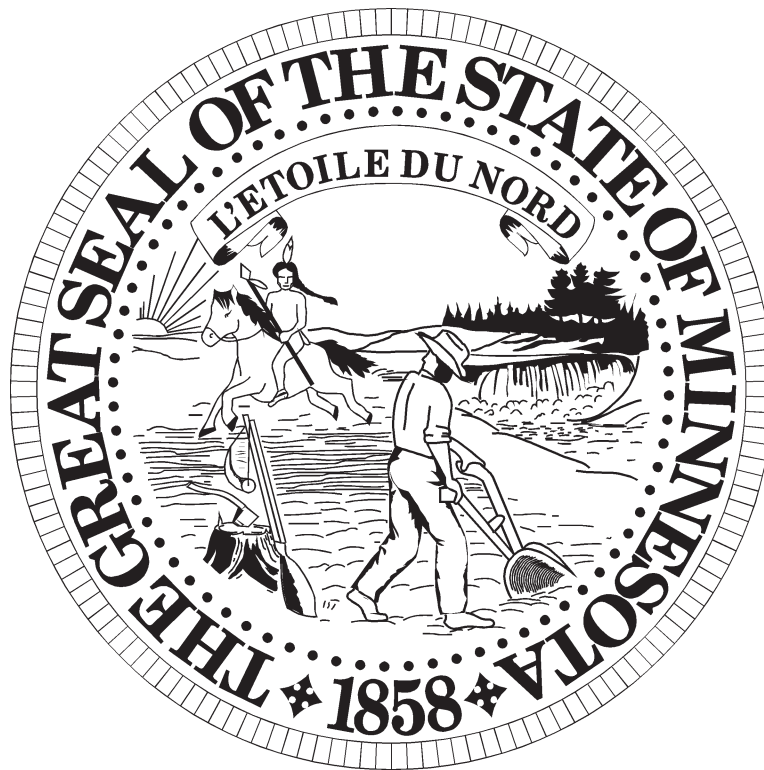


Minnesota

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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 28 December 2015
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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- Withdrawn Rules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)
# 27	Monday 4 January 2016	Noon Tuesday 29 December	Noon Thursday 24 December
# 28	Monday 11 January	Noon Tuesday 5 January 2016	Noon Thursday 31 December
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For additional contracts go to:
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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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Proposed Rules

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

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

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

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

Minnesota Pollution Control Agency (MPCA)

Environmental Analysis and Outcomes Division

Proposed Permanent Rules Relating to Existing Water Quality Variance Procedures

NOTICE OF HEARING on Proposed Amendments to Rules Governing Water Quality

Variations, *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. Revisor's ID Number RD4136

Introduction. On November 9, 2015, the Minnesota Pollution Control Agency (MPCA) published a Dual Notice of Intent to Adopt Rules related to water quality variances. The notice stated that the MPCA would hold a hearing on the rules if 25 requests were received. In the absence of 25 requests, Minnesota law allows adoption of a rule without a hearing. However, although the rule is procedural in nature, there is a possibility that U.S. Environmental Protection Agency (USEPA) would view the rule as "a water quality standard" under the Clean Water Act and that adopting the rule without a hearing could lead to USEPA comments indicating that the proposed rules will not be approvable. In order to avoid unnecessary procedural delay, the MPCA gives notice that we intend to proceed with a hearing, to take place on February 4, 2016, as described in the November 9, 2015, notice.

Public Hearing. The MPCA intends to adopt rules after a 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. As identified in the original notice for the proposed rules, the MPCA will hold a 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 MPCA offices 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

Proposed Rules

The MPCA will hold the hearing simultaneously in the two locations listed above. The Administrative Law Judge 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.

Administrative Law Judge. 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 Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone: (651) 361-7900, and fax: (651) 539-0310 or 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.

Subject of Rules. 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 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. For more information about the proposed amendments, please refer to the November 9, 2015, notice and the statement of need and reasonableness (SONAR) which is available as stated below.

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.

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 800-657-3864 or use your preferred relay service info.pca@state.mn.us.

Availability of Rules and Statement of Need and Reasonableness. A copy of the rules were published with the original notice for the proposed rules and are available on the MPCA's webpage at <http://www.pca.state.mn.us/zihy1479>. A free copy of the rules is available upon request from the MPCA contact person identified above. The SONAR which summarizes the justification for the proposed rules is also available at that webpage.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The ALJ 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 ALJ at the address above or to <https://minnesotaoah.granicusideas.com>. All evidence that you present 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 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 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 Office of Administrative Hearings 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 are public and will be available for review at the Office of Administrative Hearings.

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.

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.

Modifications. The MPCA 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 MPCA follows the procedure under *Minnesota Rules*, part 1400.2110.

Proposed Rules

Adoption Procedure after the Hearing. After the close of the hearing record, the ALJ will issue a report on the proposed rules. You may ask to be notified of the date when 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 files them with the Secretary of State, or ask to register with the MPCA to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the MPCA contact person listed above.

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 at 190 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 800-657-3889.

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

Dated: 18 December 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:~~

Proposed Rules

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

(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.

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

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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.

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.

Minnesota Public Employment Relations Board (PERB) Proposed Permanent Rules Relating to Public Employees; Unfair Labor Practices

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 R-04345

Possible Adoption of Rules Governing the Procedures of Investigations, Hearings, and Appeals of Unfair Labor Practices Under *Minnesota Statutes*, 179A

Introduction. The Minnesota Public Employment Relations Board (PERB) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. **If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on January 28th the PERB will hold a public hearing in the boardroom in the PERB's offices at 1380 Energy Lane, Suite #1, St. Paul, Minnesota 55110, starting at 1:30 p.m. on Monday, February 22nd.** To find out whether the

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PERB will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after January 28th and before February 22nd.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Steve Hoffmeyer at PERB, 1380 Energy Lane, Suite #1, St. Paul, Minnesota 55110-5253, phnoe: (651) 325-6210, e-mail: Steven.Hoffmeyer@state.mn.us

Subject of Rules and Statutory Authority. The proposed rules are about how the PERB will conduct investigations, charge processing, hearings, and appeals held in accordance with the Public Employment Labor Relations Act, *Minnesota Statutes*, 179A. The statutory authority to adopt the rules is *Minnesota Statutes*, section 179A.041. A copy of the proposed rules is published in the *State Register*, of December 28, 2015. The rules are also available on the PERB's website at: <http://mn.gov/admin/bms/>.

Comments. You have until 4:30 p.m. on Thursday, January 28th, 2016, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change 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 PERB hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Thursday, January 28th, 2016. 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 agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the PERB 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 agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

Cancellation of Hearing. The PERB will cancel the hearing scheduled for Monday, February 22nd, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 325-6210 after January 28th, 2016, 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) 325-6210 or going on-line at <http://mn.gov/admin/bms/>.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the PERB will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The PERB will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Cochran is assigned to conduct the hearing. Judge Cochran'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) 361-7900 and **fax:** (651) 539-0310 or **e-mail:** denise.collins@state.mn.us.

Hearing Procedure. If the PERB holds a hearing, you and all interested or affected persons, including representatives of associations

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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 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 that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the 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 will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

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.

Statement of Need and Reasonableness. The statement of need and reasonableness 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. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. It is also available on the PERB's website at <http://mn.gov/admin/bms/>.

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

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

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

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

Dated: 18 December 2015

David Biggar, Chair
Public Employment Relations Board

7325.0010 PURPOSE AND CONSTRUCTION.

This chapter is established to comply with and administer the provisions of *Minnesota Statutes*, chapter 179A and section 179.35, and shall be liberally construed to effectuate their purposes.

7325.0020 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Board.** "Board" means the governing body of the Public Employment Relations Board.

Subp. 3. **Charged party.** "Charged party" means a party charged with an unfair labor practice charge.

Subp. 4. **Charging party.** "Charging party" means a party alleging an unfair labor practice charge.

Subp. 5. **Charge or unfair labor practice charge.** "Charge" or "unfair labor practice (ULP) charge" means a statement filed with the board in which a person alleges that another person or entity has committed an unfair labor practice.

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Subp. 6. **Days.** “Days” means a calendar day unless it is stated as “working days.”

Subp. 7. **Legal holiday.** “Legal holiday” has the meaning given in Minnesota Statutes, section 645.44, subdivision 5.

Subp. 8. **Public Employment Relations Board or PERB.** “Public Employment Relations Board” or “PERB” means the board established under Minnesota Statutes, section 179A.041.

Subp. 9. **Respondent.** “Respondent” means a party subject to an unfair labor practice complaint.

Subp. 10. **Working day.** “Working day” means a day which is not a Saturday, Sunday, or legal holiday.

7325.0100 FILING AND SERVICE GENERALLY.

Subpart 1. **Filing.** For the purposes of this chapter:

A. Filing is accomplished by in-person delivery to the board before 4:30 p.m. on a working day, first class United States mail with postage prepaid, facsimile, or as an attachment to an e-mail.

B. Anything filed with the board, unless otherwise specifically directed by the board, a hearing officer, or the general counsel, must also be served on all other parties.

C. A filing by United States mail is deemed filed on the date of its postmark. A filing occurring on a Saturday, Sunday, or legal holiday is deemed to be filed on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

Subp. 2. **Service.** For the purposes of this chapter, service is accomplished by in-person delivery, first class United States mail with postage prepaid, facsimile, or as an attachment to an e-mail. If service is by United States mail it shall be effective on the date of its postmark. A party served by United States mail shall have three additional days for responding or taking other action from the date of service. If service is by facsimile or e-mail and it is accomplished after 4:30 p.m. local Minnesota time, then the parties served shall have one additional day added to any prescribed period for responding or taking other action from the date of service.

FILING AND INVESTIGATION

7325.0110 FILING, SUPPORTING, AND RESPONDING TO A CHARGE.

Subpart 1. **Charge form.** A party must file a charge in writing using the form provided by the board.

Subp. 2. **Form information.** The charge form must include the following information:

A. the name, address, and telephone number of the party filing the charge;

B. the name, address, and telephone number of the agent or attorney representing the charging party;

C. the name, address, and telephone number of the charged party;

D. the name, address, and telephone number of the agent or attorney representing the charged party, if known;

E. a clear and concise statement of each charge of an unfair labor practice including the dates, times, and places of the alleged unfair labor practice and the name of the person, entity, or both that allegedly committed the unfair labor practice;

F. the specific section of the law, either *Minnesota Statutes*, section 179.11, 179.12, or 179A.13, alleged to have been violated;

G. the specific remedy being sought for each unfair labor practice alleged; and

H. a statement that the charging party has served a complete copy of the charge on each party named as a charged party.

Subp. 3. **Obtaining a charge form.** Unfair labor practice charge forms may be obtained from the board in person or on the board’s official Web site.

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Subp. 4. **Serving a form on charged party.** The charging party shall serve a complete copy of the charge or amended charge on each party named as a charged party.

Subp. 5. **Receipt of a charge.** Upon receipt of a charge, the charge must be docketed, assigned a case number, and served on the parties by the board or its designee.

Subp. 6. **Submission of evidence.** The charging party must submit evidence in support of each alleged unfair labor practice as well as any documents that support its position to the assigned investigator. This submission must be provided within seven days of the date the charge or amended charge is filed, unless an extension is granted for good cause. The assigned investigator may request the charging party to submit additional evidence to support its charge when the assigned investigator determines additional evidence is necessary to evaluate the charge.

Subp. 7. **Submission of a response.** The charged party must submit a response to each alleged unfair labor practice in the charge as well as any evidence that supports its position to the assigned investigator. This submission must be provided within 14 days of the date the charge or amended charge is served by the board, unless an extension is granted by the assigned investigator. The assigned investigator may request the charged party to submit additional evidence when the assigned investigator determines additional evidence is necessary to evaluate the charge.

7325.0120 MEDIATION.

Whenever it would advance the possibility of a mutual resolution, the board or its designee shall:

- A. work with the commissioner of mediation services to assign a mediator; and
- B. undertake an effort to conciliate or recommend mediation with the assigned Bureau of Mediation Services mediator.

7325.0130 INVESTIGATION.

Subpart 1. **Informal conferences.** A designated board staff member may conduct an informal conference or conferences during the course of the investigation to clarify issues or to explore voluntary resolution. The board staff member holding the settlement conference must not disclose or discuss any settlement discussions with the board or any hearing officer who may be assigned to hear the case.

Subp. 2. **Withdrawal of charge.** If, after the investigation, the charge is found to have no reasonable basis in law or fact, the board must advise the charging party of this fact and give the charging party the opportunity to withdraw the charge.

7325.0140 AMENDING OR WITHDRAWING CHARGE.

The charging party may amend or withdraw a charge at any time prior to the issuance of a complaint or notice of dismissal.

7325.0150 DISMISSAL OF CHARGES.

Subpart 1. **Dismissal.** If, at any time, the board determines that the charge has no reasonable basis in law or fact, the board must dismiss the charge.

Subp. 2. **Notification.** If the board dismisses the charge, it must provide written notification to all parties to the case. The charging party may request that the Minnesota Court of Appeals review the board's decision in accordance with *Minnesota Statutes*, section 179A.052.

HEARINGS

7325.0200 COMPLAINT.

The board shall issue and process ULP complaints in accordance with *Minnesota Statutes*, section 179A.13.

7325.0210 ANSWER.

The respondent has a right to file an answer to the complaint or amended complaint with the board and serve copies on all parties within seven days after service of the complaint or amended complaint or three days prior to the hearing, whichever is sooner.

7325.0220 SCOPE OF HEARING.

The hearing must address the issues in the complaint or amended complaint. Evidence need not be presented with regard to facts

stipulated by the parties.

7325.0230 BURDEN OF PROOF.

The charging party has the burden of proving the unfair labor practice allegation in the complaint by a preponderance of the evidence under *Minnesota Statutes*, section 179A.13, subdivision 1, paragraph (g). The respondent may present evidence in support of the respondent's defense. A party asserting an affirmative defense has the burden of proving it by a preponderance of the evidence.

7325.0240 HEARING OFFICER DUTIES.

The hearing officer shall:

A. regulate the proceedings of the case and the conduct of the parties during the proceedings;

B. receive testimony and evidence;

C. rule on requests for continuances;

D. sequester witnesses;

E. issue subpoenas and rule upon motions to revoke subpoenas;

F. rule on objections, motions, and questions of procedure;

G. authorize the submission of briefs and set the time for their filing;

H. hear closing arguments; and

I. render and serve the recommended decision and order to the board and the parties to the proceeding under *Minnesota Statutes*, section 179A.13, subdivision 1, paragraphs (i) and (j).

7325.0250 PREHEARING CONFERENCES.

Subpart 1. **Conference.** The hearing officer assigned to the case shall schedule a prehearing conference, at which the parties may be required to submit prehearing information, if it would promote a fair and efficient process.

Subp. 2. **Prehearing information.** Prehearing information includes a detailed written statement of the issues, a list of witnesses and the nature of their testimony, and all other information the hearing officer requests.

Subp. 3. **Holding conferences.** Prehearing conferences may be held in person, by telephone, or by other electronic means.

Subp. 4. **Record.** The hearing officer shall enter any stipulations reached into the record.

7325.0260 SUBPOENAS.

The party requesting a subpoena shall submit a request to the hearing officer or the board if no hearing officer has been assigned and serve copies on all other parties.

7325.0270 PROTECTIVE ORDERS.

Subpart 1. **Issuing protective orders.** The hearing officer, or the board or its designee if no hearing officer has been assigned, shall issue protective orders, including orders to control the disclosure and use of private, sensitive, or protected data.

Subp. 2. **Closing a hearing.** The hearing officer may close a portion or portions of the hearing only to the extent necessary to protect private, sensitive, or protected data.

7325.0280 TESTIMONY.

A party may present evidence and witnesses, rebuttal testimony, and argument on the issues, and to cross-examine witnesses under *Minnesota Statutes*, section 179A.13, subdivision 1, paragraph (b). A party may be a witness or may present witnesses at the hearing. Oral testimony must be under oath or affirmation.

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7325.0290 CONTINUANCES.

The charging party or respondent may request a continuance or postponement of a hearing. If the hearing officer is unavailable to consider the request, the request must be directed to the board. The hearing officer must consider the following in determining whether to grant the request:

- A. whether there is mutual agreement among the parties to the request;
- B. whether the moving party can substantiate cause for the request; and
- C. whether the rights of a party will be substantially affected if the request is denied.

7325.0300 CONSOLIDATION.

The board must consolidate one or more hearings if it determines that consolidation will serve the purposes of this chapter.

7325.0310 INTERVENTION.

Subpart 1. **Requests to intervene.** Interested parties who wish to intervene in the hearing shall direct requests to the hearing officer, or to the board if no hearing officer has been assigned, with copies to all other parties.

Subp. 2. **Form of requests.** A request to intervene shall be in writing and shall state the grounds for the intervention.

Subp. 3. **Allowing interventions.** The decision by the hearing officer or board to allow intervention shall be based upon the interests of the intervenor and shall consider objections, if any, raised by the parties, whether those interests will be adequately protected by the existing parties, and the timeliness of the intervenor's request.

7325.0320 RECORD.

Subpart 1. **Digital transcription.** The board shall provide a digital transcription of the hearing to the parties.

Subp. 2. **Matters in dispute.** The hearing officer shall inquire into all matters in dispute, and shall obtain a full and complete record by evidentiary hearing or stipulation.

Subp. 3. **Record contents.** The hearing officer shall obtain the following to constitute a full and complete record of the proceedings:

- A. all pleadings, motions, and orders;
- B. evidence received;
- C. offers of proof, objections, and rulings on objections;
- D. all memoranda or data submitted by any party in connection with the case; and
- E. a digital transcript of the hearing.

Subp. 4. **Transfer of records.** Upon issuance of the hearing officer's recommended decision and order, the hearing officer shall transfer the record of the proceeding to the board.

APPEALS AND REVIEW

7325.0400 EXCEPTIONS.

Subpart 1. **Appeals from decisions of the commissioner.** Appeals from decisions of the commissioner of the Bureau of Mediation Services under *Minnesota Statutes*, section 179A.12, subdivision 11, regarding unfair labor practices found to occur in the course of a representation election are subject to review by the board in the same manner as recommended decisions and orders of board hearing officers.

Subp. 2. **Number of copies.** Whenever this part requires a document to be submitted to the board, four paper copies and an electronic copy must be submitted to the board and the document must be served upon all other parties to the proceeding.

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Subp. 3. Content of statement of exceptions. A party filing exceptions or cross-exceptions under *Minnesota Statutes*, section 179A.13, subdivision 1, paragraph (k), must specifically identify in its statement of exceptions the portions of the hearing officer's decision and order to which each exception is made and the grounds for each exception.

Subp. 4. Brief supporting exceptions. The party filing exceptions or cross-exceptions must submit with the statement of its exceptions a brief supporting its exceptions. The brief shall reference any exhibits, offers of proof, or the identity of any witnesses whose testimony supports its exceptions or cross-exceptions.

Subp. 5. Request for oral argument. A request to present oral argument to the board must be filed with the statement of exceptions or cross-exceptions. The board shall grant a request for oral argument if it finds oral argument would be helpful to its decision-making process.

Subp. 6. Response to exceptions. Within 15 days of service of the excepting party's exceptions, all nonexcepting parties to the hearing must file with the board and serve upon all other nonexcepting parties their responses to the excepting party's exceptions, any cross-exceptions they wish to submit, their brief, and any request for oral argument before the board.

Subp. 7. Response content. All responses to exceptions and any cross-exceptions must state with specificity the portions of the hearing officer's decision to which responses to exceptions or cross-exceptions are directed and the grounds for each response to an exception and the grounds for any cross-exceptions.

Subp. 8. Responses to cross-exceptions. Within 15 days of service of any cross-exceptions, all nonexcepting parties may submit to the board and serve upon all other nonexcepting parties a response to any cross-exceptions filed stating their position with regard to the cross-exceptions. Any response to cross-exceptions shall reference any exhibits, offers of proof, or the identity of any witnesses whose testimony supports its position.

Subp. 9. Request to file an amicus brief. A person or entity seeking to submit an amicus brief to the board must submit to the board a request to file an amicus brief within ten days of the first filing of exceptions in any pending matter. A request to the board to submit an amicus brief must include identification of the person or entity seeking to file the amicus brief, reasons for wishing to file the amicus brief, and any requests for an oral argument.

Subp. 10. Granting an amicus brief request. If the board grants the request to submit the amicus brief, it shall state in its order the deadline for submission of the brief and whether the amicus will be permitted to present an oral argument.

Subp. 11. Invitation of amicus briefs. The board may invite the submission of amicus briefs on any pending matter if it finds receipt of arguments of other persons or entities would be helpful in its decision-making process. If the board invites the submission of amicus briefs, it shall state in its order the deadline for the submission of briefs and whether the invited amicus will be permitted to present an oral argument. Oral argument must be permitted if it would be helpful to the board in its decision-making process.

7325.0410 PROCEEDINGS BEFORE THE BOARD.

Subpart 1. Board initiated review of recommended decision and order. The board may, in the absence of the submission of any exceptions, review a recommended decision and order on its own motion when:

- A. the board believes the hearing officer's recommended decision and order may be inconsistent with the law or the facts;
- B. a board decision on the case would assist the public by clarifying the law on a particular issue; or
- C. persons or entities not parties to the case may be adversely affected in the absence of board review of the recommended decision and order.

Subp. 2. Notice of intent to review. If the board decides to review a recommended order and decision on its own motion, it shall prepare a notice of intent to review specifying the grounds for such review and serve the notice of intent to review on all parties to the case no later than 45 days following the date on which the hearing officer's decision and order was served upon the parties to the case.

Subp. 3. Submissions in response to board's intent to review. The board's order deciding to review shall afford all parties the opportunity to submit briefs within 30 days of its notice of intent to review. Parties desiring to present oral argument regarding the matters

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identified in the board's notice of intent to review must submit a request for oral argument within 30 days of service of the board's notice of intent to review.

Subp. 4. Means of obtaining evidence. If the board requires the submission of additional evidence under *Minnesota Statutes*, section 179A.041, subdivision 7, the board must obtain the evidence using the following means:

- A. presentation of evidence in documentary form;
- B. remand to a hearing officer for the presentation of evidence; or
- C. an evidentiary hearing conducted by the board.

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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 Housing Finance Agency (MHFA) Notice of Hearing on Bond Issues for Qualified Mortgage Bonds

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency (the “Agency”) will hold a public hearing at 9:30 a.m. on Monday, January 11, 2016 at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purposes of taking public testimony regarding the issuance of qualified mortgage bonds, comprising one or more series, in an aggregate principal amount not exceeding \$500,000,000.

The bonds will be issued as qualified mortgage bonds subject to the mortgage eligibility requirements of Section 143 of the Internal Revenue Code of 1986, as amended, and will provide funds for the purchase by the Agency of mortgage loans of certain low and moderate income, first-time homebuyers of single family owner-occupied residences located throughout the State of Minnesota, which homebuyers qualify under the Agency’s bond financed single family mortgage program (the “Program”) and applicable federal tax law. The Agency’s Program is further described in the MHFA Start Up Program Procedural Manual, as updated from time to time, a copy of which may be obtained from the Agency. Said bonds may be issued either as refunding bonds to refund certain outstanding bonds of the Agency or as “new money” bonds using a portion of the Agency’s state bond volume allocation, and may be issued either as short-term bonds, subject to refunding or remarketing at a subsequent date on a long-term, fixed or variable rate basis, or as long-term, fixed or variable rate bonds on original issuance. The bonds covered by this hearing notice, up to an aggregate principal amount not exceeding \$500,000,000, are anticipated to be issued periodically to fund the Program during calendar years 2016 and 2017, until fully utilized.

Parties wishing to comment on the financing for the Program may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing, which comments will be considered at the hearing. Parties desiring additional information should contact Ms. Suzanne Best of the Agency (651-297-3131).

Mary Tingerthal, Commissioner
Minnesota Housing Finance Agency

Minnesota Department of Human Services (DHS) Health Care Purchasing and Delivery Systems Division Health Care Administration Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of additions to the state Medical Assistance maximum allowable cost (state MAC) list for certain outpatient prescribed drugs.

Minnesota Statute 256B.0625 subd. 13e (e) gives the commissioner the authority to negotiate reimbursement rates for specialty pharmacy products. The commissioner employs a Specialty Maximum Allowable Cost (Specialty MAC) reimbursement methodology for specialty products. Specialty pharmaceutical products include injectable and infusion therapies, biotechnology drugs, antihemophilic factor products, high-cost therapies, and therapies that require complex care.

No earlier than December 29, 2015 the Department may add the following outpatient prescribed drugs to the state MAC list:

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Drug UPC Name

ADYNOVATE
BENLYSTA
COAGADEX
DAKLINZA
EMPLICITI
NINLARO

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$46,000 for State Fiscal Year 2013 (July 1, 2015 through June 30, 2016).

This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205, which requires publication of a notice when there is a rate change in the methods and standards for setting payment rates for Medical Assistance services.

Written comments and requests for information may be sent to Pharmacy Program Manager Sara Drake R.Ph., Health Services and Medical Management Division, Health Care Administration, Minnesota Department of Human Services, P.O. Box 64984, St. Paul, Minnesota 55164-0984.

Minnesota Department of Human Services (DHS) Health Care Administration Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of certain changes to the Medical Assistance Integrated Health Partnerships demonstration (formerly known as the Health Care Delivery Systems demonstration).

This notice is published pursuant to *Code of Federal Regulations*, title 42, part 447, section 205 (42 CFR § 447.205), which requires publication of a notice when there is any significant proposed change in the methods and standards for setting payment rates for Medicaid services.

The Department is amending the payment methodology for the Integrated Health Partnership demonstration in the following ways effective January 1, 2016:

- Virtual delivery models will have the option to elect loss-sharing within terms agreed upon between the demonstration provider and the state.
- Integrated models, in year four of participation and thereafter, must accept some risk for losses within terms agreed upon between the demonstration provider and the state. Integrated models may increase the ratio of gain-sharing to loss-sharing by expanding the types of services offered, or increasing the number of participants in the demonstration.
- In year four of participation and thereafter, the effect of the quality and patient experience measures will be at a rate negotiated between the demonstration provider and the state.
- Participants with third party liability will be attributed to demonstration providers for purposes of care management and final settlement payments. They will be excluded for the purposes of the total cost of care calculation.

The Department estimates no fiscal impact resulting from these changes.

Agency Contact Person: Written or oral comments, questions, and requests for additional information may be directed to:

Mathew Spaan
Department of Human Services
P.O. Box 64984
St. Paul, MN 55164-0984
Telephone: (651) 431-2495
E-mail: mathew.spaan@state.mn.us

Minnesota Pollution Control Agency (MPCA)**Watershed Division****Notice of Availability of the Draft Watershed Restoration and Protection Strategies Report and Total Maximum Daily Loads for the Coon Creek Watershed Mississippi River Twin Cities Watershed and Request for Comment****Public Comment Period Begins:****December 28, 2015****Public Comment Period Ends:****January 28, 2016**

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the Watershed Restoration and Protection Strategies (WRAPS) Report and Total Maximum Daily Loads (TMDLs) for the Coon Creek Watershed (note that this watershed is part of the Mississippi River-Twin Cities Watershed). The draft WRAPS Report and TMDLs are available for review at:

<http://www.pca.state.mn.us/yqqcdxq>.

Written comments on the draft WRAPS Report and TMDLs must be sent to the MPCA contact person listed below by January 28, 2016, 4:30 p.m. The comments should indicate as to whether they are about the WRAPS Report or the TMDLs, and specifically which TMDL. The MPCA will prepare responses to comments received and make any necessary revisions of the two documents. Subsequent to the revision(s), the draft TMDLs will be submitted to the U.S. Environmental Protection Agency (EPA) for approval; the WRAPS Report will be forwarded to the MPCA Commissioner for approval.

Required by the state Clean Water Legacy Act, a WRAPS Report is a document summarizing scientific studies of a major watershed no larger than a hydrologic unit code 8. The WRAPS Report includes the physical, chemical, and biological assessment of the water quality in the watershed; identification of impairments and water bodies needing protection; and identification of biotic stressors and sources of pollution, point and nonpoint. The science, analysis and strategy development described in this Report began before accountability provisions were added to the Clean Water Legacy Act in 2013 (*Minnesota Statutes* 114D); thus, this Report may not address all of those provisions. When this watershed is revisited (according to the 10-year cycle), the information will be updated according to the statutorily required elements of a Watershed Restoration and Protection Strategy Report. TMDLs are explained for the impairments and an implementation table is included with the strategies to achieve and maintain water quality standards and goals.

The TMDL report includes pollutant reductions needed to meet state water quality standards for E. coli and addresses stressors to aquatic macroinvertebrate assemblages for impaired streams. The WRAPS report identifies the necessary strategies, or actions, needed to restore the impaired waterbodies and protect waterbodies that are not impaired. The Watershed Restoration and Protection Strategies Report and TMDLs for the Coon Creek Watershed are being developed by a collaboration of state agencies and local watershed stakeholders.

The Coon Creek Watershed is located in the Mississippi River-Twin Cities Basin in Anoka County and covers approximately 106 square miles. Land use in the watershed is variable, but generally developed in the southern region and a mix of rural and agricultural in the northern region.

Agency Contact Person: Written comments and requests for more information should be directed to:

Rachel Olmanson
MPCA – Metro Region
520 Lafayette Road
Saint Paul, Minnesota 55155
Telephone: (651) 757-2473;
Toll free: 1-800-657-3864
Fax: 651-297-8676

E-mail: *rachel.olmanson@state.mn.us*

Website: *<http://www.pca.state.mn.us/water/tmdl>*

TTY users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

Preliminary Determination on the draft WRAPS and TMDL Reports: The MPCA Commissioner has made a preliminary determination to approve this WRAPS Report and submit this TMDL Report to the EPA for final approval. A draft TMDL Report is

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available for review at the MPCA office at the address listed below and at the MPCA Website: <http://www.pca.state.mn.us/yqqcdxq>. Suggested changes will be considered before the documents are finalized and the TMDL Report is sent to the EPA for approval.

Written Comments: You may submit written comments on the conditions of the draft WRAPS and TMDL Reports or on the Commissioner's preliminary determination. Written comments must include the following:

1. A statement of your interest in the draft WRAPS and/or TMDL Reports;
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft documents that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting: You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that may be held to solicit public comment and statements on matters before the MPCA, and help clarify parts of the document and resolve issues. A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons for holding a public informational meeting; and
4. The issues that you would like addressed at the public informational meeting.

Petition for Contested Case Hearing: You also may submit a petition for a contested case hearing. A contested case hearing is a formal hearing before an administrative law judge that provides evidence on issues requested to be change. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or draft WRAPS and/or TMDL Reports; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft WRAPS and/or TMDL Reports. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision. A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision: The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this TMDL Report. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Commissioner, will make the final decision on the draft TMDL Report.

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

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 Agriculture (MDA) Notice of Request for Proposals (RFP) for the Biofuels Infrastructure Partnership Grant Program

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture is requesting proposals for the purpose of making awards for the purchase and installation of ethanol-compatible infrastructure at fueling stations in the state.

Authority

On October 28, 2015, the United States Department of Agriculture (USDA) announced that the Minnesota Department of Agriculture (MDA) had been awarded \$8 million through the Biofuels Infrastructure Program (BIP). This \$8 million along with \$6.11 million in matching funds from the MDA and private partners comprises a fund available for this request for proposals (RFP), which is soliciting project proposals that will be reviewed for consideration in making awards for the purchase and installation of ethanol-compatible infrastructure at fueling stations in the state.

Purpose

Per the USDA in their Request for Applications dated June 18, 2015, "The primary objective of the BIP is to increase consumption of biofuel in the form of ethanol." The resulting contract with the USDA-FSA provides funding for infrastructure in the following categories:

- E15/25 retrofits of existing gasoline pumps;
- Blender pumps capable of dispensing E85, E15 and potentially other mid-level ethanol blends;
- Dedicated E85 pumps;
- Underground storage tanks for ethanol blends; and
- Above-ground bulk storage for ethanol blends.

The RFP and associated application materials can be accessed through the MDA RFP website:

<http://www.mda.state.mn.us/grants/grants/mnbiofuel.aspx> .

The deadline for final submission is January 22, 2016, at 4:00 pm.

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 State Colleges and Universities (MnSCU) Board of Trustees and Riverland Community College Notice of Availability of Request for Qualifications (RFQ) for Construction Subcontractors for Riverland Community College Guaranteed Energy Savings Program Project

Honeywell Energy Services Group, acting on behalf of the Board of Trustees of the Minnesota State Colleges and Universities and Riverland Community College are soliciting pre-qualifications proposals from interested, qualified subcontractors to participate in a competitive bid process for the above referenced project for Phase 2: Energy Management System and Controls.

A full Request for Qualifications is available at the following website:

<http://www.finance.mnscu.edu/facilities/design-construction/announcements/index.html>

Project questions shall be referred to the appropriate contact person as listed in the Request for Qualifications. Qualifications proposals from interested firms shall be delivered **not later than 2:00 pm, on Monday, January 11, 2016 to:**

Mike Pfeninger
Honeywell Energy Services Group
20511 Rolling Acres Drive
Richmond, MN 56368
E-mail: Mike.pfeninger@honeywell.com

Late responses will not be considered.

Honeywell Energy Services Group and Minnesota State Colleges and Universities are not obligated to complete the proposed project and reserve the right to cancel the solicitation if it is considered to not be in their best interests.

Minnesota State Colleges & Universities (MnSCU) Riverland Community College Request for Sealed Bids for Interactive Virtual Dissection Table

Riverland Community College, Austin, MN is accepting sealed bids for interactive virtual dissection table as per the noted specifications until 2:00 p.m. on Monday, January 11, 2016, at which time bids will be opened and read. The equipment is needed for direct learning

State Contracts

provided to students of the Radiography program at Riverland.

Equipment Specifications:

Interactive Virtual Dissection Table	Table with full size male and female cadavers
Industrial display monitor	Multi-touch surface
Digital library of images	Fully segmented and annotated structures
High resolution scans	Freehand dissection tool
3D imaging software	Video output for external projection
External USB port	RJ45 connector for network cables
IEC power inlet (100-240V, 50/60HZ)	Industrial LCD Display
Mobility casters and brake	Protective cover
Software upgrade, tech support and warranty	Installation and onsite training

Sealed bids must be submitted to:

Page Petersen
West Building Business Office
Riverland Community College
1900 - 8th Avenue NW
Austin, MN 55912

And endorsed: **Interactive Virtual Dissection Table**

Riverland Community College reserves the right to reject any or all bids or portion thereof, to waive technicalities in bids, and to delay final award for a period of 15 days.

Minnesota State Colleges and Universities (MnSCU) System Office, Academic and Student Affairs Request for Information (RFI) for a Next Generation Learning Environment/Learning Management System

The System Office of MnSCU is conducting a product RFI to evaluate possible pathways for ensuring high quality, connected cloud-based learning environment services for MnSCU faculty and students well into the 2020s and possibly beyond. This is to better understand the current and future states of LE (Learning Environment)/LMS (Learning Management System) solutions in higher education. Vendors should be prepared to address the needs of MnSCU as a consortium of higher education institutions.

While MnSCU is interested in learning about the instructional tools and pedagogical functionality of LE products, the primary purpose of this RFI is to explore possible pathways for ensuring high quality, secure, connected cloud-based learning environment (LE) services.

Important Dates

December 28, 2015	MnSCU publishes RFI notice in MN State Register
January 25, 2016 at 1:00 P.M. CST	Response submittal deadline
Week of February 8 -12, 2016	Selected vendors present scripted webinar

MnSCU reserves the right to select one, none, or more of the responders to present a webinar. *This RFI does not obligate MnSCU to purchase any goods or services.*

Department: Minnesota State Colleges and Universities, System Office

Responses for: Next Generation Learning Environment/Learning Management System

Response Submittal: Responders are to submit an electronic response in PDF or MS Word format along with any attachments (no

marketing materials) on or before 1:00 P.M., CST on January 25, 2016. Send response to: lesley.blicker@so.mnscu.edu.

Inquiries about this RFI should be directed to:

Lesley Blicker, Director of LMS Learning and Next Generation Technology. Telephone: E-mail: lesley.blicker@so.mnscu.edu

For a complete copy of the RFI and required submission materials, please visit the RFI website at:

<http://www.asa.mnscu.edu/educationalinnovations/LE/2015NextGenLE/educational-innovations-page.html>

Minnesota State Colleges and Universities (MnSCU) Winona State University Request for Proposal for a Professional Artist for the Education Village Project

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Winona State University, Winona, Minnesota, through its Facilities Services Department is seeking a professional artist to provide Art and Design for the - **EDUCATION VILLAGE PROJECT**

A full Request for Proposal is available on the Owner's website at the following address:

<http://www.winona.edu/facilities/Advertised-Bids-or-Proposals.asp>

Any questions regarding the RFP shall be submitted to Michael Pieper via e-mail at: mpieper@winona.edu . All questions, answers and additional information or changes to the RFP will be posted as an addendum to the RFP on the Owner's website.

Sealed proposals must be received by Michael Pieper, at Winona State University, PO Box 5838 or 175 West Mark Street, Facilities Building, Winona, MN 55987 by 3:00 PM CDT, Wednesday, January 20, 2016.

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

Minnesota Department of Health (MDH) Emergency Preparedness and Response Notice of Contract Opportunity for Minnesota Crisis Standards of Care Facilitator

DETAILS:

The Minnesota Department of Health is requesting proposals for the purpose of developing and implementing an ethical framework and standards of care for response to and recovery from catastrophic disasters that support optimal community resilience across the statewide healthcare system. The framework will support and guide the MN Crisis Standards of Care plan to ensure ethically sound decision making processes are in place during a catastrophic disaster.

Work is anticipated to start after February 15, 2016

COPY REQUEST

A copy of the Request for Proposal (RFP) will be available by e-mail from this office through January 8, 2016. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After January 8, 2016 the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Kara Cornils

State Contracts

Financial Management Analyst
Emergency Preparedness and Response
Minnesota Department of Health
625 North Robert Street
P.O. Box 64975
Saint Paul, MN 55164-0975
Fax Number: (651) 201-5720

PROPOSAL DEADLINE:

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:00pm (CST), Friday, January 15, 2016. **Late proposals will NOT be considered.** Fax or emailed proposals will **NOT** be considered.

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

Minnesota Sports Facilities Authority (MSFA) ADVERTISEMENT FOR PROPOSALS for Laundry Equipment

1. Proposals – Submit proposals for Laundry Equipment, U.S. Bank Stadium, Minneapolis, Minnesota, to Patrick Talty, General Manager, SMG, at the MSFA office on or before 2:00pm on January 18, 2016.

2. Work Includes – Provide the labor, materials, tools, equipment, transportation, services and other incidentals necessary for the laundry equipment for U.S. Bank Stadium.

3. Pre-Proposal Meeting – Pre-proposal meeting will be held at 10:00 am on January 6, 2016 at the MSFA office, 511 - 11th Ave. So. Suite 401, Minneapolis, Minnesota.

4. Examining Documents – Documents will be available for review after December 22, 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 pre-award 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 Trash Compactors

1. Proposals – Submit proposals for Trash Compactors, U.S. Bank Stadium, Minneapolis, Minnesota, to Patrick Talty, General Manager, SMG, at the MSFA office on or before 2:00pm on January 18, 2016.

2. Work Includes – Provide the labor, materials, tools, equipment, transportation, services and other incidentals necessary for the trash compactors for U.S. Bank Stadium.

3. Pre-Proposal Meeting – Pre-proposal meeting will be held at 10:00 am on January 5, 2016 at the MSFA office, 511 - 11th

Ave. So. Suite 401, Minneapolis, Minnesota.

4. Examining Documents – Documents will be available for review after December 22, 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 pre-award 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

State Contracts

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.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>.

Dakota County

Notice of Request for Proposal (RFP) for Employment Programs to Fulfill the Requirements of the Workforce Innovation and Opportunity Act (Public Law 113-128) and *Minnesota Statute 116L.561*

NOTICE IS HEREBY GIVEN that Dakota County Community Services Administration is soliciting proposals from interested and qualified parties for the purpose of providing comprehensive employment and training services.

Responders may submit proposals for WIOA Youth, MYP or both. Initial awards under this RFP will reflect the estimated amount of Federal funding for WIOA Youth to be received for the period April 1, 2016 through March 31, 2017 and State funding for MYP for the period July 1, 2016 through June 30, 2017. Funds for the years following will be allocated to the WSA by the State of Minnesota to the service provider(s) selected through this RFP process. This subsequent allocation of funds is dependent on the availability of Federal and State Youth Program funds, provider effectiveness, and demonstrated need for services offered.

Non-State Public Bids, Contracts & Grants

To access the complete RFP online, or to acquire additional information about Dakota County visit our website at:

<http://www.co.dakota.mn.us/Government/DoingBusiness/BidProposalsInformation/Pages/default.aspx>

Contact: Luke Van Horn, Contract Specialist
Dakota County Community Services Division
1 Mendota Road West, Suite 500
West St. Paul, MN 55118-4773
Phone: (651) 554-5794
E-mail: Luke.VanHorn@co.dakota.mn.us

Currently the Responder's Meeting is scheduled from 2:30 p.m. – 3:30 p.m. CST on Tuesday, January 5th, 2016 at the **Dakota County Northern Service Center in West St. Paul, Room 370 located on the 3rd floor. See proposal for details and updates.**

Deadline for proposals is 4:00 p.m. CST on Thursday, January 21, 2016. No late proposal will be considered.

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Published by the Architects & Engineering Board, 6" x 9", Saddle stitched, 61-pages, Stock No. 179, \$14.00 + tax

Barber Laws & Rules - NEW

Published by the Barber Examiner's Board, 6"x9", saddle stitched, 38-pages, Stock No. 92, \$15.00

Boiler Laws & Rules - REPRINT

Published by the Department of Labor and Industry, 6"x9", saddle stitched, 56-pages, Stock No. 136, \$14.00 + tax

Campaign Finance Laws & Rules - NEW

Published by the Campaign Finance & Public Disclosure Board, 8.5" x 11", Spiral bound, 106-pages, Stock No. 150, \$15.95 + tax

Child Care Center Laws & Rules - NEW

Published by the Department of Human Services, 6" x 9", perfect bound, 205-pages, Stock No. 149, \$19.95 + tax

Cosmetology Laws - NEW

Published by the Cosmetology Board, 6" x 9", Soft binding, 17-pages, Stock No. 110, \$11.00 + tax

Cosmetology Rules - NEW

Published by the Minnesota Board of Cosmetology 6"x9", saddle stitched, 45-pages, Stock No. 147, \$13.00 + tax

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.

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More than \$1,000	Call

Product Subtotal _____

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Subtotal _____

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

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