers attend the meeting.
4. **Examining Documents** – Documents will be available for review after October 28, 2015, at the office of the MSFA, 511 - 11th Ave. South, Suite 401, Minneapolis, MN and on the website, MSFA.com.
5. **Affirmative Action** – All proposers, applicants, prime contractors and prospective subcontractors will be subject to a preaward compliance review to ensure the employment of minorities, women and disabled person.

The Minnesota Sports Facilities Authority reserves the right to reject any and all proposals and to waive any informalities in any proposals received without explanation.

Ms. Michele Kelm-Helgen, Chair
Minnesota Sports Facilities Authority

Minnesota Sports Facilities Authority (MSFA) Advertisement for Proposals for Medical Services Staffing

1. **Proposals** – Submit proposals for Medical Services Staffing, U.S. Bank Stadium, Minneapolis, Minnesota, to Billy Langenstein, Director of Event Services SMG, at the MSFA office on or before 5:00pm on December 6, 2015.
2. **Work Includes** – Provide emergency medical technicians and first aid staffing at U.S. Bank Stadium.
3. **Pre-Proposal Meeting** – Pre-proposal meeting will be held at 11:00am on November 6, 2016. Please meet at the MSFA offices. It is mandatory that proposers attend the meeting.
4. **Examining Documents** – Documents will be available for review after October 28, 2015, at the office of the MSFA, 511 - 11th Ave. South, Suite 401, Minneapolis, MN and on the website, MSFA.com.
5. **Affirmative Action** – All proposers, applicants, prime contractors and prospective subcontractors will be subject to a preaward compliance review to ensure the employment of minorities, women and disabled person.

The Minnesota Sports Facilities Authority reserves the right to reject any and all proposals and to waive any informalities in any proposals received without explanation.

Ms. Michele Kelm-Helgen, Chair
Minnesota Sports Facilities Authority

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>.

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

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's Bookstore

Several convenient ways to order:

- ◆ **Retail store** Open 8 a.m. - 3 p.m. Monday - Friday, 660 Olive Street, St. Paul
 - ◆ **Phone** (credit cards): 8 a.m. - 4 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:** 711
 - ◆ **Fax** (credit cards): 651.215.5733 (fax line available 24 hours)
 - ◆ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155
- Minnesota's Bookstore accepts VISA, MasterCard, American Express & Discover for all purchases.**

PREPAYMENT REQUIRED. Prices and availability subject to change. Fax and phone orders require credit card.

Please allow 1-2 weeks for delivery. For mail orders, complete order blank and send to address above.

Enclose payment - for security reasons, we do not recommend mailing credit card information.

Please allow 2-3 weeks for delivery.

Please make checks payable to "Minnesota's Bookstore."

A \$20.00 fee will be charged for returned checks.

Stock No.	Title	Quantity	Unit Price	Total

Send my order to:

Company:		
Name:		
Street Address: <i>(Not deliverable to P.O. boxes)</i>		
City:	State:	Zip:
Daytime phone: () <i>(In case we have a question about your order - please include area code)</i>		

Shipping Charges	
<i>If Product Subtotal is:</i>	<i>Please Add:</i>
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$500.00	\$ 17.00
\$500.01-\$1,000	\$ 22.00*
<small>*\$22 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.</small>	
More than \$1,000	Call

Product Subtotal _____

Shipping _____

(see chart at left)

Subtotal _____

Sales tax _____

(6.875% sales tax if shipped to MN address, 7.625% if shipped to St. Paul address. 7.125% MN transit tax or other local sales tax if applicable)

TOTAL _____

For security reasons, we recommend that you call to place a credit card order.

Credit card number:	
Expiration date:	3- or 4- digit security code: <i>(found on back of card)</i>
Signature:	

If tax exempt, please provide ES number or completed exemption form.

ES# _____

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