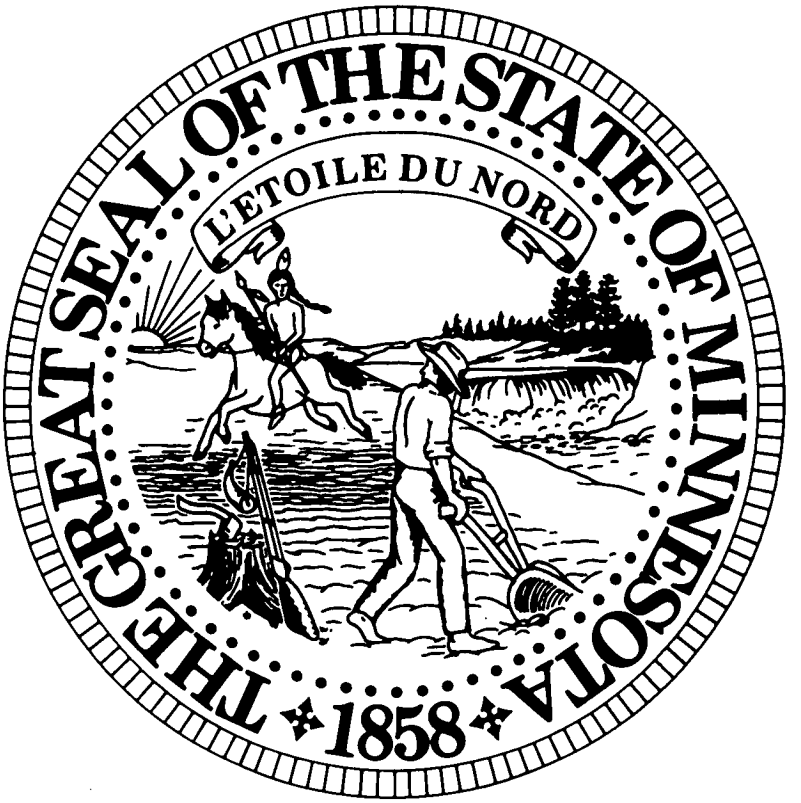
The Minnesota State Register

Department of Administration—Print Communications Division



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State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

Vol. 19 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
8	Monday 22 August	Monday 8 August	Monday 15 August
9	Monday 29 August	Monday 15 August	Monday 22 August
10	Tuesday 6 September	Monday 22 August	Monday 29 August
11	Monday 12 September	Monday 29 August	Friday 2 September

Arne H. Carlson, Governor

Debra Rae Anderson, Commissioner
Department of Administration

Kathi Lynch, Director
Print Communications Division

Robin PanLener, Editor 612/297-7963
Debbie George, Circulation Manager 612/296-0931

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- One year subscription to the ***State Register*** (published every Monday, or Tuesday if Monday is a holiday) $150.00
- One year subscription to the ***Contracts Supplement*** (published every Tuesday, Wednesday, Friday): $125.00 via first class mail, $140.00 via fax or through our On-Line Service via your computer modem. For a free sample demo of the On-Line Service call via your modem: 612/821-4096. Access item "S": *State Register* Modem parameters 8-N-1 1200/2400
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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

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Contact: Senate Public Information Office
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Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

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Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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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 75 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. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the ***State Register***.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the ***Official Notices*** section of the ***State Register***. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the ***State Register***. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the ***State Register*** as **Adopted Rules**. These final adopted rules are not printed in their entirety in the ***State Register***, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the ***State Register***, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the ***Minnesota Guidebook to State Agency Services***.

The ***State Register*** features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the ***State Register***, a subscription, the annual index, the ***Minnesota Rules*** or the ***Minnesota Guidebook to State Agency Services***, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

Vol. 19-Issues #1-8 inclusive

Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a pubic hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

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*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Health

Health Care Delivery Systems

Proposed Permanent Rules Relating to Aggregate Hospital Data

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

Introduction. The Minnesota Department of Health intends to adopt permanent rules without a public hearing following the procedures set forth in 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 within 30 days or by 4:30 p.m. on September 21, 1994, a public hearing will be held on Monday, October 3, 1994. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after September 21, 1994, and before October 3, 1994.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Grace Sheely, Minnesota Department of Health, Health Care Delivery Policy Division, P.O. Box 64975, 121 East Seventh Place, Suite 400 St. Paul, Minnesota 55164-0975, 612/282-5645. TDD users may call the Minnesota Department of Health at 612/623-5522.

Subject of Rules and Statutory Authority. The proposed rules govern the collection of aggregate data from hospitals. The statutory authority to adopt the rules is *Minnesota Statutes*, section 144.703, subdivision 1, and section 62J.35, subdivision 5. A copy of the proposed rules is published in the *State Register*. Under the rules, hospitals will have to provide aggregate data, including financial data on revenues and expenses and statistical data on patient services. A free copy of the rules is available upon request from Grace Sheely at the address or telephone number listed above.

Rules Development Process. The Department used a work group containing representatives of many stakeholders to advise on the development of the rules. The organizations represented on the work group included: Minnesota Nurses Association, Minnesota Hospital Association, Metropolitan Healthcare Council, HealthEast, HealthSpan, and HealthSystems Minnesota. **NOTE** that participation in the work group did not constitute an endorsement of the rules by these organizations and that there may be areas of disagreement with some of the statutory and rules requirements. The work group members were, however, pleased with their involvement and input into the process.

Comments. You have until 4:30 p.m., Wednesday, September 21, 1994, 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 Grace Sheely at the address listed above by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by Grace Sheely at the address listed above by 4:30 p.m. on September 21, 1994. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you

want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as printed in the *State Register* and must be supported by data and views submitted to the Department or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for October 3, 1994, will be cancelled if the Department does not receive requests from 25 or more persons that a hearing be held on the rules. If you request a public hearing, the Department will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Grace Sheely at 612/282-5645 after September 21, 1994, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on Monday, October 3, 1994, in Room 10 of the State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155, beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Jon L. Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/341-7645. If you need an accommodation to make this hearing accessible, please contact Grace Sheely at the address or telephone number listed above.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the Department may respond in writing with rebuttal arguments or material within five business days after the submission period ends to any new information submitted after the hearing. All written materials and responses submitted to the Administrative Law Judge during the rebuttal period must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day rebuttal period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

Statement of Need and Reasonableness. A Statement of Need And Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a summary of all the evidence and argument which the Department anticipates presenting at the hearing, if one is held. A free copy of the Statement may be obtained from Grace Sheely at the address or telephone number listed above. The Statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules will affect small businesses that operate hospitals. These small businesses will be required to report aggregate data regarding revenues and expenditures and statistical information. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the Statement of Need and Reasonableness.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption of the rules.

Impact on Agriculture Lands. *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

Departmental Charges. *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the rules do not establish or adjust departmental charges.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement should be directed to the Ethical Practices Board at First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612)-296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the Department may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you want to be so notified, or wish to receive a copy of the adopted rules, submit your request in writing to Grace Sheely at the address 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 request to be notified of the date on which the Administrative Law Judge's report will be available, after which date the Department may not take any final action on the rules for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may also request notification of the date on which the rules are adopted and filed with the Secretary of State. The Department's Notice of Adoption must be mailed on the same day that the rules are filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to Grace Sheely at the address listed above at any time prior to the filing of the rules with the Secretary of State.

Dated: 10 August 1994

Mary Jo O'Brien, Commissioner
Department of Health

Rules as Proposed

4650.0102 DEFINITIONS.

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

Subp. 1a. **Accounting and financial reporting expenses.** "Accounting and financial reporting expenses" means all direct costs related to fiscal services, such as general accounting, budgeting, cost accounting, payroll accounting, accounts payable, and plant and equipment and inventory accounting. Direct costs include wages and benefits, supplies, purchased services, and other resources used in performing these accounting and financial reporting activities. Accounting and financial reporting expenses does not include management information systems costs.

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

Subp. 3. **Admissions or adjusted admissions.** "Admissions" means the number of patients accepted for inpatient services in beds licensed for inpatient hospital care exclusive of normal newborn admissions. "Adjusted admissions" means the number of admissions plus the quantity obtained from multiplying the number of outpatient visits times the ratio of outpatient revenue per outpatient visit divided by inpatient revenue per admission.

Subp. 3a. **Admitting expenses.** "Admitting expenses" means all direct costs incurred in inpatient and outpatient admission or registration, whether scheduled or nonscheduled, and in the scheduling of admission times. Direct costs include wages and benefits, supplies, purchased services, and other resources used in performing these admitting activities.

Subp. 3b. **Aggregate rate.** "Aggregate rate" means the average gross patient revenue per adjusted admission for a full accounting period determined by dividing total gross patient revenue by the number of adjusted admissions.

Subp. 3c. **Ambulatory surgical procedures.** "Ambulatory surgical procedures" means all surgical services provided to patients on either a hospital outpatient setting or an outpatient surgical center licensed by the Department of Health pursuant to *Minnesota Statutes*, sections 144.50 to 144.58.

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

Subp. 5. [See repealer.]

Subp. 6. **Bad debts.** "Bad debts" means ~~amounts considered to be~~ the provision for actual or expected uncollectible ~~from accounts and notes receivable which were created or acquired in providing services. Accounts receivable and notes receivable are designations for claims arising from the rendering of services, and are collectible in money in the near future. These amounts~~ receivables resulting from the extension of credit to patients. The amount should not include any amount attributable to a reclassification of any expenses incurred due to the provision of charity care. Income reductions due to charity allowances, and contractual allowances should be recorded as such in the records of a facility ~~and not as bad debts~~.

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. **Charity ~~allowances~~ care services.** "Charity ~~allowances~~ care services" means the ~~provision of care at no charge to patients determined to be qualified for care according to *Code of Federal Regulations*, title 42, section 53.111(f) and (g), in hospitals required to provide free care, under the Hill-Burton Act, *United States Code*, title 49, section 291, et. seq. The annual amount of charity care must not exceed the amount of the Hill-Burton grant or Hill-Burton guaranteed loan amortized in equal installments over the life of the facility's Hill-Burton free care obligation.~~ dollar amount of health care services provided to patients for which the provider did not charge or charged at a level below the reasonable cost of the service, because the provider determined that the patient was unable to pay part or any of its reasonable costs. Charity care services includes care provided to indigent patients, patients with inadequate or no insurance, or patients receiving costly treatment.

Subp. 9a. **Community and wellness education expenses.** "Community and wellness education expenses" means all direct costs related to wellness programs, health promotion, community education classes, support groups, and other outreach programs and health screening, included in a specific community or wellness education cost center or reclassified from other cost centers. Community and wellness education expenses does not include patient education programs. Direct costs include wages and benefits, supplies, purchased services, and other resources used in performing these community and wellness education activities.

Subp. 10. **Cost.** "Cost" means the amount, measured in ~~money, of~~ cash ~~expended or other property transferred~~ and in-kind, services performed, or liability incurred, in consideration of goods or services received or to be received.

Subp. 11. [See repealer.]

Subp. 12. [See repealer.]

Subp. 12a. **Donations.** "Donations" means the value of goods and services, including in-kind donations, given to a facility by an individual or organization not in fulfillment of a legal obligation, with or without specific purpose, that will offset overall costs incurred by the facility in its operation.

Subp. 13. **~~Educational program~~ Education expenses.** "~~Educational program~~ Education expenses" means the net cost ~~to the~~ incurred by a facility of providing approved educational activities ~~which:~~.

~~A. are approved educational activities directly contributing to the care of patients who are in facilities during the time the cost is incurred; or~~

~~B. contribute to the preventive health education of the population of areas of patient origin which the facility serves.~~

"Approved educational activities" means formally organized or planned programs of study ~~usually engaged in by facilities in order to enhance the quality of patient care in a facility. These activities shall be licensed where required by state law. Where licensing is not required, the facility shall be able to demonstrate that it has received approval for its activity from a recognized national professional organization for the particular activity. Approved educational activities include those programs defined as approved by *Code of Federal Regulations*, title 20, section 405.116(f) and *Code of Federal Regulations*, title 20, section 405.421(e)~~ operated or supported by an institution, as distinguished from "on-the-job," "in-service," or similar work-learning programs. The net cost of approved educational activities is the amount reported for this cost on the Medicare cost report under *Code of Federal Regulations*, title 42, section 413.20.

~~"Net cost" means the cost of approved educational activities, including stipends of trainees, compensation of teachers, and other costs, less any reimbursement from grants, tuition, and specific donations. "Orientation" and "on-the-job training" costs are operating costs of facilities for employees of the facility.~~

[For text of subps 14 and 15, see M.R.]

Subp. 16. [See repealer.]

Subp. 17. **Expenses.** "Expenses" means costs that have been incurred in carrying on some activity and from which no benefit will extend beyond the period for which the ~~expense is~~ expenses are recorded.

[For text of subps 18 and 19, see M.R.]

Subp. 19a. **Full-time equivalent employee.** "Full-time equivalent employee" means an employee or any combination of employees that are reimbursed by the facility for 2,080 hours of employment per year.

Subp. 19b. **Government subsidies.** "Government subsidies" means an appropriation or allocation of money made by the gov-

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ernment to a facility to offset the costs incurred by the facility for the provision of direct patient care or other operations in which the governmental entity desires to participate, or which is considered a proper subject for government aid, because the purpose is likely to be of benefit to the public.

Subp. 20. [See repealer.]

Subp. 20a. **Grants.** "Grants" means an award of money pursuant to a written agreement signed by the eligible grant applicant and by the official representative of the organization awarding the grant, setting forth the amount of funds, the time period within which the funds are to be expended, the purpose for which the funds may be used, and other contractual conditions.

Subp. 20b. **Gross patient revenue.** "Gross patient revenue" means the amount charged at the facility's established rates and recorded on an accrual basis regardless of whether the facility expects to collect the amount.

Subp. 20c. **Health maintenance organization.** "Health maintenance organization" has the meaning given in *Minnesota Statutes*, section 62D.02, subdivision 4.

Subp. 21. [See repealer.]

Subp. 21a. **Insurance company.** "Insurance company" means an organization licensed under *Minnesota Statutes*, chapter 60A, to offer, sell, or issue a policy of accident and sickness insurance as defined in *Minnesota Statutes*, section 62A.01.

Subp. 22. **Interest ~~expense~~ expenses.** "Interest ~~expense~~ expenses" means costs incurred by the facility due to necessary and proper interest on funds borrowed for operating and plant capital needs. Interest on funds borrowed for operating needs is the cost incurred for funds borrowed for a relatively short term. This interest is usually attributable to funds borrowed for purposes such as working capital for normal operating expenses. Interest on funds borrowed for plant capital needs is the cost incurred for funds borrowed for plant capital purposes, such as the acquisition of facilities and equipment, and capital improvements. These borrowed funds are usually long-term loans.

Subp. 23. [See repealer.]

Subp. 23a. **Licensed beds or setup beds.** "Licensed beds" means the number of acute care beds licensed by the Department of Health, pursuant to *Minnesota Statutes*, sections 144.50 to 144.58. "Setup beds" means the average number of licensed beds set up and staffed for use during the reporting period. It is determined by adding the total number of beds set up and staffed for inpatient utilization each day of the hospital's reporting period and dividing this figure by the total number of days in the reporting period.

[For text of subp 24, see M.R.]

Subp. 24a. **Malpractice expenses.** "Malpractice expenses" means all direct costs of malpractice including malpractice insurance, self-insurance expenses including program administration, malpractice losses not covered by insurance, and malpractice attorney fees.

Subp. 24b. **Management information systems expenses.** "Management information systems expenses" means all direct costs related to maintaining and operating the data processing system of the facility, including such functions as admissions, medical records, patient charges, decision support systems, and fiscal services. Direct costs include wages and benefits, supplies, purchased services, and other resources used in accomplishing these management information systems activities.

Subp. 24c. **Medical care surcharge.** "Medical care surcharge" means the surcharge under *Minnesota Statutes*, section 256.9657, subdivision 2, paid to the Department of Human Services.

Subp. 24d. **MinnesotaCare.** "MinnesotaCare" means the program established under *Minnesota Statutes*, section 256.9352, subdivision 1.

Subp. 24e. **MinnesotaCare tax.** "MinnesotaCare tax" means the tax expense established under *Minnesota Statutes*, section 295.52, paid to the Minnesota Department of Revenue.

Subp. 24f. **Net inpatient revenue.** "Net inpatient revenue" means net patient revenue for the facility's inpatient services.

Subp. 24g. **Net outpatient revenue.** "Net outpatient revenue" means net patient revenue for the facility's outpatient services.

Subp. 24h. **Net patient revenue.** "Net patient revenue" means the facility's gross patient revenue less adjustments and allowances for uncollectible receivables. Net patient revenue does not include a deduction from gross patient revenue for bad debts, which should be reported as expenses in accordance with generally accepted accounting principles.

Subp. 25. **Net ~~accounts receivable~~ receivables.** "Net ~~accounts receivable~~ receivables" means the dollar amount ~~accounts~~ receivable at the end of an accounting period less ~~estimated discounts and differentials and reserve for uncollectibles~~ allowances for uncollectibles and contractual adjustments.

Subp. 25a. **Nonprofit health service plans.** "Nonprofit health service plans" has the meaning as service plan corporations in *Minnesota Statutes*, section 62C.02, subdivision 6.

[For text of subp 26, see M.R.]

Subp. 27. [See repealer.]

Subp. 28. [See repealer.]

Subp. 28a. **Other support services expenses.** "Other support services expenses" means all costs for the overall operation of the facility associated with management, administration, and legal staff functions, including the costs of governing boards, executive wages and benefits, auxiliary and other volunteer groups, purchasing, telecommunications, printing and duplicating, receiving and storing, and personnel management. Other support services expenses includes all wages and benefits, donations and support, direct and in-kind, for the purpose of lobbying and influencing policymakers and legislators, including membership dues, and all expenses associated with public policy development, such as response to rulemaking and interaction with government agency personnel including attorney fees to review and analyze governmental policies. Other support services expenses does not include the costs of public relations included in promotion and marketing, the costs of legal staff already allocated to other functions, and the costs of medical records, social services, and nursing administration.

[For text of subp 29, see M.R.]

Subp. 30. **Outpatient visit.** "Outpatient visit" means an acceptance of a patient by a hospital for the purpose of providing outpatient services. Each acceptance of a patient by a hospital for purposes of providing outpatient services for a distinct episode of care counts as one outpatient visit regardless of the number of clinics attended during that visit. Outpatient visits include all visits to hospital outpatient and ancillary departments, emergency visits, and outpatient surgeries.

Subp. 30a. **Patient.** "Patient" has the meaning given in *Minnesota Statutes*, section 144.335, subdivision 1.

Subp. 30b. **Patient billing and collection expenses.** "Patient billing and collection expenses" means all direct costs incurred in insurance verification, including coordination of benefits; in preparing and submitting claim forms; and in cashiering, credit, and collection functions. Direct costs include wages and benefits, professional fees, supplies, purchased services, and other resources used in performing these billing and collection activities. Patient billing and collection expenses does not include management information systems costs.

Subp. 30c. **Patient days.** "Patient days" means the total number of days of care for which patients received inpatient hospital services during the reporting period, excluding normal newborn days of care. Days of care means the total number of patient days accumulated by patients at the time of discharge.

Subp. 31. **Plant capital needs.** "Plant capital needs" means finances which relate to land, land improvement, building and building equipment, and movable equipment. The annual increment shall be reported as the annual straight-line depreciation ~~expense~~ expenses on land, land improvements, buildings and fixtures, building ~~equipment~~ improvements, and fixed and movable equipment.

Subp. 31a. **Plant, equipment, and occupancy expenses.** "Plant, equipment, and occupancy expenses" means all direct costs associated with plant, equipment, and occupancy expenses, including maintenance, repairs, and engineering expenses, building rent and leases, equipment rent and leases, and utilities. Plant, equipment, and occupancy expenses includes interest expenses and depreciation.

Subp. 32. [See repealer.]

Subp. 32a. **Promotion and marketing expenses.** "Promotion and marketing expenses" means all direct costs related to marketing, promotion, and advertising activities such as billboards, yellow page listings, cost of materials, advertising agency fees, marketing representative wages and fringe benefits, travel, and other expenses allocated to the promotion and marketing activities. Promotion and marketing expenses does not include costs charged to other departments within the hospital.

Subp. 32b. **Quality assurance expenses.** "Quality assurance expenses" means all direct costs associated with any activities or programs established for the purpose of quality of care evaluation and utilization management. These costs may be included in a specific quality assurance cost center or may need to be reclassified from other cost centers, for example, medical staff, medical records, or finance. Activities include quality assurance, development of practice protocols, utilization review, peer review, provider credentialing, and all other medical care evaluation activities. Direct costs include wages and benefits, supplies, purchased services, and other resources used in performing these quality assurance activities.

Subp. 33. [See repealer.]

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Subp. 34. [See repealer.]

Subp. 34a. **Regulatory and compliance reporting expenses.** "Regulatory and compliance reporting expenses" means an estimate of all direct costs of the facility associated with, or directly incurred in the preparation and filing of financial, statistical, or other utilization, satisfaction, or quality reports, or summary plan descriptions that are required by federal, state, and local agencies, or other third parties. Direct costs include wages and benefits, professional fees, supplies, purchased services, and the cost of other resources used to fulfill these reporting requirements.

Subp. 35. **Research ~~program~~ expenses.** "Research ~~program~~ expenses" means the costs incurred by a facility ~~due to~~ for research ~~programs which directly relate to daily patient care.~~ purposes. Research means a systematic, intensive study directed toward a better scientific knowledge of the science and art of diagnosing, treating, curing, and preventing mental or physical disease, injury, or deformity; relieving pain; and improving or preserving health. Research may be conducted at a laboratory bench without the use of patients or it may involve patients. Furthermore, there may be research projects that involve both laboratory bench research and patient care research.

Subp. 36. **Revenue or income.** "Revenue" or "income" means the value of a facility's established charges for all facility services rendered to patients less expected or incurred ~~bad debts, contracted~~ contractual allowances, and discounts granted to patients or insurers, prepayment plans, and self-insured groups. ~~"Gross revenue" or "gross income" means "revenue" or "income" regardless of the amounts actually paid to or received by the facility.~~

Subp. 37. **Revenue center.** "Revenue center" means a service center which incurs direct operating expenses and which generates revenue from patients on the basis of charges customarily made for services that center offers directly to patients. Revenue centers may include the following service centers of a facility:

A. Daily patient services (routine and special services) including: ~~medical services, surgical~~ adult services, pediatric services, intensive care services, ~~psychiatric services, obstetric-gynecological services, newborn nursery services, premature nursery services~~ coronary care services, chemical dependency services, mental health services, rehabilitation services, neonatal services, and other ~~routine~~ services.

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

Subp. 38. **Service center.** "Service center" means an organizational unit of a facility for which historical and projected statistical and financial information relating to revenues and expenses are accounted. ~~A service center may be a routine, special, or ancillary service center.~~ A service center may ~~also~~ be a revenue center or a nonrevenue center.

[For text of subp 39, see M.R.]

Subp. 39a. **Taxes, fees, and assessments.** "Taxes, fees, and assessments" means the direct payments made to government agencies including property taxes; medical care surcharge; MinnesotaCare tax; unrelated business income taxes; any assessments imposed by local, state, or federal jurisdiction; all fees associated with the facility's new or renewal certification with state or federal regulatory agencies; and any fees or fines paid to government agencies for examinations related to regulation.

Subp. 40. **Third-party ~~payors~~ payers.** "Third-party ~~payors~~ payers" mean ~~insurers~~ insurance companies, health maintenance organizations licensed under *Minnesota Statutes*, chapter 62D, nonprofit health service ~~plan corporations~~ plans, self-insured or self-funded plans, and governmental insurance programs, including the health insurance programs authorized by the United States Social Security Act, title V, title XVIII, and title XIX.

4650.0104 SCOPE.

All acute care hospitals and freestanding outpatient surgical centers licensed under *Minnesota Statutes*, sections 144.50 to 144.58 are subject to the Minnesota health care cost information system established by parts 4650.0102 to 4650.0176.

Beds located in acute care hospitals, which are not licensed as acute care beds under *Minnesota Statutes*, sections 144.50 to 144.58, are not subject to the Minnesota health care cost information system. Where costs incurred through the operation of these beds are commingled with the costs of operation of acute care beds in a facility subject to the system, associated revenue and expenses and other related data must be separated in a manner consistent with the normal requirements for allocation of costs as stated by *Code of Federal Regulations*, title 20, section 405.453.

Citations of federal law or federal regulations incorporated in parts 4650.0102 to 4650.0176 are for those laws and regulations ~~then in effect on April 1, 1976~~ as amended.

4650.0108 REPORT REQUIREMENTS.

The system shall require an annual financial ~~information and rate~~ statement, a Medicare cost report, a revenue~~,~~ and expense report, and ~~interim increase~~ rate notification reports.

4650.0110 ANNUAL FINANCIAL ~~INFORMATION REPORT~~ STATEMENT.

Subpart 1. ~~**Basic contents**~~ **Reporting requirements.** A facility shall submit an annual financial ~~information report~~ statement to the system. This ~~report~~ annual financial statement must include a balance sheet ~~detailing the assets, liabilities, and net worth of the facility,~~ a statement of income and expenses, a statement of changes in fund balances, and a statement of cash flows and ~~include~~ must meet the requirements of ~~subpart~~ subparts 2 to 5.

Subp. 2. **Balance sheet.** The balance sheet must include information on:

A. Current assets, including: cash; marketable securities; accounts and notes receivable; allowances for uncollectible receivables and third party contractuals; receivables from third-party ~~payors~~ payers; pledges and other receivables; due from other funds; inventory; and prepaid expenses.

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

D. Current liabilities, including: notes and loans payable; accounts payable; accrued compensation and related liabilities; other accrued expenses; advances from third-party ~~payors~~ payers; payable to third-party ~~payors~~ payers; due to other funds; income taxes payable; and other current liabilities.

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

~~F. In the case of facilities owned by, operated by, affiliated with, or associated with an organization, corporation, or other facility, a statement of the flow of funds between the facilities and that organization, corporation, or other facility. This statement shall detail all transactions between the facility and the organization, corporation, or other facility.~~

~~G.~~ If a facility maintains a balance sheet which includes information that differs from the information required ~~by~~ for the balance sheet ~~recommended by~~ under this subpart ~~1~~, the facility may substitute its balance sheet. This balance sheet must include a narrative description of the scope and type of differences between its balance sheet and ~~that~~ the balance sheet ~~recommended by~~ required under this subpart ~~1~~.

Subp. 3. **Income and Expenses.** The statement of income and expenses must include:

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

C. reductions in gross revenues that result from charity care, contractual adjustments, administrative and policy adjustments, ~~provision for bad debts,~~ and other factors;

[For text of items D and E, see M.R.]

F. a statement of expenses by a natural classification of expenses for the facility as a whole. The natural classification of expenses may include such factors as:

(1) salaries and wages, including: management and supervision; technicians and specialists; registered nurses; licensed practical nurses; aides and orderlies; clerical and other administrative employees; environment and food service employees; physicians; nonphysician medical practitioners; vacation, holiday, sick pay, and other nonworked compensation~~.~~;

(2) employee benefits, including: FICA; state and federal unemployment insurance; group health insurance; pension and retirement; workers' compensation insurance; and group life insurance~~.~~;

(3) professional fees, medical, including: physician's remuneration; and therapists and other nonphysicians~~.~~;

(4) other professional fees, including: consulting and management services; legal services; auditing services; and collection services~~.~~;

(5) special departmental supplies and materials~~.~~;

(6) general supplies, including: office and administrative supplies; employee wearing apparel; instruments and minor medical equipment which are nondepreciable; minor equipment which is nondepreciable; and other supplies and materials~~.~~;

(7) purchased services, including: medical purchased services; repairs and maintenance purchased services; medical school contracts-purchased services; and other purchased services~~.~~; and

(8) other direct expenses, including: provision for bad debts, depreciation, amortization, and rental or lease expenses necessary to maintain an adequate plant capital fund, under part 4650.2400; utilities-electricity; utilities-gas; utilities-water; utili-

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ties-oil; other utilities; insurance-professional liability; insurance-other; licenses and taxes other than income taxes; telephone and telegraph; dues and subscriptions; outside training sessions; travel; and other direct expenses.

~~G.~~ If a facility maintains accounts that include information resulting in detailed statements of income and ~~expense~~ expenses which differ from the information required ~~by~~ for the statement of income and ~~expense recommended by~~ expenses under this subpart ~~2~~, the facility may substitute its statement of income and expenses. This statement must include a narrative description of the scope and type of differences between its statement of income and expenses and ~~that~~ the statement ~~recommended by~~ required under this subpart ~~2~~.

~~H. An unaudited copy of the facility's cost report filed under United States Social Security Act, title XVIII, stated in *Code of Federal Regulations*, title 20, section 405.406(b), and the uniform cost report required under Public Law Number 95-142, section 19. These cost reports must correspond to the same accounting period as that used in the compilation of data for other requirements for the report of annual financial information.~~

~~I. Attestation by the governing authority of the facility or its designee that the contents of the report are true.~~ s

~~J. Attestation by a qualified, independent public accountant that the contents of the balance sheet and statement of income and expense have been audited.~~

~~K. A statement of changes in financial position showing the source and application of all funds.~~

~~L. A statement of all fund balances.~~

~~M. All notes and footnotes to the balance sheet, statement of income and expense, statement of changes in financial position, and statements of fund balances.~~

Subp. 4. **Notes and footnotes.** The annual financial statement must include all notes and footnotes to:

(1) the balance sheet;

(2) the statement of income and expenses;

(3) the statement of cash flows; and

(4) the statement of changes in fund balances.

Subp. 5. **Attestation by public accountant.** The annual financial statement must be accompanied with an attestation by a qualified, independent public accountant that the contents of the balance sheet and statement of income and expenses have been audited.

Subp. 6. **Attestation by governing authority.** The annual financial statement must be accompanied with an attestation by the governing authority of the facility or its designee that the contents of the report are true.

4650.0111 MEDICARE COST REPORT.

A facility shall submit to the system on an annual basis an unaudited copy of the facility's cost report filed under United States Social Security Act, title XVIII, stated in *Code of Federal Regulations*, title 42, section 413.20, and the uniform cost report required under *United States Code*, title 42, section 1320a. These cost reports must correspond to the same accounting period as that used in the compilation of data for other requirements for the annual financial statement. The report must be accompanied by an attestation by the governing authority of the facility or its designee that the contents of the report are true.

4650.0112 ~~RATE~~ REVENUE AND EXPENSE REPORT.

Subpart 1. ~~**Statistical and financial information**~~ **Reporting requirements**. A facility shall submit a report of ~~rate~~ revenue and expense to the system on an annual basis. This report must include statistical and financial information for:

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

B. The facility's full accounting period during which a facility files this report with the system. This period shall be known as the current year. Information for at least the first ~~six~~ three months of the current year must be actual; information for the remaining months of the current year ~~may~~ must be estimated based on budgeted information for this year.

~~C. The facility's next full accounting period following the accounting period during which the report is filed with the system. This period must be known as the budget year. Information for the budget year must be projected.~~

Subp. 2. **Statistical information.** Statistical information for the ~~rate~~ revenue and expense report must include:

A. the number of ~~inpatient~~ patient days ~~excluding nursery days~~ for the facility, by third-party payer, and for the daily patient services of each ~~appropriate service~~ revenue center~~.~~;

B. the number of admissions for the facility, by third-party payer, and for daily patient services of each ~~appropriate service~~ revenue center~~.~~;

C. the total number of nonacute patient days for the facility including swing bed days, nursery days, and nursing home days;

D. the average number of ~~full-time-equivalent~~ full-time equivalent employees ~~during each accounting period~~ for the facility ~~and~~ for each ~~of its~~ service ~~centers. An employee or any combination of employees which are reimbursed by the facility for 2,080 hours of employment per year is a full-time-equivalent employee.~~ center, and for employee classification;

E. the total number of nonacute admissions including swing bed admissions and nursing home admissions;

~~D.~~ F. the number of licensed beds ~~(licensed)~~, the number (the statistical mean) of beds physically present, and the number (the statistical mean) of setup beds ~~actually staffed and set up~~ for the facility and each appropriate service center, excluding nursery bassinets~~.~~;

G. the total number of births for the facility;

H. the total number of major surgical procedures and ambulatory surgical procedures for the facility;

~~E.~~ I. the number of outpatient ~~clinic~~ visits for the facility~~.~~

~~F.~~ including the number of emergency visits ~~for the facility.~~, outpatient department visits, and same day surgery visits; and

~~G.~~ J. the number of units of service provided by each of the facility's other service centers. The facility shall select the statistic that best measures the level of activity for a particular function or service center and that, in addition, is compiled on a routine basis by the facility to serve as the appropriate unit of service for each of its service centers.

For example, although patient days might be used as the unit of service for daily patient services, treatments, procedures, visits, hours, or other statistics would be the applicable measure of activity in other service centers.

Subp. 3. **Financial information.** Financial information for the ~~rate~~ revenue and expense report must include:

A. ~~An interim financial statement of the facility which must include an interim balance sheet and an interim income and expense statement for the current year only. The balance sheet and income and expense statement must conform to part 4650.0110, items A and B. This financial statement must contain a minimum of six months of actual information for the current year.~~

~~B.~~ a statement of expenses for the facility and for each of its service centers and a statement according to natural classifications of expenses as provided by part 4650.0110, subpart 3, item ~~B, subitem (6).~~ F, the medical care surcharge amount paid by the facility, and the MinnesotaCare tax paid by the facility;

~~C. A statement detailing the accounting method used to allocate expenses from among the nonrevenue centers to revenue centers.~~

B. a statement of management information systems expenses and plant, equipment, and occupancy expenses. Percentage allocations of management information systems expenses and plant, equipment, and occupancy expenses must be made to each of the support services functions listed in item C;

C. a statement of support services expenses for the facility, and for each of the following functions: admitting; patient billing and collection; accounting and financial reporting; quality assurance; community and wellness education; promotion and marketing; research; education; taxes, fees, and assessments; malpractice; and other support services. The statement required by this item may be estimated from existing accounting methods with allocation to specific categories based on a written methodology that is available for review by the commissioner and that is consistent with the methodology described in this part;

D. an estimate of the cost of regulatory and compliance reporting;

E. a statement of patient charges for the facility by type of payer, including Medicare, medical assistance, MinnesotaCare, health maintenance organizations, nonprofit health service plans, insurance companies, and self-pay and by inpatient or outpatient category;

F. a statement of revenue for the facility for each of its service centers;

G. a statement of adjustments and uncollectibles for the facility by type of payer, including Medicare, medical assistance, MinnesotaCare, health maintenance organizations, and for charity care, for Hill Burton Act care under *United States Code*, title 42, section 291, et seq., and for other discounts, and by inpatient or outpatient category;

H. a statement of other operating revenue including revenue from research, education, donations, grants, and government subsidies;

I. a statement of total operating revenue and expenses and of income or loss from facility operations;

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~~D.~~ J. a statement of total direct and indirect costs for the facility and for each of its service centers before and after the allocation of expenses~~.~~;

K. a statement of total direct and indirect costs for the facility by type of payer, including Medicare, medical assistance, and MinnesotaCare;

~~E.~~ L. a statement of the ~~accounts receivable~~ gross and net receivables by type of purchaser of services and a statement of the average aggregate number of days' charges outstanding at the end of each period~~.~~;

~~F.~~ M. a statement of the capital budget of the facility~~.~~; and

N. information on services provided at no charge or for a reduced fee to patients unable to pay, and information on other benefits provided to the community, including unpaid public programs, nonbilled services, and other community services.

Subp. 4. [See repealer.]

Subp. 5. **Accounts as substitute for ~~rate~~ revenue and expense report.** If a facility maintains its accounts in a way that results in detailed statements of income, ~~expense~~ expenses, and statistics differing in form and content from those recommended by parts 4650.0108 to 4650.0114 and 4650.0130, subpart 1, the facility may substitute the information it has available. However, in all such cases the facility shall submit a detailed reconciliation of the differences between the two sets of information and presentations in conjunction with the ~~rate~~ revenue and expense report.

4650.0114 ~~INTERIM INCREASE~~ RATE NOTIFICATION REPORTS.

Subpart 1. **~~To amend or modify aggregate rates~~ Reporting requirements.** A facility shall submit ~~an interim increase~~ a rate notification report if it wishes to amend or modify the aggregate rates for the budget year stated in the ~~rate~~ revenue and expense report then on file with the system. When changes in the aggregate rates during the budget year are the result of legislative policy and appropriations to facilities subject to parts 4650.0102 to 4650.0176 and operated by the commissioner of human services, ~~an interim increase~~ a rate notification report is not required.

Subp. 2. **Content of report.** The ~~interim increase~~ rate notification report must include statistical and financial information for:

A. the period of the budget year immediately preceding the effective date of amendments or modifications to the aggregate rates for the budget year which are stated in the ~~rate~~ revenue and expense report then on file with the system. Data for this period must be actual for all expired months of the budget year, but may be projected for the 60-day period immediately preceding filing~~.~~;

B. the period beginning on the effective date of these amendments or modifications and ending at the end of the last day of the budget year. Information for this period must be projected on the basis of these aggregate rate amendments or modifications~~.~~;

C. the pricing policy of the facility which incorporates the overall pricing policy and financial objectives of the institution. This must be supplemented by a statement of budgeted increases in charges, revenue, and aggregate rates for the budget year including:

(1) dates on which gross patient revenue will be adjusted;

(2) for each date, the resulting aggregate dollar amount and weighted average percent of increase in budget year aggregate rates and gross patient revenue for each revenue center;

(3) for each date, the resulting aggregate dollar and weighted average percent of increase in budget year total facility gross revenues; and

(4) for each date, the resulting aggregate dollar amount and percent of increase in the budget year aggregate rate.

Subp. 3. **Statistical information on report.** Statistical information for each period established by subpart 2 for the ~~interim increase~~ rate notification report must include that required of a facility for the ~~rate~~ revenue and expense report under part 4650.0112, subparts 2 and 5. The information must be recorded for each period stated by subpart 2. This information must show any change in the budget year from the projected information then on file with the system.

Subp. 4. **Financial information on report.** Financial information for each period established by subpart 2 for the ~~interim increase~~ rate notification report must include that required of a facility for the ~~rate~~ revenue and expense report under part 4650.0112, subparts 3 and 5. The information must be recorded for each period stated by subpart 2. This information must show any change in the budget year from the projected information then on file with the system.

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

4650.0130 PROVISIONS FOR FILING REPORTS.

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

Subp. 2. **~~Filed personally~~ Filing reports.** Documents must be filed personally or by the United States Postal Service with the

system ~~at the system's official offices~~ during normal business hours. The system must indicate on the report forms the address or addresses for filing reports.

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

4650.0132 FILING ~~REPORT~~ OF ANNUAL FINANCIAL ~~INFORMATION~~ STATEMENT.

Subpart 1. **Filing report.** ~~Every year, a facility~~ All facilities described in part 4650.0104 shall file a report of annual financial ~~information~~ statement as required by part 4650.0110 with the system within 120 days after the close of that facility's full accounting period. ~~The cost report of the facility filed under the requirements of the United States Social Security Act, title XVIII, *Code of Federal Regulations*, title 20, section 405.406(b), may be filed separately from the other requirements for the report of annual financial information, provided:~~

~~A. It is filed no later than the time it is required to be filed with the Medicare Fiscal Intermediary as identified according to *Code of Federal Regulations*, title 20, section 405.651, et. seq. The facility shall inform the system of this date when filing other information required by this report.~~

~~B. The report of annual financial information is considered incomplete until the receipt of the unaudited cost report, but the facility is not considered in violation of rules until the date required by the Medicare fiscal intermediary for the submission of the unaudited Medicare cost report.~~

~~C. The audited Medicare cost report is submitted as soon as possible to substitute for the unaudited Medicare cost report. The submission of an audited Medicare cost report shall not affect the official filing date of a report of annual financial information.~~

Subp. 2. **Failure to file.** Any facility which fails to file the annual financial ~~information report~~ statement, and which has not requested an extension of time under part 4650.0140 to file that report, is in violation of parts 4650.0102 to ~~4650.0176~~ 4650.0174, and may be charged with a late fee under part 4650.0172. ~~The system shall notify the commissioner, the appropriate health systems agency, and professional standards review organization to this effect.~~

4650.0133 FILING OF MEDICARE COST REPORT.

Subpart 1. **Filing report.** All facilities described in part 4650.0104 shall file with the system at least annually a Medicare cost report as required by part 4650.0111.

A. The unaudited Medicare cost report must be filed no later than the time it is required to be filed with the federal Medicare Fiscal Intermediary. The facility shall inform the system of this date when filing other information required by this report.

B. The audited Medicare cost report must be submitted as soon as reasonable to substitute for the unaudited Medicare cost report. The submission of an audited Medicare cost report does not affect the official filing date of the Medicare cost report.

Subp. 2. **Failure to file.** Any facility which fails to file the Medicare cost report, and which has not requested an extension of time under part 4650.0140, is in violation of parts 4650.0102 to 4650.0174, and may be charged with a late fee under part 4650.0172.

4650.0134 FILING OF ~~REPORT OF RATE~~ REVENUE AND EXPENSE REPORT.

Subpart 1. **Filing report.** ~~Each year, a facility~~ All facilities described in part 4650.0104 shall file a ~~report of rate~~ revenue and expense ~~up to 60 days before the beginning of any accounting period of the facility. No change in rates may be made until 60 days have elapsed from the date of filing.~~ report, as required by part 4650.0112, with the system within 150 days after the close of that facility's full accounting period.

Subp. 2. **Failure to file.** Any facility which fails to file a report of ~~rate~~ revenue and expense, and which has not requested an extension of time under part 4650.0140 to file that report, is in violation of parts 4650.0102 to ~~4650.0176~~ 4650.0174, and may be charged with a late fee under part 4650.0172. ~~The system shall notify the commissioner of health, the appropriate health systems agency, and professional standards review organization to this effect.~~

A facility which fails to file a report of ~~rate~~ revenue and expense, and which has requested an extension of time under part 4650.0140 to file that report, may be charged an additional late fee as authorized by part 4650.0172. ~~A facility which fails to file a report of rate revenue and expense, and which has not requested an extension of time under part 4650.0140 to file that report, shall not amend or modify its rates until 60 days after it files the report with the system.~~

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4650.0136 FILING OF ~~INTERIM INCREASE~~ RATE NOTIFICATION REPORTS.

A facility shall file ~~an interim increase~~ a rate notification report if:

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

B. these amendments or modifications were not included in the report of ~~rate~~ revenue and expense then on file with the system.

The ~~interim increase~~ rate notification report must be filed 60 days before the effective date of the amendments or modifications.

4650.0150 COMPLETENESS.

Subpart 1. **Review by system.** The system shall review each report required by parts 4650.0102 to ~~4650.0176~~ 4650.0174 in order to ascertain that the report is complete. A report is filed when the system has ascertained that the report is complete. "Complete" means that the report contains adequate data for the system to begin its review in a form determined to be acceptable by the system according to parts 4650.0110 to 4650.0114.

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

Subp. 4. [See repealer.]

Subp. 5. **Amending ~~rules~~ reports.** If a facility discovers any error in its statements or calculations in any of its submitted reports ascertained by the system to be complete, it shall inform the system of the error and submit an amendment to a report. In the case of ~~an interim increase~~ a rate notification report or a ~~rate~~ revenue and expense report, the submittal of an amended report by a facility to the system shall not affect the date of filing ~~or the 60-day period required~~, provided the facility informs the system of any errors before the system publishes the facility's financial information. An amended ~~rate~~ revenue and expense report or ~~interim increase~~ rate notification report not meeting the conditions established by this part must be refiled as if it were a new report.

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

4650.0156 OPEN APPLICATION PERIOD.

A voluntary, nonprofit reporting organization may apply for approval of its reporting and review procedures after January 1 and before March 31 of a fiscal year, ~~or by January 29, 1985,~~ for operation of the Minnesota health care cost reporting system during the next subsequent fiscal year.

4650.0158 CONTENTS OF APPLICATION.

An application for approval shall include:

A. general information about the applicant organization, including: organization's name, address, telephone number, contact person, proposed staff, and a detailed description of its computing facilities;

B. a detailed statement of the type of reports and administrative procedures proposed by the applicant which shall demonstrate that, in all instances, the reports and procedures are substantially equivalent to those established by the system, pursuant to parts 4650.0108 to 4650.0114, and 4650.0130 to ~~4650.0152~~ 4650.0150;

~~B.~~ C. a statement that all reports determined to be complete and information filed with the applicant from its participating facilities will be available for inspection by the commissioner of health and the public within five working days after completeness of reports is proposed to be determined;

~~C. a proposed enrollment period for facilities which must not extend beyond March 31 of any fiscal year, or beyond January 29, 1985, in the first instance, for any eligible facility that wishes to participate in the proposed program of the applicant for the next three subsequent fiscal years;~~

[For text of items D and E, see M.R.]

4650.0160 REVIEW OF APPLICATION.

Subpart 1. **Commissioner's decision.** ~~Within 45 calendar days after receiving an application for approval from a voluntary, nonprofit reporting organization~~ By May 15 of each year, the commissioner of health shall issue a decision regarding an application from a voluntary, nonprofit reporting organization that the procedures for reporting and review proposed by the applicant are approved or disapproved. Approval by the commissioner is effective immediately.

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

4650.0166 FEES.

Facilities whose ~~rates~~ reports are reviewed by the commissioner of health as distinct from a voluntary, nonprofit reporting organization shall submit filing fees with ~~rate~~ revenue and expense reports and ~~interim increase~~ rate notification reports which are submit-

ted to the commissioner. These fees are based on the cost of report reviews and the number of beds licensed as acute care beds in a facility, pursuant to *Minnesota Statutes*, sections 144.50 to 144.58.

4650.0168 ~~RATE~~ REVENUE AND EXPENSE REPORT FEE.

Whenever a facility submits a ~~rate~~ revenue and expense report to the commissioner of health as distinct from a voluntary, nonprofit reporting organization, it shall accompany this report with a filing fee based upon the following schedules if the report is timely:

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

4650.0170 ~~INTERIM INCREASE~~ RATE NOTIFICATION REPORT FEE.

Whenever a facility submits ~~an interim increase~~ a rate notification report to the commissioner of health as distinct from the voluntary, nonprofit reporting organization, it shall accompany this report with a filing fee. This fee shall be one-half of the ~~rate~~ revenue and expense report fee, as established by part 4650.0168, provided the report is timely.

4650.0172 TIMELY REPORT.

Subpart 1. **Late fee schedule.** "Timely" means that each report has been submitted within the time prescribed by part 4650.0132, subpart 1, 4650.0133, subpart 1, 4650.0134, subpart 1 , or 4650.0136, ~~subpart 1,~~ as appropriate; that an extension of these reporting times, as permitted by part 4650.0140, has not been necessary; and that the report has been determined to be complete under part 4650.0150. If a report does not meet these standards, the commissioner may require the submission of an additional late fee according to the following late fee schedule.

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

4650.0174 SUSPENSION OF FEES.

The commissioner of health may suspend all or any portion of the filing fees and late fees if a facility shows cause. Cause may consider such factors as:

A. the inability of a facility to pay the fees without directly affecting the aggregate rates;

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

INSTRUCTION TO REVISOR. The Revisor of Statutes shall substitute the reference 4650.0174 for each reference to 4650.0176 where it occurs in *Minnesota Rules*.

REPEALER. *Minnesota Rules*, parts 4650.0102, subparts 5, 7, 8, 11, 12, 16, 20, 21, 23, 27, 28, 32, 33, and 34; 4650.0112, subpart 4; 4650.0116; 4650.0118; 4650.0120; 4650.0122; 4650.0150, subpart 4; 4650.0152; and 4650.0176, are repealed.

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Department of Health

Proposed Permanent Rules Relating to Public Pools

DUAL NOTICE

Notice of Intent to Adopt a Rule 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

The Minnesota Department of Health intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule by 4:30 p.m., September 21, 1994, a public hearing will be held on October 4, 1994. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after September 21, 1994, and before October 4, 1994.

Agency Contact Person. Comment or questions on the proposed rules and written requests for a public hearing on the proposed rules must be submitted to:

Milton Bellin
Division of Environmental Health
Minnesota Department of Health
925 Southeast Delaware Street P.O. Box 59040
Minneapolis, Minnesota 55459-0040
(612) 627-5122
Fax (612) 627-5479

Subject of Rule. The Minnesota Department of Health (MDH) is proposing a revision of existing state standards governing the construction, operation and maintenance of public pools. The proposed rules update existing rules found in *Minnesota Rules*, parts 4717.0100 to 4717.3900. The revision addresses specific types of public pools such as spas, zero depth pools and wave pools, and new features such as drop slides and flume slides. Technologies such as erosion chemical feeders and cartridge filters and documented safety concerns in the areas of diving and starting blocks are addressed.

MDH estimates there are about 5,000 public pools in the state with approximately 20 percent operated by municipalities or schools. About 150 to 200 new pools are constructed annually with plan review and approval by MDH. They are inspected for compliance with the approved plans by the engineering unit of the Environmental Health Division. Since 1971, MDH has also inspected public pools in conjunction with the routine inspection and licensure of hotels, motels, manufactured home parks, recreational camping areas and children's camps. Because MDH delegates some licensing and inspection activity of these establishments to local boards of health under *Minnesota Statutes*, chapter 145A, local boards of health also perform pool inspections. The rules adopted by the commissioner of health serve as the standards by which public pools are constructed, inspected, maintained and operated.

Public pools may be located at sites that are not establishments licensed or routinely inspected by the Minnesota Department of Health or a local board of health. Public pools are found at apartment complexes, schools and health clubs, in municipal parks and many other settings.

Statutory Authority. Authority for the Commissioner of Health to adopt rules regulating public pools is found in *Minnesota Statutes*, section 144.05, paragraph (c); section 144.12, subdivision 1, clause (6), (10), and (13); section 145A.02; section 157.01, subdivision 2; and *Laws of Minnesota 1987*, chapter 403, section 8, subdivision 2.

Copy of Rule. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. A free copy of the proposed rule is available on request from Milton Bellin.

Comment. You have 30 calendar days, until 4:30 p.m. on September 21, 1994, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by Milton Bellin by 4:30 p.m., September 21, 1994. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Requests for Hearing. In addition to submitting comment, you have 30 calendar days to request that a hearing be held on the proposed rule. Your request for a public hearing must be in writing, signed, and received by Milton Bellin by 4:30 p.m. on September 21, 1994. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule which caused your hearing request, the reason for the request and any

changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications to Rule as Proposed. The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as attached and printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for October 4, 1994 will be cancelled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Milton Bellin at (612) 627-5122 after September 21, 1994 to find out if the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, section 14.14 to 14.20. The hearing will be held on October 4, 1994 in Room 200 of the State Office Building, 100 Constitution Avenue, St. Paul, Minnesota beginning at 9 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Phyllis Reha. Judge Reha can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7611 or FAX (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, section 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available for review at the agency from Milton Bellin and at the Office of Administrative Hearings. This statement describes the need for and reasonableness of each provision of the proposed rule. This statement of need and reasonableness includes a summary of all the evidence and argument which the department anticipates presenting at the hearing, if one is held. Copies of the statement are available from the agency at no cost and copies may be obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. *Minnesota Statutes*, section 14.115 requires that the agency consider five factors for reducing the impact of proposed rules on small business. A discussion of the impact on small business is contained in the Statement of Need and Reasonableness.

Impact on Agricultural Land. Pursuant to *Minnesota Statutes*, section 14.11, subdivision 2, the department has determined that the proposed rules will have no direct or adverse impact on agricultural lands.

Expenditure of Public Money by Local Public Bodies. As required by *Minnesota Statutes*, section 14.11, subdivision 1, the department estimates that the adoption of the proposed rules may have an aggregate net fiscal cost of $87,500 to all public facilities within the state, with a public pool, over the next two years. As discussed in the Statement of Need and Reasonableness, this aggregate cost is based on an estimate of $175 per public pool for operator training.

Lobbyist Registration. *Minnesota Statutes*, Chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions about this requirement may be directed to the Ethical Practices Board, First Floor South, Centennial Office Building, St. Paul, Minnesota 55155, telephone: (612) 296-5148.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the Office of the Attorney General for review as to legality and

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form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Office of the Attorney General or be notified of the attorney general's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Milton Bellin.

Adoption Procedure after the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person any time prior to the filing of the rule with the Secretary of State.

Dated: 8 August 1994

Mary Jo O'Brien, Commissioner
Minnesota Department of Health

This notice and the proposed rule can be made available in alternative formats.

Rules as Proposed

4625.2100 PLUMBING AND SWIMMING POOLS.

All new plumbing in hotels, motels, lodging houses, and resorts, and all plumbing reconstructed or replaced after January 1, 1968, shall be designed, constructed, and installed in conformity with chapter 4715 of the Minnesota Plumbing Code.

All swimming pools and other artificial recreational bathing facilities shall be located, constructed, and operated in conformity with parts ~~4717.0100~~ 4717.0150 to ~~4717.3900~~ 4717.3975.

4717.0150 APPLICABILITY.

Parts 4717.0150 to 4717.3975 establish operation and maintenance, design, installation, and construction standards for public pools and facilities related to them.

4717.0250 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4717.0150 to 4717.3975, the terms defined in this part have the meanings given them.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of health or the commissioner's authorized representative.

Subp. 3. **Operator.** "Operator" means the individual designated by the owner as responsible to operate and maintain the public pool in compliance with parts 4717.0150 to 4717.3975.

Subp. 4. **Owner.** "Owner" means the person who owns the public pool and is responsible for compliance with parts 4717.0150 to 4717.3975.

Subp. 5. **Person.** "Person" means an individual, firm, partnership, association, limited liability company, corporation, company, government agency, club, or organization of any kind.

Subp. 6. **Pool.** "Pool" means any structure, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools.

Subp. 7. **Private residential pool.** "Private residential pool" means a pool connected with a single-family residence or owner-occupied duplex, located on private property under the control of the homeowner, the use of which is limited to family members or the family's invited guests. A private residential pool is not a pool used as part of a business.

Subp. 8. **Public pool.** "Public pool" means any pool, other than a private residential pool, intended to be used collectively by numbers of persons, and operated by any person whether the person be an owner, lessee, operator, or concessionaire, and regardless of whether a fee for use is charged. A public pool includes, but is not limited to, pools operated by a person in a park, school, licensed child care facility, motel, camp, resort, apartment building, club, condominium, hotel, manufactured home park, or political subdivision.

Subp. 9. **Spa pool.** "Spa pool" means a hot water pool intended for seated recreational use with a water agitation system in addition to the recirculation system. Spa pool is synonymous with the term "whirlpool."

Subp. 10. **Special purpose pool.** "Special purpose pool" means a pool intended to accommodate a use other than normal swimming, diving, or wading. A special purpose pool includes, but is not limited to, spa pools, pools used for water therapy, dedicated plunge pools, flume water slides, and wave pools.

Subp. 11. **Trained operator.** "Trained operator" means an individual who meets the requirements of part 4717.0650, subpart 5.

Subp. 12. **Wading pool.** "Wading pool" means any pool with a maximum depth of 24 inches used or designed to be used exclusively for wading.

4717.0275 INCORPORATIONS BY REFERENCE.

This part indicates documents, specifications, methods, and standards that are incorporated by reference in parts 4717.0150 to 4717.3975. This material is not subject to frequent change and is available from the source listed, for loan or inspection from the Barr Library of the Minnesota Department of Health, or through the Minitex interlibrary loan system.

A. American Public Health Association, "Standard Methods for the Examination of Water and Wastewater," 18th edition (1992), 1015 Fifteenth Street NW, Washington, D.C., 20005.

B. American Society of Testing Materials (ASTM) Standard F1346-91 (1991) "Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs," 1916 Race Street, Philadelphia, PA 19103.

C. NSF International, Standard 50 "Circulation System Components for Swimming Pools, Spas or Hot Tubs," May 1992, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, MI 48106.

4717.0310 PLAN REVIEW FEES.

All plans for swimming pool construction, installation, or alteration submitted to the commissioner of health for review and approval under part ~~4717.0300~~ 4717.0450 must be accompanied by the fee specified in this part:

A. each pool, except as provided in items B and C, $500;

B. each spa pool, $200; and

C. alterations to an existing pool without changing the size or configuration of the pool, $200.

4717.0375 INSPECTIONS; WATER SAMPLING.

The commissioner is authorized to inspect and sample the water in public pools for compliance with parts 4717.0150 to 4717.3975.

The commissioner has the right of entry at any reasonable hour to ensure compliance with parts 4717.0150 to 4717.3975.

The commissioner may collect and examine water samples for compliance with part 4717.1750 at any reasonable hour.

4717.0450 SUBMISSION OF PLANS AND SPECIFICATIONS.

Subpart 1. **Plan submission and review.** No public pool shall be constructed, installed, or materially altered until complete plans and specifications are submitted to the commissioner in duplicate and approved by the commissioner.

A. A separate plan is required for each pool site.

B. Plans shall be reviewed and approved by the commissioner for sanitation and safety.

C. Once a plan is approved by the commissioner, no modification affecting the safety and sanitation features of the public pool shall be made without prior approval of the commissioner.

D. The pool and related facilities must be built in accordance with the approved plan unless prior approval of changes are given in writing by the commissioner.

E. Projects that include design features not specifically addressed in parts 4717.0150 to 4717.3975 must be reviewed in the design development stage. Those design features shall be permitted only where the pool owner demonstrates that safety and water quality can be maintained based on the current technology and information provided to the commissioner at the time of review. The commissioner may require special provisions to assure that safety and water quality are maintained. Special provisions may include continuous supervision.

Subp. 2. **Plan contents.** Plans and specifications for pool construction and any existing pool alteration must contain:

A. the name and address of the facility where the pool is located;

B. the name and address of the pool owner and operator;

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C. the name, address, and telephone number of the organization or individual who prepared the plans and specifications;

D. a site plan or floor plan, drawn to scale, showing:

(1) the facility and dimensions of deck areas;

(2) fencing, access, and other security provisions;

(3) toilet and shower areas;

(4) pool equipment location; and

(5) any related facilities;

E. plans for the pool drawn to scale, with top and profile views, that include dimensions and all equipment or appurtenances such as skimmers, gutters, inlets, drains, lights, diving boards, slides, ladders, steps, and handrails;

F. a plan of the recirculation system showing all pipe sizing, fittings, valves, gauges, and equipment connections;

G. a plan for the deck and equipment room that shows all drains, sumps, deck slopes, and air gaps at discharges to the sewer from all deck drains, pool drains, and recirculation system drains;

H. a complete equipment list specifying manufacturer, model number, and size; and

I. the pool volume, surface area, and design recirculation rate.

Subp. 3. **Inspection of completed project.** The owner of the pool or the owner's agent must notify the commissioner at the time the pool is complete to permit inspection of the pool and related facilities.

A. The pool must not be placed into public use until the commissioner's inspection shows compliance with parts 4717.0150 to 4717.3975.

B. If sustained construction of the pool does not begin within one year of the plan approval date, the approval is no longer valid.

4717.0650 POOL OPERATION AND MAINTENANCE; OPERATOR TRAINING.

Subpart 1. **Pool maintenance.** A public pool, pool equipment, and related facilities and equipment must be maintained in a properly operating condition.

Subp. 2. **Responsibility for operation.** A public pool and the related facilities and equipment must be operated and maintained in working condition by a person who is designated as responsible for compliance with parts 4717.0150 to 4717.3975 and ensures that the pool poses no threat to public health or safety. The owner shall be responsible for the operation of the pool and related facilities and compliance with parts 4717.0150 to 4717.3975. Where another person has operational authority under an agreement with the owner, that person also has responsibility for the operation of the pool and related facilities and for compliance with parts 4717.0150 to 4717.3975.

Subp. 3. **Designation of trained operator.** The owner or operator of the pool must designate a trained operator who is responsible for the direct operation of the pool whenever the pool is open for use.

A. The trained operator must inspect the pool and pool records on at least a daily basis whenever the pool is open for use, must document the results of the pool and record inspection, and must be able to respond to emergency, unsafe and unsanitary conditions.

B. The trained operator must assure that other individuals who assist with chemical monitoring and pool equipment operation are trained for those functions.

Subp. 4. **Operations manual.** An operations manual must be available that provides operational information relating to all pool equipment.

Subp. 5. **Operator training.** The owner or operator must ensure that the designated trained operator is trained to operate the pool in compliance with parts 4717.0150 to 4717.3975.

A. The trained operator must be trained in safe chemical handling and the use of protective equipment in addition to pool operation and sanitation described in items B to F.

B. Until January 1, 1997, the commissioner may require the trained operator to obtain a certificate of competency through attendance at and successful completion of a pool operator's training course.

C. After January 1, 1997, the trained operator must be certified as successfully completing a pool operator training course as specified in item E.

D. A certified trained operator must successfully complete a training course as specified in item E at least once every five years after January 1, 1997.

E. Acceptable training courses are:

(1) the National Swimming Pool Foundation Certified Pool Operator course;

(2) the National Spa and Pool Institute Tech I and Tech II courses (both required); or

(3) the National Recreation and Park Association Aquatic Facility Operator course.

F. After January 1, 1997, a copy of the trained operator's training certificate must be posted at the facility whenever the pool is open for use.

4717.0750 POOL RECORD.

A record of a public pool's operation and routine maintenance must be kept by the operator. The record must be maintained for six years. The record must include the following for each day the pool is open to use:

A. the total number of users for the day;

B. the operating periods of recirculation pumps and filters and corresponding rate-of-flow meter readings;

C. amounts of chemicals used, except chemicals added through an automated system;

D. disinfectant residuals;

E. pH readings;

F. maintenance of equipment;

G. any malfunction of equipment; and

H. any accidents or injuries requiring assistance from a lifeguard, attendant, or emergency medical personnel.

4717.0775 REPORTING.

All pool incidents resulting in death or serious injury that require assistance from emergency medical personnel must be reported to the commissioner by the end of the next working day.

4717.0950 LIFEGUARD REQUIREMENT.

An individual currently certified in first aid and adult, child, and infant cardiopulmonary resuscitation must be on duty at all times the pool is open to use, unless a sign warning that a lifeguard is not present is posted as specified in part 4717.1050.

The individual must have a Red Cross lifeguard certification or equivalent and be responsible for user supervision, safety, and sanitation at all times the pool is in use.

4717.1050 NO LIFEGUARD WARNING SIGN.

When a lifeguard is not on duty at a public pool open to use, a warning sign must be placed in plain view.

A. The sign must state in clear, legible letters at least four inches high: "Warning - No lifeguard on duty."

B. The sign must state in clear, legible letters at least one inch high: "Children must not use the pool without an adult in attendance."

4717.1250 EMERGENCY TELEPHONE LOCATION.

A pool with a lifeguard present must have a telephone in or immediately adjacent to the pool area. When a telephone is provided, the emergency number must be posted. When a telephone is not located in the pool enclosure, a sign placed in plain view must indicate the location of the nearest telephone available to a pool user and the emergency number.

4717.1350 POOL FACILITY CAPACITY.

Subpart 1. **Posting pool facility capacity.** The capacity for the pool, determined according to subpart 2, must be posted in the pool enclosure area.

Subp. 2. **Pool user capacity.** User capacity must be determined as specified in this subpart.

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A. One person is permitted for each 15 square feet of pool water surface in areas of the pool with five feet or less in water depth.

B. One person is permitted for each 25 square feet of pool water surface in areas of the pool over five feet in water depth.

C. Three hundred square feet of pool water surface area must be reserved around each diving board, diving platform, or slide. The area in this item must not be included when computing the user capacity in item B. Ten persons must be included in the user capacity for each diving board, diving platform, and slide.

D. Spa pools must be limited to one user for each three feet of seating space provided in the spa pool.

4717.1450 LIFEGUARD STATIONS AND LIFESAVING EQUIPMENT.

Subpart 1. **Lifeguard stations.** At any time a pool with more than 2,250 square feet of water surface is operated primarily for unorganized use, the pool must have an elevated lifeguard platform or chair. In a pool with 4,000 square feet or more of water surface, additional elevated platforms, or chairs must be located to provide a clear, unobstructed view of the pool bottom in the area under surveillance.

Subp. 2. **Lifesaving equipment.** Except for a spa pool or wading pool, not less than one unit of lifesaving equipment as described in subpart 3, must be at every public pool. One unit must be provided for each 2,000 square feet of water surface or fraction thereof.

Subp. 3. **Lifesaving equipment unit.** One unit of lifesaving equipment is:

A. a ring buoy attached to a 3/16 inch manila, or equivalent material, rope that is 1-1/2 times the pool width, but not over 60 feet; and

B. a lifepole or shepherd's crook pole with blunted ends and a minimum fixed length of 12 feet; or

C. where a lifeguard is provided, a rescue tube may be used instead of a ring buoy.

Subp. 4. **Lifesaving equipment; access.** Lifesaving equipment must be mounted in conspicuous places, distributed around the pool deck, at lifeguard chairs or at another readily accessible location. The equipment must be plainly marked "For emergency use only." Equipment must be kept in repair and ready condition. No one may tamper with, use for any purpose other than its intended use, or remove equipment from its established location, except for emergency use.

Subp. 5. **First aid kit; spine board.** Every pool where a lifeguard is present must have a first aid kit filled and ready for use and a spine board with ties. The spine board must be within the pool enclosure. The first aid kit must contain at least:

A. two units of one inch adhesive compress;

B. two units of two-inch bandage compress;

C. two units of three-inch bandage compress;

D. two units of four-inch bandage compress;

E. one unit of (three-inch by three-inch) plain gauze pad;

F. two units of gauze roller bandage;

G. one unit of eye dressing packet;

H. four units of plain absorbent gauze one-half square yard;

I. three units of plain absorbent gauze, (24 inches by 72 inches);

J. four units of triangular bandages, 40 inches;

K. one bandage scissors;

L. one tweezers;

M. rubber gloves; and

N. pocket face mask.

4717.1550 POOL ACCESS RESTRICTION; FENCING.

Subpart 1. **General.** Access to a public pool must be controlled.

A. Where fencing is used to control access, it must comply with subparts 2 to 6 except as noted in item B, subitem (3).

B. Access to a public pool within a building or enclosure must be controlled:

(1) with self-closing, self-latching doors or gates that restrict access from public spaces to the pool area;

(2) by locating the pool in a separate room within a building with self-closing doors and self-latching doors that restrict access to the room; or

(3) with fencing or a comparable barrier that complies with subparts 2 to 6, except that the fencing or barrier height specified in subpart 2, item A, may be four feet high.

Subp. 2. **Fencing.** Fencing must:

A. be at least five feet high;

B. be equipped with self-closing, self-latching gates capable of being locked;

C. not have any opening greater than four inches;

D. not have any opening greater than two inches below the fence; and

E. not be a readily climbable design.

Subp. 3. **Existing four-foot fencing.** Fencing in existence prior to January 1, 1995, that is less than five feet high must:

A. be no less than four feet high;

B. be equipped with self-closing, self-latching gates capable of being locked;

C. not have any opening greater than four inches; and

D. not be a readily climbable design.

Subp. 4. **Wading pools.** Fencing for a wading pool enclosure must be at least 42 inches high for existing installations and 48 inches high for new installations.

Subp. 5. **Chain link fencing.** New chain link fencing must not exceed 1-1/2 inch mesh for fencing less than eight feet high. New chain link fencing eight foot high or higher must have mesh which does not exceed two inches.

Subp. 6. **Latches.** Latches for new installations must be four feet above the ground.

4717.1575 POOL COVERS.

If a pool cover is used, any new cover must comply with ASTM Standard F1346-91.

A. Pool covers must be maintained in a clean and sanitary condition to preclude contamination of the pool water.

B. If the deck area is accessible when the cover is in place, a fully secured safety cover must be used.

C. A pool cover may not be used in lieu of a fence or other access restrictions required by part 4717.1550.

4717.1650 USER SANITATION AND SAFETY.

Subpart 1. **Posting user safety and sanitation rules.** Placards and pictorial representations, where appropriate, embodying the requirements in this part must be posted in plain view in the pool room or enclosure and in the dressing rooms of all public pools. Lettering must be clear, legible, and at least one-fourth inch high.

Subp. 2. **Communicable disease.** No person with or suspected of having a communicable disease which could be transmitted through use of the pool shall work at or use any public pool.

Subp. 3. **Warning.** A person with any considerable area of exposed subepidermal tissue, open blisters, or cuts must be warned that these may become infected and advised not to use the public pool.

Subp. 4. **Showering.** Any person using a public pool must take a cleansing shower using warm water and soap and thoroughly rinse off all soap before entering the pool enclosure. A user leaving the pool to use the toilet must take a second cleansing shower before returning to the pool enclosure. A person who exercises, applies lotion, or uses a sauna or steam room must shower before using the pool.

Subp. 5. **No spitting.** Spitting, spouting water from the mouth, and blowing the nose in the pool is prohibited.

Subp. 6. **No running.** No running or boisterous or rough play, except supervised water sports, is permitted in the pool, in dressing rooms or shower rooms, on runways, on the diving board, or platforms.

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Subp. 7. **Glassware.** Glassware and similar material with a tendency to shatter on impact is not allowed in the pool enclosure area.

Subp. 8. **Diving.** Diving is not permitted except in areas that comply with part 4717.3750.

Subp. 9. **No pets.** Domestic animals are not permitted in the pool enclosure, showers, or dressing rooms.

4717.1750 POOL WATER CONDITION.

Subpart 1. **Maximum water temperature.** The water temperature in a pool must not be more than 104 degrees Fahrenheit.

Subp. 2. **Test kits.** Each pool must have the testing equipment specified in this subpart:

A. a DPD (Diethyl-P-Phenylene Diamine) test kit to measure the concentration of disinfectant in water, accurate within 0.1 parts per million;

B. a phenol red pH testing kit accurate to the nearest 0.2 pH unit;

C. a test kit to measure alkalinity using the methyl orange or equivalent method; and

D. where cyanuric acid is used, a test kit to test cyanuric acid concentration.

Subp. 3. **Disinfection residual.** When in use, a pool must be continuously disinfected with a chemical that imparts an easily measured, free available residual.

A. When chlorine is used, a free chlorine residual of at least 0.5 parts per million must be maintained throughout the pool.

B. When bromine is used, a bromine residual of at least 1.0 parts per million must be maintained throughout the pool.

C. The minimum free residual for chlorine must be 1.0 parts per million and 2.0 parts per million for bromine when any of the following conditions exist:

(1) cyanuric acid exceeds 30 parts per million;

(2) the pH exceeds 7.7;

(3) the water temperature exceeds 84 degrees Fahrenheit; or

(4) the pool is a wading pool.

D. The chlorine or bromine concentration in an operating pool must not exceed five parts per million.

E. If other halogens are used, residuals of equivalent disinfectant strength must be maintained.

F. If the concentration of combined chlorine residual exceeds 0.5 parts per million, the pool must be superchlorinated or treated to reduce the concentration of the combined chlorine residual to not exceed 0.5 parts per million.

G. Where a cyanuric acid compound is used to stabilize chlorine, the concentration of cyanuric acid in the pool must not exceed 100 parts per million.

Subp. 4. **Disinfection of spa pools.** The bromine residual or free chlorine residual in a spa pool must be at least 2.0 parts per million throughout the pool when in use.

Subp. 5. **pH.** Water in the pool must be maintained with a pH of not less than 7.2 and not more than 8.0.

Subp. 6. **Alkalinity.** The alkalinity of the water in the pool must be at least 50 parts per million.

Subp. 7. **Water clarity.** Whenever the pool is open for use, the pool water must be clear enough so the bottom drain is easily visible.

Subp. 8. **Use of nontoxic chemicals; chemical container security.** Chemicals used to control water quality must not impart toxic properties to the water. All containers used for chemicals must be kept in a secure location, inaccessible to pool users, and properly labeled and stored according to the manufacturer's instructions.

Subp. 9. **Bacteriological samples.** When bacteriological sampling is done, no sample collected may:

A. exceed 200 bacteria per milliliter as determined by the heterotrophic plate count; or

B. indicate the presence of total coliform organisms in a 100 milliliter sample by any of the following methods:

(1) multiple tube;

(2) membrane filter; or

(3) the Minimal Medium ONPG-MUG test described in *Code of Federal Regulations*, title 40, part 141.

All samples must be collected, dechlorinated, and examined according to the American Public Health Association's "Standard Methods for the Examination of Water and Wastewater."

Subp. 10. **Bacteriological treatment.** Where sampling indicates that the standards in subpart 9 are exceeded, the pool must be treated to effectively reduce biological concentration to a complying level.

4717.1850 DEPTH OF POOL WATER.

Subpart 1. **General.** The minimum depth of water in a public pool must be three feet. The maximum depth at the shallow end of the pool must not exceed three feet six inches.

Subp. 2. **Exceptions.** The requirements in subpart 1 do not apply to special purpose pools, wading pools, and pools used for supervised competition.

A. A wading pool must have a maximum depth of no more than 24 inches.

B. A pool with a zero depth area may be approved by the commissioner if:

(1) a lifeguard is present at the zero depth area at all times the pool is in use; and

(2) there is an effective barrier, such as stanchions and ropes to restrict access from the deck of the pool to the area where the water depth is less than three feet, except on the side of zero depth. The barrier must permit easy removal for emergency access or maintenance.

4717.1950 POOL CLEANING.

Subpart 1. **Cleaning schedule.** Visible dirt on the bottom of the pool must be removed every 24 hours or more frequently as needed to eliminate buildup. Visible scum or floating matter on the pool surface must be removed no less than every 24 hours by flushing or other effective means.

Subp. 2. **Cleaning system.** A vacuum-cleaning system capable of cleaning the entire pool must be provided, except that it is not required for spa pools with less than 75 square feet of water surface.

4717.2150 WATER SUPPLY.

Subpart 1. **Potable supply.** The water supply serving a pool and all plumbing fixtures, including drinking fountains, lavatories, and showers, must meet the requirements of the commissioner for potable water specified in chapters 4720 and 4725.

Subp. 2. **Backflow prevention.** All portions of the water distribution system serving the pool and related facilities must be protected against backflow. Water introduced into the pool, either directly or through the recirculation system, must be supplied through an air gap or protected with a suitable backflow preventer as specified in parts 4715.2000 to 4715.2170.

4717.2250 SEWER SYSTEM.

The sewer system must adequately serve the pool, bathhouse, dressing rooms, and related facilities and must conform to the standards of the commissioner of health and the Minnesota Pollution Control Agency.

A. There must be no direct physical connection between the sewer system and any drain from the pool or recirculation system.

B. Any pool, gutter drain, or overflow from the recirculation system when discharged to a sewer system, storm drain, or other complying natural drainage course must discharge through a complying air gap or air break to preclude the backup of sewage or waste into the pool or piping system.

C. Valves and pumps used for draining the pool must be sized or designed to prevent the surcharging of the sanitary sewer.

D. Any sanitary sewer serving facilities related to the pool must discharge into the public sewer system.

E. Where a public sewer system is not available, the connection must be made to a treatment system designed, constructed, installed, and operated according to the requirements of the commissioner of health and the Minnesota Pollution Control Agency.

4717.2350 POOL STRUCTURE.

Subpart 1. **General.** The pool and all appurtenances must be constructed of materials which:

A. are inert, nontoxic, impervious, permanent and enduring;

B. withstand design stress;

C. provide a tight tank with a smooth and easily cleaned surface; and

D. can be finished in a white or light color.

Wood tank construction and vinyl liner pools are prohibited.

Subp. 2. **Finish.** The pool basin finish, including bottom and sides, must:

A. be of white or light colored material;

B. be nontoxic to humans;

C. have a smooth finished surface;

D. be void of cracks; and

E. be bonded to the supporting members, excluding structural expansion joints.

Subp. 3. **Design, detail, and structural stability.** The pool must be designed, installed, operated, and constructed to withstand all anticipated loading for both full and empty conditions.

Subp. 4. **Designer responsibility.** The owner and the architect, engineer, contractor, or other designer is responsible for the structural stability and safety of the pool design.

Subp. 5. **Relief valve.** A hydrostatic relief valve or an underdrain system must be provided where a high water table may affect the stability of the pool.

Subp. 6. **Shape.** The pool's shape must:

A. be such that the circulation of pool water and control of users' safety are not impaired;

B. allow complete, continuous circulation of pool water throughout all parts of the pool; and

C. ensure that user safety is not impaired. Underwater or overhead projections or obstructions that would endanger user safety or interfere with operation are prohibited.

Subp. 7. **Corners.** Corners formed by the intersection of walls and the bottom must be rounded with at least a one-half inch radius.

Subp. 8. **Slope of bottom.** The slope must conform to the provisions in this subpart.

A. The slope of the bottom of any part of the pool with a water depth of less than five feet must not be more than one foot in ten feet and must be uniform.

B. In parts of the pool with a water depth greater than five feet, the slope must not exceed one foot in three feet.

Subp. 9. **Side walls.** The walls of the pool must be either:

A. vertical for water depths of at least six feet; or

B. vertical for a distance of three feet below the water level, below which the wall may be curved to the bottom with a radius not greater than the difference between the depth at that point and three feet, provided that vertical is interpreted to permit slopes not greater than one foot, horizontally, for each five feet of depth of sidewall (11 degrees vertical).

Subp. 10. **Ledges.** A ledge along the pool wall within the pool basin is permitted only if it is a necessary part of the sidewall construction. The ledge must be:

A. at least two feet six inches below the water surface;

B. not over four inches wide; and

C. sloped into the pool with a rounded outside edge.

Subp. 11. **Wading pools.** Wading pools must be physically separated from other pools and have a separate recirculation system.

Subp. 12. **Fountains.** Fountains or similar features require approval by the commissioner and must be located in areas of two feet or less of water depth. They must be designed to preclude climbing.

4717.2450 MARKINGS AND LINES.

Subpart 1. **Depth markings.** The depth of the water in the pool must be plainly marked in numbers and letters, be in a color contrasting with the background, and specify the water depth and units in feet and inches. Numerals must be at least four inches high. The water depth must be indicated:

A. on the edge of the deck next to the pool;

B. at the maximum and minimum depths;

C. on all sides of the pool;

D. at the points of change of slope between deep and shallow portions; and

E. at intermediate increments of depth, spaced at not more than 25-foot intervals.

Subp. 2. **Depth transition markings.** Where a transition to a steeper bottom slope occurs, the transition must be marked on the bottom and walls of the pool by a stripe of dark contrasting color at least six inches wide.

Subp. 3. **No diving markings.** Pools and sections of pools that do not comply with the depth requirements for diving in part 4717.3750 must have:

A. the words "No Diving" in letters not less than four inches high and of a color contrasting with the background located on the pool deck on all sides of the pool where diving is not permitted and spaced at not more than 25 foot intervals; or

B. the universal no diving symbol at least four inches high accompanied by the words "No Diving" in letters not less than one-half inch high and of a color contrasting with the background located on the pool deck on all sides of the pool where diving is not permitted and spaced at not more than 25 foot intervals. This provision does not apply to spa pools, wading pools, flume or plunge pools.

Subp. 4. **Stair markings.** The leading edge of stair treads must be marked by a stripe of dark, contrasting color.

4717.2550 RECIRCULATION SYSTEM.

All pools must have a water recirculation system with treatment and filtration equipment consisting of overflow gutters or skimmers, main drains, inlets, pumps, piping, filters, water conditioning, disinfection equipment, and other accessory equipment. The pumps, filter, disinfectant and chemical feeders, and related appurtenances must be kept in operation at all times during the swimming season unless approved by the commissioner.

4717.2560 RECIRCULATION RATE.

Subpart 1. **General recirculation rate.** The water recirculation system must clarify and disinfect the pool volume of water in six hours or less.

Subp. 2. **Wading pools and special purpose pools.** The water recirculation system of a wading pool or a special purpose pool must recirculate a water volume equal to the pool volume in two hours or less.

Subp. 3. **Spa pools.** The recirculation system in a spa pool must recirculate a water volume equal to the pool volume in 30 minutes or less, except that a minimum rate of 35 gallons per minute is required.

Subp. 4. **Dedicated plunge pools.** The recirculation system of a dedicated plunge pool must recirculate a water volume equal to the total volume of the pool in one hour or less.

Subp. 5. **Zero depth pool.** The recirculation system of a pool with a zero depth end must recirculate water at the rate specified in this subpart.

A. The area of the pool with a water depth of less than three feet must have a recirculation rate of two hours or less.

B. The remainder of the pool must meet the requirements in subpart 1.

C. A system of bottom inlets must be provided in the shallow end.

4717.2570 RECIRCULATION EQUIPMENT.

Subpart 1. **General.** Equipment which is part of the installation or alteration of a pool recirculation system must comply with Standard 50 "Circulation System Components for Swimming Pools, Spas or Hot Tubs" of the NSF International.

Subp. 2. **Recirculation system strainers.** The recirculation system must include a strainer to prevent debris such as hair and lint from reaching the pump and filters. The strainer must:

A. be corrosion-resistant;

B. have openings not more than one-eighth inch;

C. provide a free flow area at least four times the area of the pump suction line; and

D. be readily accessible for frequent cleaning.

Subp. 3. **Recirculation system piping.** Recirculation system piping must:

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A. carry the recirculation quantity of water required in part 4717.2650 at a velocity not exceeding six feet per second for suction piping, eight feet per second for discharge piping, and three feet per second for gravity flow piping;

B. be nontoxic and corrosion-resistant, and able to withstand operating pressures; and

C. be identified by a label, color code, tag, or other distinguishing marking.

Subp. 4. **Rate-of-flow indicator.** A rate-of-flow indicator, reading in gallons per minute, must be installed and located, preferably on the pool return line, so the rate of recirculation and backwash rate are indicated. The indicator must be capable of reading flows measuring at least 1-1/2 times the design flow rate, be accurate within ten percent of the true flow, and be easy to read.

Subp. 5. **Pumps.** Pumps must provide the number of turnovers of pool water specified in part 4717.2560.

If the pump or suction piping is located above the overflow level of the pool, the pump must be self-priming. The pump or pumps must be capable of providing flow to backwash filters.

Under normal conditions, the pump or pumps must supply the recirculation rate of flow specified in part 4717.2560 at a dynamic head of at least 50 feet for pressure filters.

Subp. 6. **Heaters.** Pools equipped with heaters must have a fixed thermometer in the recirculation line to measure the temperature of the water returning to the pool.

Subp. 7. **Valves.** Valves must be provided on the main drain and skimmer lines to permit balancing the recirculation flow.

4717.2580 INLETS AND OUTLETS.

Subpart 1. **Outlets.** All pools must have an outlet at the deepest point to permit the pool to be completely emptied.

A. Outlet openings must be covered by grating not readily removable by users.

B. Outlet openings of the grating on the floor of the pool must be at least four times the area of discharge pipe and provide enough area so the velocity of water passing the grate does not exceed 1-1/2 feet per second.

C. Grate openings must be no more than one-half inch wide.

D. When a single outlet is used, it must be at least 100 square inches in size, or have an antivortex cover.

E. In pools more than 30 feet wide, multiple outlets must be provided. The outlets must be no more than 30 feet apart, and no more than 15 feet from the side walls.

Subp. 2. **Inlets.** Water inlets must be located to produce uniform circulation of water and maintain a uniform disinfectant residual throughout the entire pool without the existence of dead spots.

A. Inlets from the recirculation system must be flush with the pool wall and submerged at least 12 inches below the water level.

B. Over-the-rim fill spouts are not permitted unless located under a diving board or installed in a manner that does not present any hazard.

C. Make up water spouts must terminate at least six inches above the fill rim of the pool or surge tank.

Subp. 3. **Adjustable inlets.** Inlets must be directionally adjustable and located so there is complete, uniform circulation of incoming water throughout the pool, a uniform disinfectant residual is maintained at all times, and there are no dead spots.

A. Each inlet must be adjustable or have an individual gate or similar valve to permit adjustment of water volume to obtain the best circulation.

B. The maximum spacing of inlets must be 20 feet based on the pool perimeter.

C. In a pool with a surface area greater than 1,600 square feet or longer than 60 feet, side inlets must be placed at 15-foot intervals around the entire perimeter.

D. An engineered, manufactured gutter system with integral supply orifices may be used instead of individual directional inlets.

4717.2590 OVERFLOW GUTTERS.

Subpart 1. **General.** Overflow gutters must extend completely around the pool except at steps or recessed ladders.

A. The overflow gutter must also serve as a handhold.

B. The gutter must continuously remove 50 percent or more of the recirculated water and return it to the filter.

C. Pools with overflow gutters must be provided with surge capacity.

D. The gutters, drains, and return piping must be sized to remove overflow water caused by recirculation, displacement, wave action, or other cause produced from maximum pool user load.

E. Drain outlets must not be more than 15 feet apart.

F. The opening into the gutter beneath the coping must not be less than four inches wide. The interior of the gutter must not be less than three inches wide with a depth of at least three inches.

G. Gutters must be designed to prevent the entrance of or entrapment of a user's arms or legs.

H. The overflow edge or lip must be rounded and no thicker than 2-1/2 inches for the top two inches.

I. Overflow outlets must have outlet pipes at least two inches in diameter.

J. Outlet fittings must have a clear opening in the grating at least equal to 1-1/2 times the cross sectional area of the outlet pipe.

K. New overflow gutter system installations must include automatic water level control to provide automatic and continuous skimming during quiescence.

Subp. 2. **Surge systems and surge capacity.** An in-pool surge system may be used only if it is part of an engineered and manufactured gutter system that has surge weirs which provide effective skimming during quiescence.

A. In-pool surge weirs must be self-closing during normal pool use.

B. The total surge capacity of the system must be at least one gallon per square foot of water surface.

C. If some of the surge capacity is within the gutter system, the system must be able to carry 50 percent of the recirculation flow while maintaining the surge capacity.

Subp. 3. **Rollout and deck systems.** Nothing in this part precludes the use of a rollout overflow system or deck level system if proper surge capacity is provided as specified in subpart 2.

4717.2595 SKIMMERS.

Subpart 1. **Skimmers.** Skimmers are permitted in lieu of a gutter if the suction outlets induce enough motion to the pool water to remove floating oil and waste from the entire pool surface, and the edge of the pool deck provides a handhold for swimmers.

A. Skimming devices must be built into the pool wall.

B. At least one skimming device must be provided for each 400 square feet of water surface area or fraction thereof.

C. Where two or more skimmers are used, they must not interfere with each other and must ensure skimming of the entire pool surface.

D. The flow through rate must be no less than 30 gallons per minute.

E. Skimmer piping and other components must be designed for a total capacity of at least 80 percent of the required filter flow of the recirculation system.

F. The skimmer weir must automatically adjust and operate freely with continuous action to variations in water level over a range of at least four inches.

(1) The weir must operate at all flow variations.

(2) The weir must be of a buoyancy and design to permit effective skimming velocity.

G. Provision must be made to prevent airlock in the skimmer suction line.

(1) Where an equalizer pipe is used, it must be sized to meet the capacity requirements of the filter and pump and not be less than two inches in diameter. If equalizer lines are not provided on skimmers, the main drain must be sized based on the total recirculation flow. The equalizer pipe must be located at least one foot below the lowest overflow level of the skimmer. It must be provided with a valve or equivalent device that automatically opens when the water level drops below the lowest weir level.

(2) If any other device, surge tank, or arrangement is used, enough water for pump suction must be assured.

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(3) Equalizer pipe is not required on a pool with an automatic water level control and on spa pools with less than a 1,000 gallon capacity.

Subp. 2. **Screen.** Skimmers must have an easily removable and cleanable basket or screen through which all overflow water passes to trap large solids.

4717.2610 DISINFECTANT AND CHEMICAL FEEDERS.

A pool must have a disinfectant feeder or feeders that meet the requirements in this part.

A. Feeders must be sturdy and withstand wear, corrosion, or attack by disinfectant solutions or vapors.

B. Feeders must not be adversely affected by repeated regular adjustment or other anticipated use.

C. Feeders must be capable of being disassembled for cleaning and maintenance.

D. The design and construction of feeders must preclude stoppage from chemicals intended to be used or foreign materials.

E. Feeders must incorporate failure-proof features so the disinfectant cannot feed directly into the pool, the pool piping system, water supply system, or pool enclosure under any type of failure of the equipment, or during its maintenance.

F. Feeders must be able to supply at least the equivalent of one pound of chlorine in eight hours for each 10,000 gallons of pool capacity.

G. Feeders must have a graduated and clearly marked dose adjustment ranging from full capacity to 25 percent of capacity.

H. Feeders must be capable of continuous delivery within ten percent of the dose at any setting.

I. When the disinfectant is introduced at the suction side of the pump, a device or method to prevent air lock of the pump or recirculation system must be provided.

4717.2620 CHEMICAL HANDLING EQUIPMENT; PROTECTIVE EQUIPMENT.

Equipment and piping used to apply chemicals to the water must be sized, designed, and of material that does not clog and is easily cleaned. Material must be resistant to the action of the chemicals used.

Protective equipment recommended by the chemical manufacturer as necessary for the safe handling of any chemicals used must be provided.

4717.2630 USE OF GAS CHLORINE.

Subpart 1. **General.** The standards in this part apply when compressed gas chlorine is used. The gas chlorine and chlorinating equipment must be in:

A. a separate, mechanically ventilated room; or

B. a secure reach-in enclosure.

Subp. 2. **Rooms.** When a room is used, it must comply with the provisions in this subpart.

A. The room must be above grade.

B. A shatter resistant inspection window must be installed in an interior wall or the door.

C. The room must have a ventilating fan with a capacity to provide one complete air change per minute when the room is occupied.

D. Separate switches for the fan and lights must be located outside the room. Outside switches must be protected from vandalism. A signal light indicating fan operation must be provided at each entrance when the fan can be controlled from more than one point.

E. The ventilating fan must take suction near the floor as far as practical from the door and air inlet, with the point of discharge located so as not to contaminate air inlets to any rooms or structures.

F. Air inlets must be through louvers or other ventilation openings near the ceiling.

G. When present, floor drains must discharge to the outside of the building and must not be connected to other internal or external drainage systems.

Subp. 3. **Reach-in enclosures.** Reach-in enclosures must be:

A. not over two feet in depth;

B. vandal resistant; and

C. naturally ventilated by means of openings in the upper and lower parts of the enclosure.

Subp. 4. **Doors.** The door of a room or enclosure must be labeled "DANGER - GAS CHLORINE" in letters at least four inches high.

Subp. 5. **Seals.** All openings between a chlorine room or enclosure and other enclosed space must be sealed.

Subp. 6. **Venting.** Vents from feeders and storage rooms or enclosures must discharge to the outside atmosphere, above grade.

Subp. 7. **Chlorinating equipment.** Chlorinating equipment must be capable of withstanding wear without developing leaks.

A. All chlorine cylinders must be anchored to prevent falling over.

B. A valve stem wrench must be maintained on the chlorine cylinder so the supply can be shut off quickly in an emergency.

C. The valve protection hood must be kept in place except when the cylinder is connected to the system.

D. The chlorine feeding device must be designed so that during accidents or interruptions of the water supply, leaking chlorine gas is conducted to the out-of-doors.

E. The chlorinator must be a vacuum-operated solution-feed type, capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.

F. Pressurized chlorine feedlines must not carry chlorine gas beyond the chlorinating room.

G. Chlorinators must be designed to prevent the backflow of water into the chlorine solution container.

Subp. 8. **Respiratory protection equipment.** Respiratory protection equipment, meeting the requirements of the National Institute for Occupational Safety and Health (NIOSH) or the United States Bureau of Mines for chlorine use must be available where chlorine gas is handled. The respiratory protection equipment must be stored at a convenient location, in a closed cabinet accessible without a key, but not inside any room where chlorine is used or stored.

A. The respirators must use compressed air, have at least a 30-minute capacity, and be compatible with or exactly the same as the respirators used by the fire or emergency rescue department responsible for the pool facility, or be a canister type gas mask with full face mask and replacement canisters provided.

B. A record of use and inspection must be kept to ensure that the respirators will be serviceable when needed.

Subp. 9. **Chlorine leak detection.** A bottle of ammonium hydroxide, 56 percent ammonia solution, or a comparable solution recommended by the chlorine supplier, must be available for chlorine leak detection.

A. Where ton chlorine containers are used, an emergency leak repair kit recommended by the Chlorine Institute, Inc., 2001 "L" Street NW, Washington, D.C. 20036, must be provided.

B. Where an automatic leak detector is provided, it must be equipped with both an audible alarm and a visual warning sign.

Subp. 10. **Trained personnel.** Installation of chlorinator equipment and its operation must be carried on by and under the supervision of personnel trained by the manufacturer or supplier for the installation and operation of such equipment.

4717.2650 USE OF HYPOCHLORITE SOLUTION.

When hypochlorite solution is fed through hypochlorinating equipment:

A. the feed must be continuous under all conditions of pressure in the circulating system and feed without artificial constriction of the pump suction line, whether or not the pump suction line is under vacuum or pressure head;

B. regulation must be provided to ensure constant feed with varying supply or back pressure;

C. positive features must be designed to prevent backflow from the recirculation system to the solution container and reduce to a minimum the entry into the pool of free calcium released from calcium hypochlorite; and

D. for aboveground installations, means must be provided to prevent siphoning of hypochlorite solution when the recirculation pump and hypochlorinator are both turned off.

4717.2750 USE OF EROSION FEEDERS.

An erosion feeder must:

A. have enough capacity to achieve the disinfectant residual specified in part 4717.1750;

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B. be adjustable in output rate; and

C. be capable of continuous operation.

4717.2850 SAND FILTERS.

Subpart 1. **Applicability.** The requirements in this part apply to vacuum and pressure sand filters.

A. Pressure sand filters must filter at a maximum rate of three gallons per minute per square foot of bed area at the time of maximum head loss with enough area to meet the rate of flow specified in part 4717.2560.

B. The filtration rate for high-rate sand filters and vacuum sand filters must not exceed 20 gallons per minute per square foot of bed area.

Subp. 2. **Filter material.** Filter material must be screened, sharp filter sand sized between 0.4 and 0.55 millimeters with a uniformity coefficient not exceeding 1.75. Anthracite sized between 0.6 and 0.8 millimeters with a uniformity coefficient not exceeding 1.8, may be used instead of sand.

A. The filter material must be at least 20 inches deep for standard pressure sand filters and at least 12 inches deep for high-rate sand filters.

B. The filter material must be supported by at least ten inches of graded filter gravel. The gravel must distribute water uniformly during filtration and backwashing.

C. A reduction in depth or an elimination of gravel is permitted when equivalent performance and service is demonstrated through compliance with NSF International Standard 50.

Subp. 3. **Underdrain system.** The underdrain system must be corrosion-resistant, enduring, and provide even collection and distribution of the flow during filtration and backwashing. Orifices and other openings must maintain constant area.

Subp. 4. **Freeboard.** Freeboard provided between the upper surface of the filter media and the lowest portion of the pipes or drains which serve as overflows during backwashing must be designed to prevent loss of filter material.

Subp. 5. **Filter system.** The filter system must have influent and effluent pressure gauges or a filter-mounted pressure gauge, backwash sight glass on the waste discharge line, and an air-relief valve at or near the high point of the filter. The filter system must have valves and piping that permit:

A. filtering to the pool;

B. individual backwashing of filters to waste at a rate of not less than 15 gallons per minute per square foot of filter area;

C. isolation of individual filters for repair while other units are in service;

D. complete drainage of all parts of the system; and

E. maintenance, operation, and inspection.

Subp. 6. **Filter access.** Each pressure filter tank must have an access opening to permit maintenance.

Subp. 7. **Coagulant feed.** Devices with dosage control features must be provided if coagulants are added ahead of filters.

Subp. 8. **Tank.** On pressure filters, the tank and integral parts must have a pressure safety factor of four based on the maximum shutoff head of the pump. For design purposes, the shutoff head must in no case be considered less than 50 pounds per square inch.

4717.3050 DIATOMACEOUS EARTH FILTERS.

Subpart 1. **Area.** The filter area for a diatomaceous earth filter must meet the design pump capacity as required by this part. Where fabric is used, the filter area is determined by the surfaces created by septum supports with no allowance for areas of impaired filtration such as broad supports, folds, or portions which may bridge.

Subp. 2. **Rate of filtration.** The rate of filtration must not be greater than two gallons per minute per square foot of filter area without continuous body feed and no greater than 2.5 gallons per minute per square foot with continuous body feed.

Subp. 3. **Use of body feeder.** If a body feeder is used, it must be accurate within ten percent and capable of continually feeding within a calibrated range adjustable from two to six parts per million at the capacity of the recirculation pump. The feeding of diatomaceous earth through skimmers is prohibited.

Subp. 4. **Filter and components.** The filter and all component parts must withstand normal continuous use without significant deformation, deterioration, corrosion, or wear which adversely affects filter operation. The filter design, construction, or other provision must preclude introduction of filter aid into the pool during precoating operations.

A. Where dissimilar metals which may set up galvanic electric currents are used in the filters, provision must be made to resist electrolytic corrosion.

B. The filter and surrounding space must permit removal, replacement of any part, and maintenance.

C. The filter must be cleaned by backwashing, air pump assist backwashing, mechanical or manual spray wash, or agitation.

Subp. 5. **Filter tank.** The tank containing the filter elements must be constructed of steel, plastic, or another material resistant to corrosion, with or without coating.

A. Pressure filters must be designed for a minimum working pressure of 50 pounds per square inch with a four-to-one safety factor.

B. Vacuum filters must withstand the pressure developed by the weight of the water contained therein with a safety factor of 1.5.

C. Closed vacuum filters must withstand crushing pressure developed under a vacuum of 25 inches of mercury with a safety factor of 1.5.

D. The septa or elements which support the filter-aid must be corrosion-resistant. The septa must resist rupture under conditions of maximum differential pressure between influent and effluent developed by the circulating pump, and resist stress developed by cleaning.

Subp. 6. **Filter plant.** The filter plant must have pressure, vacuum, or compound gauges to indicate the condition of the filter. In vacuum filters where the circulating pump is two horsepower or higher, an adjustable high vacuum automatic shutoff must be provided to prevent damage to the pump by cavitation.

Subp. 7. **Complete draining of filter.** The filter must provide for complete drainage.

4717.3150 CARTRIDGE FILTERS.

Surface-type cartridge filters must be sized for a maximum filtration rate of 0.375 gallons per minute per square foot. An effluent pressure gauge and an air relief valve must be provided.A spare set of cartridges must be provided and available at all times.

4717.3250 STEPS, LADDERS, HANDHOLDS, AND HANDRAILS.

Subpart 1. **Step or ladder location in-pool.** Steps or ladders must be provided at the shallow end of the pool if the vertical distance from the bottom of the pool to the deck or walk is over two feet. Recessed steps or ladders must be provided at the deep end of the pool. If the pool is over 30 feet wide, steps or ladders must be installed on each side.

Subp. 2. **Steps.** Steps leading into the pool must be of nonslip material, have a minimum tread of 12 inches, and have a maximum rise or height of ten inches.

A. The leading edge of step treads must be identified by use of a contrasting color.

B. There must be no abrupt drop-off or submerged projections into the pool, unless guarded by handrails.

C. At least one sturdy handrail, reachable from the pool bottom, must be provided for all steps.

D. At least two rails must be provided when the steps are over six feet wide or an additional railing is needed to define the location of the steps.

E. If steps are inserted in the walls or if stepholes are provided, they must be easily cleaned and drain into the pool to prevent the accumulation of dirt. Stepholes must have a minimum tread of five inches and a minimum width of 14 inches.

Subp. 3. **Ladders.** Pool ladders must be corrosion-resistant and equipped with nonslip treads.

A. All ladders must provide a handhold and be rigidly installed.

B. There must be a clearance of not more than five inches nor less than three inches between any ladder and the pool wall.

Subp. 4. **Handrails.** When stepholes or ladders are provided in the pool, handrails must be provided that extend over the coping or edge of the deck.

Subp. 5. **Handholds; coping.** All pools, except wading pools and spa pools, must have a continuous handhold along the pool edge.

A. Handholds must be no more than nine inches above the normal water line.

B. Where bull-nosed coping is used, it must not be over 2-1/2 inches thick for the outer two inches.

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C. If brick coping is used, it must be completely rounded on the pool side, overhang the pool wall 1-1/2 inches, and slope away from the pool at least one-half inch over the length of the brick.

Subp. 6. **Diving boards.** Supports, platforms, and steps for diving boards must safely carry the maximum anticipated load.

A. Steps must be corrosion-resistant, cleanable, and constructed of nonslip material.

B. Handrails must be provided for all steps and ladders leading to any diving board more than one meter above the water.

C. Platforms and diving boards over one meter above the water must be protected with guardrails.

4717.3350 DECKS AND WALKWAYS.

A continuous deck, free from fixed obstruction, at least five feet wide, must extend completely around the pool. The deck must be sloped away from the pool to drain at a grade of one-fourth inch per lineal foot. The deck must have a nonslip, nonabsorbent surface.

A. Deck drains connected to the recirculation system or gutters are prohibited for new installations.

B. Carpeting must not be used within ten feet of the pool unless it is outside the required deck area and separated from the deck by an effective access barrier. In deck areas where carpeting is contiguous to the deck area, water must be conveyed away from the carpeted area.

C. Wood decking is prohibited.

D. A minimum ceiling clearance of seven feet is required above pool edges and pool decks.

(1) Where diving boards are provided, ceiling clearances must comply with part 4717.3750.

(2) Greater heights must be provided as necessary to accommodate the use of slides or to comply with state building code requirements.

4717.3450 LIGHTING, VENTILATION, AND ELECTRICAL REQUIREMENTS.

Subpart 1. **Lighting.** Lighting must meet the criteria in this part.

A. When underwater lighting is used, not less than 0.5 watts shall be employed per square foot of pool water surface area.

B. Light must be located to provide illumination so all portions of the pool, including the bottom, may be seen without glare.

C. Area lighting must provide at least ten footcandles of illumination at all locations on the pool surface and on any deck within five feet of the pool whenever the pool is in use.

D. A pool used for education, training, or competition must have at least 30 footcandles of illumination on the pool surface and on any deck within five feet of the pool.

E. Security lighting, when provided, must illuminate the entire pool area to make it readily visible.

Subp. 2. **Ventilation.** All indoor pools, dressing rooms, shower rooms, and toilet space must be ventilated by mechanical means.

A. Pool equipment rooms must have natural or mechanical ventilation.

B. For new installations, ventilation must comply with the Minnesota Building Code.

C. Gas chlorine rooms must have mechanical ventilation as specified in part 4717.2630, subpart 2.

Subp. 3. **Electrical.** All electrical installations must conform with the standards of the Board of Electricity effective at the time of installation.

4717.3475 STARTING BLOCKS AND PLATFORMS; SLIDES; OTHER OBJECTS.

Subpart 1. **Starting block or platform use.** Starting blocks or starting platforms located at any pool area with a water depth of less than five feet must be removed when the pool is used for other than supervised competitive swimming or training for competitive swimming. For installations after January 1, 1995, all starting blocks or starting platforms must be positioned at a water depth of five feet or greater.

Subp. 2. **Play equipment.** All play equipment at a pool must be specifically designed for pool use and installed in accordance with the safe use parameters specified by the manufacturer and the requirements of the commissioner. All slides used at a pool must meet the requirements specified in part 4717.3870.

4717.3550 DRESSING ROOMS.

When dressing rooms are provided for both sexes, they must be separated by a tight partition and be designated for men or women.

A. The entrances must be screened to break line of sight.

B. Floors and wet paths between showers and the pool must have a smooth, nonslip surface, impervious to moisture, and sloped to a drain.

C. The junctions between walls and floors must be coved or provided with a sealed, easily cleaned joint.

D. Walls and partitions must be of smooth, impervious material, free from cracks or open joints.

E. Lockers must be set either on solid masonry bases four inches high or on legs with the bottom of the locker at least ten inches above the floor. Lockers must be vented.

4717.3650 TOILETS, LAVATORIES, SHOWERS, AND DRESSING ROOMS.

Subpart 1. **General.** Toilets, showers, and dressing rooms must be conveniently available to pool patrons.

A. Toilets, showers, and dressing rooms may be in a nearby toiletroom, locker room, or, if conveniently available, within the living units of an apartment building, hotel, or similar occupancy.

B. Toilet, shower, lavatory, and locker and other ancillary facilities must be maintained in a sanitary condition to preclude the possibility of spreading pathogens to the pool.

C. When toilet facilities are accessible to pool patrons in the pool area, each toilet facility must include showers which permit nude showering within each toilet facility.

D. At least one shower must be provided which is conveniently located to permit a shower before entering any pool when sauna or exercise facilities are provided.

Subp. 2. **Ratios.** Toilet, handwashing, and shower facilities must be provided according to the following schedule.

	First 300 males	First 300 females	Additional males over 300	Additional females over 300
Water closets	1/100	1/50	1/200	1/100
Urinals	1/100	—	1/200	—
Lavatories	1/100	1/100	1/200	1/200
Showers	1/50	1/50	1/50	1/50

Subp. 3. **Additional fixtures.** Additional sanitation fixtures must be provided for pool facilities with extensive deck areas or facilities that provide other functions in accordance with the sanitation fixture requirements in the state building code.

Subp. 4. **Shower temperature.** Showers must be supplied with water at a temperature of at least 90 degrees Fahrenheit at a rate of at least 2.0 gallons per minute. Thermostatic, tempering, or mixing valves must be installed if necessary to prevent water temperatures in excess of 130 degrees.

Subp. 5. **Layout.** Pool users leaving the dressing room must pass the showers last in route to the pool.

Subp. 6. **Floor finish.** The floor finish between the toilet and shower areas and the pool must be nonslip and nonabsorbent.

Subp. 7. **Wading pool exception.** On-site showers are not required for freestanding wading pools if a free chlorine residual of at least two parts per million is maintained in the pool and the owner of the pool requests that on-site showers not be required.

Subp. 8. **Lighting.** Lighting for toilet, shower, and locker facilities must provide at least ten footcandles illumination measured at floor level.

4717.3675 DRINKING FOUNTAINS.

Drinking fountains must be provided in the pool area for pools over 1,600 square feet.

4717.3750 STANDARDS FOR POOLS WITH DIVING.

The dimensions of the pool and appurtenances in a diving area must meet the standards in this part.

A. There must be a completely unobstructed clear distance of 16 feet above the diving board measured from the center of the

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front end of the board. This area must extend at least eight feet behind, eight feet to each side, and 16 feet ahead of the measuring point.

B. Pools used for competitive diving must provide pool depths compatible with the level of competition anticipated.

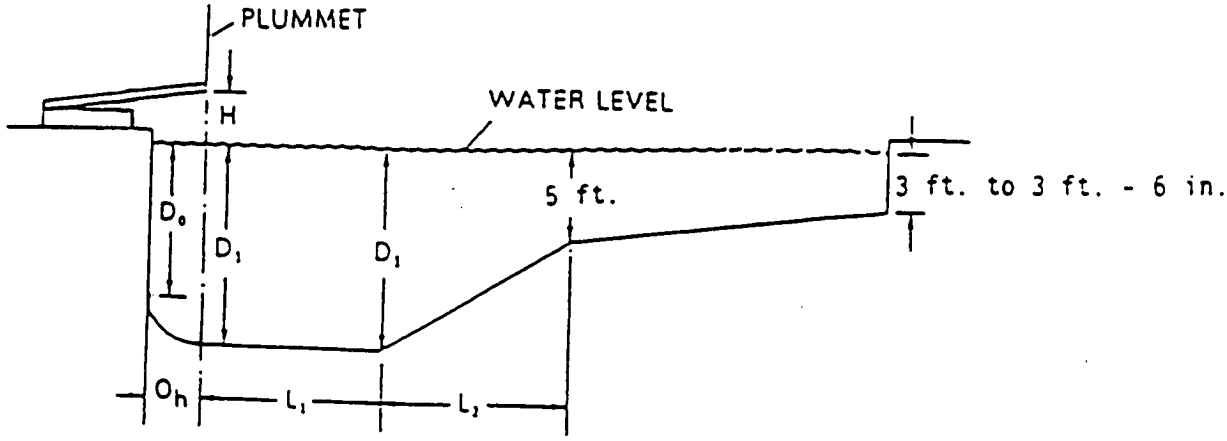
C. The dimensions of the diving area in all pools where diving is permitted must meet the dimensions in this part.

D. The dimensions of the diving area in all pools must conform to the minimum dimensions specified in this part.

The dimensions of the diving area on all pools must conform to the minimum dimensions in this item.

			Lengths		
Height of Diving Board	Water Depths		Minimum Overhang	Length of Diving Well	Run-out
H	D_0	D_1	O_h	L_1	L_2
Deck Level or no board	6 ft.	8.5 ft.	3 ft.	12 ft.	10.5 ft.
1 m	6 ft.	10 ft.	5 ft.	12 ft.	15 ft.
3 m	6 ft.	12 ft.	5 ft.	13 ft.	21 ft.

			Clearances	
Height of Diving Board	Water Depths		Adjacent Board's Center-to-Center	Center of Board to Sidewall
H	D_0	D_1		
Deck Level or no board	6 ft.	8.5 ft.	10 ft.	10 ft.
1 m	6 ft.	10 ft.	10 ft.	10 ft.
3 m	6 ft.	12 ft.	10 ft.	12 ft.



The above are minimum dimensions, and pools to be used for competitive diving must provide pool depths compatible with the level of competition anticipated.

4717.3850 SPA POOLS.

Subpart 1. **Applicability.** Spa pools must comply with parts 4717.0150 to 4717.3975, except as modified in this part.

Subp. 2. **Recirculation rate.** The recirculation system must recirculate a water volume equal to the pool volume in 30 minutes or less, except that a minimum rate of 35 gallons per minute is required.

Subp. 3. **Inlets.** The recirculation system must have at least two remote inlets to the pool.

Subp. 4. **Main drain.** The main drain must consist of:

A. a grate-covered bottom opening at least 100 square inches in size; or

B. a bottom opening with an antivortex cover.

Subp. 5. **Agitation system.** The agitation system must have a separate pump. If sidewall suction fittings are used, at least two inlets, remotely located, must be provided.

Subp. 6. **Timer.** The agitation system must be controlled by a timer with the control switch accessible to pool users but at least five feet from the pool. The maximum time setting must be 15 minutes.

Subp. 7. **Access.** Access to a spa pool must be provided according to this subpart.

A. Access to the pool must be provided by an unobstructed deck, at the pool elevation, which extends at least five feet from the pool around the entire perimeter.

B. Where a deck cannot be provided as specified in item A, a five-foot wide deck at the pool elevation must extend along at least 25 percent of the pool perimeter. The remaining perimeter must be one foot or less to a wall, partition, or other effective barrier to restrict access. The deck must provide complete and unobstructed access to the steps in the pool.

C. Where access is provided by sitting on the edge of a raised pool and swinging the legs into the pool:

(1) the deck requirement in item A or B must be met;

(2) the pool must be no less than 18 inches nor more than 20 inches above the deck;

(3) steps with equal risers and 12-inch minimum treads must be provided outside the pool which line up with the steps inside the pool; and

(4) the pool edge must not exceed 12 inches in width.

Subp. 8. **Steps.** The requirements for steps in this subpart apply to spa pools.

A. Steps for access to an elevated spa pool must have a handrail and a finished surface that meets the requirements for decks in part 4717.3350.

B. Steps within manufactured spa pools may vary from the dimensions in part 4717.3250, subpart 2, if the commissioner determines that the design is safe.

Subp. 9. **Disinfectant.** The disinfection residual must be maintained in accordance with part 4717.1750, subpart 4.

Subp. 10. **Signs.** In addition to the signs required in parts 4717.1050, 4717.1250, and 4717.1650 signs with the warnings in items A to C must be posted and plainly visible in the spa pool area.

A. Pregnant women, small children, or persons with heart disease, diabetes, high blood pressure, or low blood pressure should not enter the spa except under advice of a physician.

B. Avoid use while under the influence of alcohol or drugs.

C. Exposure may result in nausea, dizziness, or fainting. Observe a reasonable time limit.

4717.3870 POOL SLIDES.

Subpart 1. **General.** All slides used at a pool must be specifically designed and intended for use with a pool, and for use as a slide.

Subp. 2. **Standard pool slide.** Standard pool slides must meet the Consumer Product Safety Commission Standard "Safety Standard for Swimming Pool Slides," *Code of Federal Regulations*, title 16, part 1207, as amended through December 18, 1978.

Subp. 3. **Slides in wading pools.** Slides for use by children in wading pools must be designated by the manufacturer for use in 24 inches or less of water, and installed accordingly.

Subp. 4. **Drop Slides.** A slide other than a standard pool slide that discharges to a pool with a drop of more than two inches to the water surface must meet the requirements in this subpart.

A. At least one attendant must be continuously present observing the slide and controlling its use.

B. Slide entry areas must be designed so the rider is able to properly enter and position before sliding down the chute. This area must be a platform or flat portion of the chute with assist bars.

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C. Handrails must be present on both sides of the ladder or steps. Platforms and landings must have 42-inch high guardrails, with at least one intermediate-height rail.

D. A landing area must be provided that extends five feet on either side of the center line of the slide and from the back wall to 20 feet in front of the slide terminus.

(1) The landing area must not infringe on the required landing area for any other slide or diving equipment.

(2) The landing area must be separated from the rest of the pool.

(3) A slide mounted in a separate diving area may be allowed to use the separate diving area if access to the diving well is restricted to patrons using the slide and diving equipment.

E. Each slide must have a separate dedicated ladder or stair to exit the pool.

F. The terminus of the slide chute must extend beyond the pool wall and be so oriented that the landing area in front of the slide does not interfere with the landing area of another slide or other pool equipment.

G. The maximum angle of the slide runway at the exit must be between zero degrees and 11 degrees, measured downward from horizontal.

H. The area from the slide terminus outward to six feet in front of the slide terminus must have a depth as specified in this item.

(1) The slide must provide for the entrance of the rider into the water in this six-foot area.

(2) If the depth of the terminus area is five feet or less, the bottom of this area must have a maximum slope of one inch in 12 inches and the slide must be located at least five feet from any change to steeper slope of the pool bottom.

(3) If the slide exit is 12 inches or less above the water, the water depth from the slide terminus to six feet in front of the terminus must be in the four to five feet range.

(4) If the slide exit is more than 12 inches above the water, the water depth from the slide terminus to six feet in front of the terminus must be at least eight feet.

I. The maximum drop height at the terminus of the slide must not exceed 42 inches.

J. If water is pumped from a pool to the slide, the pump intake must be enclosed or constructed to prevent injury or entrapment of pool users. Intake velocity must not exceed 1-1/2 feet per second.

K. Slides must be located and constructed to allow easy supervision. When a slide is not supervised, or not open for use, it must be secured to prevent access.

L. The slide must have posted a set of rules that include the requirements in subitems (1) to (6).

(1) One rider at a time. Wait until the landing area is clear before entering the slide.

(2) Slide in a sitting position or on the back only.

(3) Do not attempt to stop on the slide.

(4) Leave plunge area immediately.

(5) WARNING: Water depth is ..... feet.

(6) Nonswimmers not permitted. (If landing area water depth is over five feet.)

4717.3875 FLUME WATER SLIDES.

Subpart 1. **Applicability.** A flume water slide facility must comply with parts 4717.0150 to 4717.3975, except as modified in this part.

Subp. 2. **Attendant required.** When the flume is in use, at least one attendant must be continuously present, observing the flume and controlling its use.

Subp. 3. **Discharge pool.** A flume must discharge to a dedicated plunge pool or dedicated area of a pool with a separate ladder or stairs.

A. The pool's operating water depth at the end of the flume must be no less than three feet and no more than three feet six inches.

B. The depth specified in item A must be maintained in front of the flume's discharge point for a distance of at least ten feet.

C. Steps with handrails or a ladder must be provided at the exit from the pool.

Subp. 4. **Flume exit design.** The exit end of the flume must be perpendicular to the plunge pool wall for a distance of at least ten feet.

A. The flume must terminate no more than six inches below the pool operating water surface level and no more than two inches above the pool operating water surface level.

B. The side of the exit end of the flume must be at least four feet from the side of the pool wall.

C. The distance between the sides of any adjacent flume exit must be at least six feet.

D. The distance between a flume exit end and the opposite side of the pool must be at least 20 feet.

Subp. 5. **Water reservoirs.** Water pumped to the top of a flume must be pumped from a reservoir connected to the pool.

A. The reservoir must be inaccessible to patrons.

B. The reservoir must be secured to prevent unauthorized access.

C. Intakes must enable cleaning and be designed to prevent entrapment of patrons.

D. Where any entrance to a pump reservoir presents an underwater obstruction, patron access to that area must be prevented.

E. Water inlet velocity to the reservoir must not exceed 1-1/2 feet per second.

Subp. 6. **Pump valves.** Each flume pump discharge pipe must have a check valve. The volume of water in the pool during use and shutdown of any flume pump must permit proper operation of the recirculation system.

Subp. 7. **Dedicated plunge pools.** The recirculation system for a dedicated plunge pool must recirculate the water in accordance with part 4717.2560, subpart 4.

Subp. 8. **Walkway, stairs, and platform surfaces.** Walkways from the pool deck to the top of the flume or tower, the tower stairs, and platforms must have finished surfaces which meet the requirements for decks in part 4717.3350.

Subp. 9. **Fencing.** Fencing complying with part 4717.1550 or other enclosure must encompass the pool deck, walkways, and flume access.

Subp. 10. **Flume plan content; certification.** Flume design plans must include:

A. flume construction and layout details;

B. flume support structure details;

C. tower structure, stair, and platform details; and

D. all related construction details.

Flume support and tower structure plans must be certified by a registered engineer or approved by a local building official for structural integrity.

Subp. 11. **Signs.** A legible sign with the warnings in this subpart must be located at the entrance to each flume slide.

A. Do not use this slide while under the influence of alcohol or drugs.

B. Follow the instructions of the flume attendant.

C. No running, standing, kneeling, rotating, tumbling, or stopping in the flume.

D. Only one person at a time.

E. Keep your hands inside the flume.

F. No diving from the flume.

G. Leave the flume pool promptly after entering.

4717.3950 WAVE POOLS.

Subpart 1. **Applicability.** Wave pools must comply with parts 4717.0150 to 4717.3975, except as modified in this part.

Subp. 2. **Lifeguard required.** When the wave pool is in use:

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A. the minimum number of lifeguards who must be continuously present must be one for every 2,000 square feet of pool surface water where the pool depth is greater than two feet; and

B. where the design, configuration, or operation requires additional lifeguards to provide complete observation of the entire pool they must be provided in addition to those required in item A.

Subp. 3. **Water depth.** Water depth may reduce to zero at the shallow end of the pool to allow for dissipation of the waves.

Subp. 4. **Access barriers.** In addition to the fencing required in part 4717.1550, a safety barrier of stanchions and ropes or a similar barrier at least 42 inches high must be located to prevent pool patrons from entering the pool at any location other than at the zero water depth end. The barrier must have at least one intermediate height rope.

Subp. 5. **Emergency shut off.** An emergency shut off for wave generation must be provided at every lifeguard chair or station.

Subp. 6. **Wave strength.** The wave generating equipment must not be capable of producing waves that could cause pool users to have contact with the pool bottom in a manner which may cause injury.

Subp. 7. **Overflow gutters.** Overflow gutters may be omitted along the side of a pool with the wave generating equipment.

A. If overflow gutters are not provided on the pool side where the wave generating equipment is located, effective skimming devices are required and must be designed and maintained to function continuously during all periods when waves are not generated.

B. Overflow gutters are required on the sides of the pool where the wave generating equipment is not installed.

C. A gutter is required along the zero depth end of the pool.

Subp. 8. **Decks.** Deck areas accessible to pool users may be omitted along the side of the pool with the wave generating equipment.

Subp. 9. **Recirculation system.** The recirculation system must operate at a rate equivalent to recirculating the total volume of water in the pool in four hours or less. A system of bottom inlets must be provided in the shallow end.

4717.3970 POOL CLOSURE.

When any of the conditions in items A to E are found, a public pool must be immediately closed to use when so ordered by the commissioner. The owner of the pool must place a sign at the entrance to the pool indicating that the pool is closed. The pool must remain closed until the condition is corrected and approval to reopen is granted by the commissioner. A pool must be closed when:

A. the units of lifesaving equipment specified in part 4717.1450 are not provided;

B. the water clarity standard specified in part 4717.1750, subpart 7, is not met;

C. the disinfection residual specified in part 4717.1750 subpart 3, is not met;

D. the pool has been constructed or physically altered without approval of plans as required by part 4717.0450; or

E. there is any condition that endangers the health or safety of the public.

4717.3975 VARIANCE.

The commissioner shall grant a variance to parts 4717.0100 to 4717.3950 only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

4717.7000 VARIANCE REQUEST.

Subpart 1. **Request.** A party may ask the commissioner of health to grant a variance from the following rules:

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

L. public swimming pools, parts ~~4717.0100~~ 4717.0150 to ~~4717.3900~~ 4717.3975;

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

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

REPEALER. *Minnesota Rules*, parts 4717.0100; 4717.0200; 4717.0300; 4717.0350; 4717.0400; 4717.0500; 4717.0600; 4717.0700; 4717.0800; 4717.0900; 4717.1000; 4717.1100; 4717.1200; 4717.1300; 4717.1400; 4717.1500; 4717.1600; 4717.1700; 4717.1800; 4717.1900; 4717.2000; 4717.2100; 4717.2200; 4717.2300; 4717.2400; 4717.2500; 4717.2600; 4717.2700; 4717.2800; 4717.2900; 4717.3000; 4717.3100; 4717.3200; 4717.3300; 4717.3400; 4717.3500; 4717.3600; 4717.3700; 4717.3800; and 4717.3900, are repealed.

EFFECTIVE DATE. January 1, 1995.

Department of Natural Resources

Proposed Permanent Rules Relating to Fish and Wildlife Stamp Design Contests

Notice of Intent to Adopt Rules without a Public Hearing

Introduction. The Minnesota Department of Natural Resources intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Richard Hassinger
Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155-4020
Telephone: (612) 297-1308

Subject of Rules and Statutory Authority. The proposed rules are about establishing the contest procedures by which the Department of Natural Resources selects and utilizes designs for the fish and wildlife stamp images. The statutory authority to adopt these rules is *Minnesota Statutes,* section 97A.045, subdivision 7. A copy of the proposed rules is published in the *State Register* and attached to this Notice as mailed.

Comments. You have until 4:30 p.m., September 21, 1994 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 comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on September 21, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Department of Natural Resources will follow the procedures in *Minnesota Statutes*, section 14.131 to 14.20.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Department and may not result in a substantial change in the proposed rules as attached and printed in the *State Register.* If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules. A free copy of the Statement may be obtained from Richard Hassinger at the address and telephone number listed above.

Small Business Considerations. In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules will not directly affect small businesses.

Expenditures of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in any additional spending by local public bodies.

Impact on Agricultural Lands. *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Departmental Charges. *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the rules do not establish or adjust departmental charges.

Adoption and Review of Rules. If no hearing is required, after the end of the comment period the Department may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified, or you wish to receive a copy of the adopted rules, submit your request to the agency contact person listed above.

Dated: 2 August 1994

Rodney W. Sando, Commissioner
Department of Natural Resources

Rules as Proposed (all new material)

6290.0100 PURPOSE.

As required by *Minnesota Statutes*, section 97A.045, subdivision 7, this chapter establishes contest procedures by which the Department of Natural Resources selects and utilizes designs for fish and wildlife stamp images. Contest entries that do not conform to this chapter shall be ineligible for a stamp contest.

6290.0200 DEFINITIONS.

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

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of natural resources or the commissioner's designated representative.

Subp. 3. **Department.** "Department" means the Minnesota Department of Natural Resources.

Subp. 4. **Migratory waterfowl stamp.** "Migratory waterfowl stamp" means the stamp issued by the department under *Minnesota Statutes*, section 97B.801, that allows individuals to take migratory waterfowl.

Subp. 5. **Pheasant stamp.** "Pheasant stamp" means the stamp issued by the department under *Minnesota Statutes*, section 97B.715, that allows individuals to take pheasants.

Subp. 6. **Trout and salmon stamp.** "Trout and salmon stamp" means the stamp issued by the department under *Minnesota Statutes*, section 97C.305, that allows individuals to angle for trout and salmon in specified waters.

6290.0300 APPLICATION PROCEDURE.

Subpart 1. **Eligibility requirements.** Each stamp contest is open only to residents of Minnesota who have maintained a legal residence in the state for a minimum of 60 days immediately preceding the entry deadline for the contest.

A person who wins a contest is ineligible to enter a contest for the same type of stamp for two successive years of competition following the contestant's first win. A person who wins a contest for the same type of stamp two or more times is ineligible to enter a contest for the same type of stamp for four successive years of competition after the second and each successive win. A person who wins a contest for one type of stamp is eligible for the other fish and wildlife stamp contests described in part 6290.0200.

Subp. 2. **Contest entry period.** The entry period for each contest will be prescribed in a notice published in the *State Register* at least 30 days prior to the beginning of the contest entry period. Entry forms provided by the department must be used and can be obtained by contacting the department as prescribed in the contest entry notice. A contest application package will be provided by the department to interested parties upon request.

Subp. 3. **Receipt of entries.** Entries for each stamp contest will be accepted only during the contest entry period. Entries must be received by the department by 4:00 p.m. on the last day of the contest entry period. Late or early entries will not be accepted.

Subp. 4. **Restriction on number of entries.** A person may submit only one entry per year for each type of stamp contest. If two or more entries are submitted for a stamp contest in one year, all of that person's entries will be declared ineligible.

Subp. 5. **Submittal of entries.** An entry for a migratory waterfowl, pheasant, or trout and salmon stamp contest must be mailed or delivered to the department at the address specified in the contest application package. A contest entry should be securely wrapped and enclosed in a container or envelope with the name of the stamp contest clearly marked on the outside. All completed and signed contest entry forms must accompany the contest entry. These contest entry forms shall include:

A. the entry form;

B. reproduction rights agreement form; and

C. any other forms specified in the contest application package.

Submission of all of the contest entry forms are required for eligibility. Failure to include all completed contest entry forms will render the contest entry ineligible.

Subp. 6. **Department liability.** The department assumes no liability for damage, loss, or theft of a contest entry.

Subp. 7. **Reproduction rights.** A person winning a stamp contest will receive no financial remuneration from the state. The reproduction rights agreement required with the submission of a contest entry will require the contest winner to agree to grant the department the exclusive rights to use the contest entry as the design for the applicable stamp and for use of the stamp image on commercial products produced or licensed by the department. All rights to the reproduction in a print form are retained by the person submitting a contest entry, including the contest winner. The remainder of the reproduction rights for the design will be determined by the department on an annual basis and will be specified in the reproduction rights agreement form included in the contest application package. If a design is reproduced in a limited edition by any party other than the department or its licensees, the contest winner shall deliver without cost to the department four signed prints numbered 2, 3, 4, and 5. If a design is reproduced in an open edition by any party other than the department or its licensees, the contest winner shall deliver without cost to the department four prints of each edition.

6290.0400 DESIGN STANDARDS.

Subpart 1. **Eligible species.** The eligible species for migratory waterfowl and trout and salmon contests shall be specified in the contest application package. The eligible species for the pheasant stamp shall be the ring-necked pheasant (*Phasianus colchicus*). The eligible species should be the primary subject of the contest entry. A contest entry may contain species other than the eligible species as accompanying design elements.

Subp. 2. **Background of contest entry.** The background or setting of a contest entry shall only represent environments found in Minnesota. Design elements in a contest entry should be accurately portrayed as to ecology and anatomy, although they need not be literal renditions.

Subp. 3. **Contest entry media and originality.** A contest entry may be created in one or a combination of media, but shall not include a photograph or other photographic product. A contest entry shall be an original work of art created by the person submitting the contest entry and shall be one of a kind design. Contest entries may incorporate printing processes including screen printing, intaglio, and relief.

Subp. 4. **Contest entry design size.** The design size of a contest entry shall be two-dimensional on a horizontal format nine inches in width and 6-1/2 inches in height. Winning contest entries must produce a quality stamp image.

Subp. 5. **Matting requirements.** A contest entry shall be firmly attached to solid white matting with dimensions of 12 inches in width and nine inches in height. No other color shall be used for matting.

Subp. 6. **Contest entry thickness.** A contest entry shall not exceed three-eighths inch in thickness, including matting.

Subp. 7. **Covering of contest entry.** A contest entry shall not be framed or covered by glass or other material.

Subp. 8. **Ineligible contest entry.** A contest entry shall be ineligible if:

A. it is signed, lettered, or contains any mark identifying the artist on its front;

B. it has won first place in another stamp contest, whether federal, state, or private;

C. it has been in the third round of a previous department stamp contest; or

D. it does not meet the requirements contained in parts 6290.0100 to 6290.0800.

6290.0500 CONTEST JUDGING.

Subpart 1. **Date and location of judging.** Notice of the date, location of judging, and size of the judging panel for each contest will be contained in the contest application package.

Subp. 2. **Selection of judging panel.** Contest judging panels will be chosen by the commissioner of natural resources and will consist of at least five members from areas of expertise including, but not limited to: art, hunting or fishing, outdoor media, conservation, or publishing. Judges will serve for a length of time to be established by the department.

Subp. 3. **Assignment of identifying number.** Each contest entry will be assigned an identifying number prior to the judging to

keep the identity of the artist of the contest entry unknown to the judges. The identity of the artist of the contest entries will not be revealed to the judges prior to the selection of the winning entry.

Subp. 4. **Judging procedure.** Three rounds of judging will be used to select a winner in each contest.

A. During the first round of judging, the judging panel will view all eligible contest entries. Each judge shall select all those contest entries that the judge wishes to see advance to the second round.

B. During the second round, the contest entries selected by any judge from the first round will be separated from those contest entries not selected in the first round. Each judge shall select all those contest entries that the judge wishes to see advanced to the third round. Any contest entry receiving at least three votes shall advance to the third round. If no entry receives three votes, all entries receiving two votes will advance to the third round.

C. During the third round, the judges shall give each contest entry a numerical score. The contest entry receiving the highest combined numerical score shall be selected the winner. In the case of a tie for the winning entry or a tie for second place, the judges will repeat the process described for the third round, but only as to the tied entries. If for any reason, the contest entry with the highest combined numerical score is disqualified, the entry with the next highest combined numerical score shall be selected the winner.

6290.0600 RETURN OF CONTEST ENTRIES.

Contest entries will be returned to the address specified by the artist and artists are responsible for notifying the department of an address change. If a contest entry is returned to the department because it is undeliverable or unclaimed, the department will not be obligated to trace the location of the artist to return the contest entry. All unclaimed entries, after one year, shall be assumed to be abandoned and shall become the property of the department.

The winning entry shall be retained by the department for such period of time as necessary to complete the stamp and stamp image.

6290.0700 DISPLAY AND PROMOTION OF CONTEST ENTRIES.

All contest entries shall be subject to display for promotion of the stamp and the stamp image by the department or parties authorized by the department.

6290.0800 RESERVATION OF RIGHTS.

The department reserves the right to not conduct a stamp contest. If the department conducts a stamp contest, the department reserves the right not to select or use a winning entry even if all requirements of this chapter are met.

Pollution Control Agency

Proposed Permanent Rules Relating to Individual Septic Tank Systems

Notice of Intent to Adopt Rule Amendments without a Public Hearing

The Minnesota Pollution Control Agency (Agency) intends to amend a permanent rule without a public hearing following procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed amendments and may also submit a written request that a hearing be held on the amendments.

Submitting Comments. Comments or questions on the rule amendments and written requests for a public hearing on the amendments must be submitted to:

Individual Sewage Treatment Systems Team
Water Quality Division/Manager's Office
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Facsimile: (612) 297-8683

Or, call the ISTS Information Line at (612) 282-6246 to leave a brief comment or question. The Information Line is a voice mail box, which helps the ISTS team handle a large number of incoming phone calls in a fast, orderly and effective manner.

Subject of Rule and Statutory Authority. The proposed rule is about individual sewage treatment systems (ISTS), commonly referred to as septic systems. Chapter 7080 provides minimum standards and criteria for the design, location, installation, use and

maintenance of ISTS. The statutory authority to adopt this rule is *Minnesota Statutes*, section 115.03, subd. 1 (1993) and Minnesota Laws Chapter 617, section 1, subdivision 3 (1994). A copy of the proposed amendments is published immediately after this notice.

Need for Amendment. Rule amendments are being proposed to accomplish three goals: 1) to update the technical standards, 2) to reorganize the rules to present information in order of the planning/construction/maintenance process and to make the rules more user friendly by grouping related information, and 3) to address problems identified by staff and ISTS professionals. The proposed rule has been reorganized, and many provisions of the current rule have been relocated. Please be aware that the sections of the rule that have not been changed, but have been relocated, are underlined. This may be somewhat confusing, since generally underlining signifies new rule language. The following chart will help you determine which changes are substantive, and which changes are merely existing requirements that have been relocated to another section of the rule.

Cross-reference Chart for Existing Rule Language Proposed to be Moved

Proposed Location of Existing Language	**Current Location**
Part 7080.0020 Definitions	
subp. 11b	subp. 29.
subp. 29a	subp. 50.
subp. 48a	pt. 7080.0210, subp. 4, item B, subitem (2), unit (a).
Part 7080.0050 Surface Discharge	
All of pt. 7080.0050 Surface Discharge has been merged with pt. 7080.0060.	
Part 7080.0060 Treatment Required	
subp. 1.	pt. 7080.0050 - Both paragraphs of this part have had their order reversed.
subp. 5	pt. 7080.0060 - paragraph 1 starting with the second sentence.
subp. 7	pt. 7080.0060 - second paragraph.
Part 7080.0070 System Components	
Pt. 7080.0070 is described in the SONAR as being moved to 7080.0060, subp. 2. This part has since been deleted.	
Part 7080.0080 Prohibited Installations	
All of pt. 7080.0080 has been deleted in its entirety.	
Part 7080.0110 Site Evaluation	
subp. 2a, item B, subitem (2)	pt. 7080.0110, subp. 1, item E.
subp. 2a, item F	pt. 7080.0110, subp. 1, item E.
Part 7080.0125 Sewage Flow Determination for Dwellings and Other Establishments	
subp. 1.	pt. 7080.0090.

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subp. 2, second and third sentences.	pt. 7080.0170, subp. 2, item A, subitem (2).
subp. 2	pt. 7080.0170 subp. 2, item A, subitem (2) - Classifications I, II, and III.
subp. 5	pt. 7080.0120, subp. 2.

Part 7080.0130 Sewage Tanks

subp. 1, item G	pt. 7080.0210, subp. 6, item D-first sentence.
subp. 3, item A	pt. 7080.0130, subp. 2, item A-second sentence.
subp. 6, item C	pt. 7080.0210, subp. 4, item A.

Part 7080.0160 Dosing of Effluent

subp. 1, item C	pt. 7080.0160, subp. 3, item G.
subp. 1, item D	pt. 7080.0160, subp. 2, item G.

Part 7080.0170 Final Treatment and Disposal

subp. 2, item A	pt. 7080.0170, subp. 2, item B, subitems (1) to (5).
subp. 2, item B, subitem (2) subunit (b)	pt. 7080.0170, subp. 2, item C, subitem (7).
subp. 4	pt. 7080.0170, subp. 2, item F, subitems (1) and (2).
subp. 4, items A and B	pt. 7080.0170, subp. 2, item F, subitem (3), units (a) and (b)
subp. 5, item B, subitem (3), first sentence	pt. 7080.0170, subp. 2, item G, subitem (13), first sentence.
subp. 5, item B, subitem (8)	pt. 7080.0170, subp. 2, item G, subitem (13), Paragraph 2.
subp. 5, item A, subitem (5)	pt. 7080.0170, subp. 2, item G, subitem (13), Paragraph 3.
subp. 5, item C, subitems (2) and (4)	pt. 7080.0170, subp. 2, item G, subitem (12)
subp. 5, item D, subitem (1), first, second and third sentences.	pt. 7080.0170, subp. 2, item G, subitem (13), second, third and fourth sentences of paragraph one.
subp. 5, item D, subitem (2)	pt. 7080.0170, subp. 2, item G, subitem (13), sixth sentence of paragraph one.

Part 7080.0175 Maintenance

item A	pt. 7080.0130, subp. 5, item A.
item B	pt. 7080.0130, subp. 5, item C.
item D	pt. 7080.0130, subp. 5, item F.

Part 7080.0180 Alternative Systems

This part is proposed to be merged into 7080.0210, subp. 1.

Part 7080.0210 Appendix A: Alternative and Experimental Systems

subp. 1, items A to C, E and F	pt. 7080.0180.
subp. 3, item A, subitem (1), units (a) to (c)	pt. 7080.0170, subp. 2, item E, subitems (3), (4) and (6).
subp. 3, item A, subitem (2), unit (a)	pt. 7080.0170, subp. 2, item E, subitem (1).
subp. 3, item A, subitem (2), unit (b), paragraphs i and ii	pt. 7080.0210, subp. 5, Class III, item A, subitems (1) to (3).
subp. 3, item B	pt. 7080.0170, subp. 2, item F, subitems (1) and (2).
subp. 3, item C, subitems (1) to (3)	pt. 7080.0210, subp. 3, item B, subitems (1) to (3).
subp. 3, item D, subitems (1) to (8)	pt. 7080.0210, subp. 3, item D.
subp. 3, item E	pt. 7080.0210, subp. 4, item B, subitems (1) and (2), unit (a).
subp. 3, item E, subitem (4)	pt. 7080.0170, subp. 2, item A, subitem (2), Classification IV - second sentence.
subp. 3, item H, subitem (2) unit (a)	pt. 7080.0210, App. A, subp. 5, item B, subitems (2), unit (c).

The rule chapter is not to be modified at this time to fulfill the rule adoption mandate passed by the Legislature during the 1994 session. Agency staff are just beginning to plan public participation activities to address rule issues identified in the Individual Sewage Treatment System Act, *Minnesota Laws* Chapter 617, section 1, subdivision 3. After the rule amendments contained in this notice have been adopted by the Agency, a second rule revision process will be conducted to address the issues identified in the Act.

Comments. You have until 4:30 p.m. September 23, 1994 to submit written comments in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comments must be in writing and received by the Agency Individual Sewage Treatment Systems Team by the due date. Comments are encouraged. Your comment should identify the portion of the proposed rule addressed by rule citation, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the amendments. Your request for a public hearing must be in writing and must be received by the Agency Individual Sewage Treatment Systems Team by 4:30 p.m. on September 23, 1994. Your written request for a public hearing must include your name and address. You are

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encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Agency and may not result in a substantial change in the proposed rule as printed immediately after this notice. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness (SONAR) is now available by leaving a message on the ISTS Information Line voice mail box, (612) 282-6246. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule. Free copies will be available as long as supplies last. There will be a $20 charge per SONAR after the Agency's supply has been depleted. The SONAR is available for review at all Agency offices. The Agency offices are located:

Central Office - St. Paul

Water Quality Division, 4th Floor
Assessment and Planning Section
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Phone number: (612) 296-9315

Northeast Office - Duluth

Duluth Government Center
Room 704
320 West Second Street
Duluth, Minnesota 55802
Phone number: (218) 723-4660

North Central Office - Brainerd

1601 Minnesota Drive
Brainerd, Minnesota 56401
Phone number: (218) 828-2492

Northwest Office - Detroit Lakes

Lake Avenue Plaza
714 Lake Avenue, Suite 220
Detroit Lakes, Minnesota 56501
Phone number: (218) 847-1519

Southwest Office - Marshall

700 North Seventh Street
Marshall, Minnesota 56258
Phone number: (507) 537-7146

Southeast Office - Rochester

2116 Campus Drive S.E.
Rochester, Minnesota 55904
Phone number: (507) 285-7343

Small Business Considerations. *Minnesota Statutes*, section 14.115, subdivision 4 requires that the notice of rulemaking include a statement of the impact of this proposed rule on small businesses. The Agency's evaluation found the following:

(a) Requiring less stringent compliance requirements for small businesses would not be prudent because the provisions of Chapter 7080 provide the minimum standards for adequate sewage treatment which should not be compromised.

(b) Making less stringent schedules or deadlines for compliance or reporting requirements for small business is not applicable because Chapter 7080 does not contain schedules or deadlines for compliance.

(c) Consolidating or simplifying compliance or reporting requirements for small business is not applicable because Chapter 7080 has no reporting requirements.

(d) Performance standards to replace design or operational standards otherwise required in Chapter 7080 are proposed under the experimental section, pt. 7080.0210, Appendix A, subp. 3a.

(e) Exempting small businesses from the requirements of this rule would not be consistent with the statutory mandate of the Agency to protect the waters of the State.

Two proposed changes that relate to the calculation of flow to be discharged into an ISTS may have an effect on a few small businesses. This impact is discussed in the SONAR on pages 84 and 85. The following discussion is provided for further clarification.

One of the proposed changes may increase the cost of complying with Chapter 7080 for a few seasonal, small businesses. The Agency is proposing to require seasonal establishments to base the treatment system capacity and design on an average of the highest wastewater flow measurement rather than on an annual average flow. Flow figures for months that the seasonal facility receives no or minimal use are currently averaged with the flow measurements from high use months to calculate a maximum daily sewage flow. This long term averaging for facilities that are used a short time each year has resulted in the construction of treatment facilities that overflow during peak use.

The Agency proposes to require that the average of the seven highest-use day measurements be used to determine the capacity and design for seasonal facilities and businesses. This will require some seasonal, small businesses which base designs on measured flows to construct systems that are somewhat larger than those required under the existing standards. Since larger systems may be required, the owners may also be required to have a State Disposal System (SDS) permit. Acquiring a State Disposal System permit involves application and monitoring fees and engineering costs for developing plans and specifications. However, this requirement is only for ISTS which exceed an average design flow of 10,000 gallons per day. There are also incalculable benefits for the owner such as system longevity and decreased problems and maintenance and for environmental and public health that balance against the additional construction and possible permit costs that could be caused by this change.

The Agency is also proposing to eliminate the 15,000 gallon per day threshold for determining if an ISTS system will be required to have an SDS permit. This change will leave only one threshold of 10,000 gallon per day making the calculation method and terminology consistent for flow throughout the rule. This change does not create a more stringent threshold. The two thresholds are conceptually the same threshold, but have a numerical difference that results from different calculation methods.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, requires the Agency to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over $100,000 to all local public bodies in the state in either of the two years following adoption of the rule. According to this Chapter, municipality "means any county, city, town, the Metropolitan Council or any other governmental subdivision of the state responsible by law for the prevention, control and abatement of water pollution in any area of the state."

Municipalities have been required to adopt the provisions of Chapter 7080 within shoreland and floodplain areas and wild and scenic river land use districts. Outside of these areas, these standards provide recommended guidelines for the adoption of local ordinances and for the location, design, construction, use and maintenance of individual sewage treatment systems. Should a municipality (as defined under pt. 7080.0020, subp. 24a) administer these rules for areas outside of any required areas, the added activities may collectively exceed the $100,000 threshold to all local public bodies in the state in either of the first two years of implementation. These costs would primarily be attributed to staff time associated with site reviews, inspections and permitting activities. Additional staff time associated with these activities is not intended to be costly and are anticipated to be manageable for the municipality. It is expected that a minimal amount of equipment or materials would need to be purchased to carry out the provisions of this Chapter.

The 1994 ISTS Act may have a s significant economic impact on local governments. However, these impacts have not been analyzed by the Agency because they are the result of the Act rather than the proposed rule amendments and are outside this rule revision effort.

Impact on Agricultural Lands and Farming Operations. *Minnesota Statutes*, section 14.11, subdivision 2, requires that if the rule would have a direct and substantial adverse impact upon agricultural lands in the state, the Agency shall comply with specified additional requirements. *Minnesota Statutes* section 116.07, subdivision 4, requires the Agency to give a copy of the proposed rules to the Commissioner of Agriculture for review and comment if the rules affect farming operations.

A review of the proposed changes to Chapter 7080 was made to determine the effects on agricultural land. The only change in the rule that may affect these lands is the requirement that one additional soil treatment area be available on each lot. This potential

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impact is discussed in more detail on page 91 of the SONAR. However, it is not anticipated that the proposed revisions to these rules will have any significant impacts on agricultural lands or farming operations. Therefore, no request for review and comment will be made to the Commissioner of Agriculture.

Economic Factors. *Minnesota Statutes*, section 116.07, subdivision 6, requires the Agency to give due consideration to economic factors in exercising its powers. Changes to these are expected to have a nonmeasurable impact on the overall Minnesota's economy. The proposed change to the standards will result in some increased costs because larger systems and larger lot sizes will be required in some cases. However, the additional costs are balanced by the longer term benefits of a properly functioning system. The Agency's economic consideration is found on pages 85 through 91 of the SONAR.

Transportation. *Minnesota Statutes* section 174.05 requires the Agency to notify the Commissioner of Transportation of all rules that concern transportation, and requires the Commissioner of Transportation to prepare a written review of rules. The proposed rule amendments discussed in this document are standards for construction and maintenance of ISTS and do not involve planning, repair or usage of the state transportation network or its infrastructure. No request for review and comment will be made to the Commissioner of Transportation because the proposed amendments do not impact transportation.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period, the Agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the Agency Individual Sewage Treatment Systems Team listed above.

Charles W. Williams
Commissioner

Rules as Proposed

7080.0010 PURPOSE AND INTENT.

The improper location, design, ~~location,~~ installation, use, and maintenance of individual sewage treatment systems adversely affects the public health, safety, and general welfare by discharge of inadequately treated sewage to surface and ground waters. In accordance with the authority granted in *Minnesota Statutes*, chapters ~~104, 105~~ 103F, 103G, 115, and 116, the Minnesota Pollution Control Agency, hereinafter referred to as the agency, does hereby provide the minimum standards and criteria for the location, design, ~~location,~~ installation, use, and maintenance of individual sewage treatment systems, and thus protect the surface and ground waters of the state, and promote the public health, safety, and general welfare. In conjunction with these minimum standards, the agency encourages the use of advanced treatment methods to further reduce the discharge of contaminants. These minimum standards are most effective when applied in conjunction with local planning and zoning that considers the density of the systems that are discharging to the groundwater. These standards ~~are~~ do not ~~intended to~~ cover systems treating industrial or animal waste or ~~other~~ wastewater that may contain hazardous materials.

Further, it is intended that the administration and enforcement of these standards be conducted by municipalities, since experience has shown that sanitary ordinances can most effectively be administered at the local level.

7080.0020 DEFINITIONS.

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

Subp. 2. **Aerobic tank.** "Aerobic tank" means any sewage tank which ~~utilizes~~ uses the principle of oxidation in the decomposition of sewage by the introduction of air into the sewage.

Subp. 3. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 4. **Alternative system.** "Alternative system" means ~~an individual~~ a sewage treatment system employing ~~such~~ methods and devices as presented in part ~~7080.0180~~ 7080.0210, subpart 3.

Subp. 4a. **At-grade system.** "At-grade system" means a pressurized soil treatment system where septic tank effluent is dosed to a drainfield rock bed constructed on original soil at the ground surface and covered by loamy soil materials.

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

Subp. 6. **Bedrock.** "Bedrock" means ~~that layer of parent material which is consolidated and unweathered~~ the rocks that underlie soil or are at the earth's surface. Bedrock is encountered when unweathered in-place consolidated material, larger than two millimeters in size, is greater than 50 percent by volume. For sandstone, bedrock is encountered when the material is sufficiently coherent to resist penetration of a knife blade in an exposed pit.

Subp. 7. **Bedroom.** "Bedroom" means any room or unfinished area within a dwelling that might reasonably be used as a sleeping room now or in the future.

Subp. 7a. **Building.** "Building" means all occupied structures and any structure whose foundation could be damaged and the structural integrity jeopardized by the seepage of sewage or sewage tank effluent.

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

Subp. 10. [See repealer.]

Subp. 11. **Cesspool.** "Cesspool" means an underground pit or seepage tank into which raw ~~household~~ sewage ~~or other untreated liquid waste~~ is discharged and from which the liquid seeps into the surrounding soil. ~~See part 7080.0080.~~

Subp. 11a. **Chambered system.** "Chambered system" means a soil treatment system where sewage tank effluent is discharged to a buried structure creating an enclosed open space with the original soil surface to act as a surface for the infiltration of sewage tank effluent.

Subp. 11b. **Clean sand.** "Clean sand" means a soil texture composed by weight of at least 25 percent very coarse, coarse, and medium sand varying in size from 2.00 millimeters (sieve size 10) to 0.25 millimeters (sieve size 60), less than 40 percent fine or very fine sand ranging in size between 0.25 millimeters and 0.05 millimeters (sieve size 270), and no more than ten percent smaller than 0.05 millimeters and no larger than 2.00 millimeters.

Subp. 12. **DNR.** "DNR" means the Minnesota Department of Natural Resources.

Subp. 12a. **Distribution box.** "Distribution box" means a device designed to concurrently and equally distribute sewage tank effluent by gravity to a soil treatment system.

Subp. 12b. **Distribution device.** "Distribution device" means a device used to receive and transfer effluent from a supply pipe to distribution pipes or downslope supply pipes, or both. These devices are commonly known as drop boxes, valve boxes, distribution boxes, or manifolds.

Subp. 12c. **Distribution medium.** "Distribution medium" means the material used to distribute the sewage tank effluent within the soil treatment system. This medium includes, but is not limited to, drainfield rock, gravelless drainfield pipe in a geotextile wrap, or a chambered system.

Subp. 13. **Distribution pipes.** "Distribution pipes" means perforated pipes that are used to distribute sewage tank effluent ~~in a soil treatment system~~ into a distribution medium.

[For text of subps 14 and 15, see M.R.]

Subp. 15a. **Drainfield rock.** "Drainfield rock" means ~~crushed~~ igneous rock, or similar insoluble, durable, and decay-resistant material between three-fourths inch and 2-1/2 inches in size with no more than five percent by weight passing a ~~number~~ 4 three-fourths inch sieve and no more than one percent by weight passing a number 200 sieve. ~~The size shall range from three-fourths inch to~~ Materials greater than 2-1/2 inches in size shall not exceed five percent by weight.

Subp. 15b. **Drop box.** "Drop box" means a distribution device used for the serial gravity application of sewage tank effluent to a soil treatment system.

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

Subp. 17a. **Gas deflecting baffle.** "Gas deflecting baffle" means a baffle on the septic tank outlet that limits the escape of solids that are carried by septic tank gases.

Subp. 17b. **Gravelless drainfield pipe media.** "Gravelless drainfield pipe media" means a distribution medium consisting of a corrugated distribution pipe encased in a geotextile wrap installed in trenches.

[For text of subp 18, see M.R.]

Subp. 18a. **Hazardous ~~materials~~ waste.** "Hazardous ~~materials~~ waste" means any substance which, when discarded, meets the definition of hazardous waste in chapter 7045.

Subp. 19. **Holding tank.** "Holding tank" means a ~~watertight~~ tank for storage of sewage until it can be transported to a point of approved treatment and disposal.

Subp. 20. **Impermeable bedrock.** "Impermeable~~,~~ bedrock" ~~with regard to bedrock,~~ means ~~a~~ bedrock having ~~no cracks or crevices and having~~ a vertical permeability slower than one inch in 24 hours ~~shall be considered impermeable. With regard to soils, a soil horizon or layer having a vertical permeability slower than 0.025 inch in 24 hours shall be considered impermeable.~~

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Subp. 21. **Individual sewage treatment system.** "Individual sewage treatment system" means a sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, which uses ~~subsurface~~ primary treatment with or without secondary or advanced treatment followed by soil treatment and disposal.

Subp. 21a. **Invert.** "Invert" means the lowest point of a channel inside a pipe.

Subp. 22a. [See repealer.]

Subp. 22b. **Liquid capacity.** "Liquid capacity" means the liquid volume of a sewage tank below the invert of the outlet pipe.

Subp. 23. **Mottling.** "Mottling" means a zone of chemical oxidation and reduction activity, appearing as splotchy patches of red, brown, ~~orange, and~~ or gray in the soil. In subsoils with a color value of four or more, the term mottling also includes soil having matrix colors with a chroma of two or less as described in "Keys to Soil Taxonomy" 5th Edition, 1992 Soil Management Support Services, technical monograph No. 19, which is incorporated by reference. This document is provided by the Agency for International Development, United States Department of Agriculture Soil Conservation Service, Soil Management Support Services. The document was printed by Pocahontas Press, Inc., P.O. Drawer F, Blacksburg, Virginia 24063-1020. It can be found at the Minnesota State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155, and is not subject to frequent change.

Subp. 24. **Mound system.** "Mound system" means a system where the soil treatment area is built above the ~~ground~~ soil to overcome limits imposed by proximity to ~~water table~~ saturated soil or bedrock, or by rapidly or slowly permeable soils.

Subp. 24a. **Municipality.** "Municipality" means any county, city, town, the Metropolitan ~~Waste Control Commission~~ Council established in *Minnesota Statutes*, chapter 473, ~~the Metropolitan Council when acting under the provisions of that chapter,~~ or any other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution in any area of the state.

[For text of subps 24b to 28, see M.R.]

Subp. 28a. **Public waters.** "Public waters" means any public waters or wetlands as defined in *Minnesota Statutes*, section ~~105.37~~ 103G.005, subdivisions ~~14~~ 15 and 19, or identified as public waters or wetlands by the inventory prepared pursuant to *Minnesota Statutes*, section ~~105.391~~ 103G.201.

Subp. 28b. **Required absorption width.** "Required absorption width" means that width, measured in the direction of the original land slope and perpendicular to the original contours, which is required for the sewage tank effluent to infiltrate into the original soil ~~according to the allowable loading rates of Table V in part 7080.0170, subpart 2, item G~~.

[For text of subp 28c, see M.R.]

Subp. 29. [See repealer.]

Subp. 29a. **Saturated soil.** "Saturated soil" means the highest elevation in the soil where periodically depleted oxygen levels occur because of soil voids being filled with water. Saturated soil is evidenced by presence of soil mottling or other information.

Subp. 29b. **Seepage bed.** "Seepage bed" means an excavated area larger than 36 inches in width which contains drainfield rock and has more than one distribution pipe.

Subp. 30. **Seepage pit, or leaching pit, or dry well.** "Seepage pit, or leaching pit, or dry well" means an underground pit into which a sewage tank discharges effluent ~~or other liquid waste~~ and from which the liquid seeps into the surrounding soil ~~through the bottom and openings in the side of the pit~~.

Subp. 31. **Septage.** "Septage" means those solids and liquids removed during periodic maintenance of ~~a septic or aerobic tank~~ an individual sewage treatment system, or those solids and liquids which are removed from a holding tank.

Subp. 32. **Setback.** "Setback" means a separation distance measured horizontally.

Subp. 33. **Sewage.** "Sewage" means any water-carried domestic waste, exclusive of footing and roof drainage, and chemically treated hot tub or pool water from any industrial, agricultural, or commercial establishment, or any dwelling or any other structure. The physical characteristics of the domestic waste are classified as having a biochemical oxygen demand of less than 400 milligrams per liter and total suspended solids of less than 350 milligrams per liter. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources~~, and specifically excludes~~. Animal waste and commercial or industrial waste ~~water~~ are not considered domestic waste.

Subp. 34. [See repealer.]

Subp. 35. **Sewage tank.** "Sewage tank" means a ~~watertight~~ tank meeting the criteria in part 7080.0130 and used in the treatment of sewage and includes, but is not limited to, septic tanks and aerobic tanks.

[For text of subps 36 to 40, see M.R.]

Subp. 41. [See repealer.]

Subp. 42. **Soil textural classification.** "Soil textural classification," where soil particle sizes or textures are specified in this chapter, they refer to the soil textural classification in the Soil Survey Manual, Handbook No. 18, United States Department of Agriculture, ~~1951~~ 1993, incorporated by reference in part 7080.0030.

Subp. 43. **Soil treatment area.** "Soil treatment area" means that area of trench or bed bottom which is in direct contact with the ~~drainfield rock~~ distribution medium of the soil treatment system~~, and for mounds, that area to the edges of the required absorption width and extending five feet beyond the ends of the rock layer~~.

Subp. 44. **Soil treatment system.** "Soil treatment system" means a system where sewage tank effluent is treated and disposed of ~~below~~ into the ~~ground surface~~ soil by ~~filtration~~ percolation and ~~percolation through the soil~~ filtration, and includes ~~those systems commonly known as~~, but is not limited to, trenches seepage ~~bed~~ beds, ~~trench, drainfield, disposal field~~ drainfields, at-grades, and mounds.

Subp. 45. **Standard system.** "Standard system" means an individual sewage treatment system ~~employing a building sewer, sewage tank, and the soil treatment system consisting of trenches, seepage beds, or mounds which are constructed on original soil which has a percolation rate equal to or faster than 120 minutes per inch~~ as specified in parts 7080.0125 to 7080.0170.

Subp. 45a. **Supply pipe.** "Supply pipe" means any nonperforated pipe whose purpose is the transport of sewage tank effluent.

[For text of subp 46, see M.R.]

Subp. 47. **Ten-year flood.** "Ten-year flood" means that flood which can be expected to occur, on an average, of once in ten years; or the ~~level~~ elevation to which flood waters have a ten percent chance of rising in any given year.

Subp. 48. **Toilet waste.** "Toilet waste" means waste commonly disposed of in toilets including, but not limited to, fecal matter, urine, toilet paper, and any water used for flushing and specifically excluding sanitary napkins and tampons.

Subp. 48a. **Toilet waste treatment devices.** "Toilet waste treatment devices" means privies and other devices including, but not limited to, incinerating, composting, biological, chemical, recirculating, or holding toilets.

Subp. 48b. **Trench.** "Trench" means an area excavated from 18 to 36 inches in width which contains drainfield rock or other distribution medium.

Subp. 49. **Valve box.** "Valve box" means ~~any device which stops sewage tank effluent from flowing to a portion of the soil treatment area, and includes, but is not limited to, caps or plugs on distribution or drop box outlets, divider boards, butterfly valves, gate valves, or other mechanisms~~ a watertight structure designed for alternate distribution of effluent to a soil treatment system.

Subp. 50. [See repealer.]

Subp. 52. **Watertight.** "Watertight" means a sewage tank, distribution device, or supply pipe constructed so that no water can get into or out of the sewage ~~tank~~ device except through the inlet and outlet ~~pipes~~.

[For text of subp 53, see M.R.]

7080.0030 ADMINISTRATION BY STATE AGENCIES.

A. For ~~an~~ a single individual sewage treatment system, or group of individual sewage treatment systems, that ~~are~~ is located on adjacent properties and under single ownership, the owner or owners shall make application for and obtain a state disposal system permit from the agency if ~~either of the following conditions apply:~~

~~A.~~ the individual sewage treatment system or systems are designed to treat an average ~~daily~~ design flow of greater than 10,000 gallons per day~~; or~~.

~~B. the individual sewage treatment system or systems are designed to treat a maximum monthly average daily flow of 15,000 gallons per day or more.~~

~~The systems must, at a minimum, conform to the requirements of these standards.~~

~~For dwellings such as rental apartments, townhouses, resort units, rental cabins, and condominiums, the sum of the flows from all existing and proposed sources under single management or ownership will be used to determine the need for a state disposal system permit.~~

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B. Individual sewage treatment systems serving establishments or facilities licensed or otherwise regulated by the state of Minnesota shall conform to the requirements of these standards.

Any individual sewage treatment system requiring approval by the state of Minnesota shall also comply with all local codes and ordinances.

C. A complete set of plans and specifications must be submitted to the permitting authority including the following items in such detail as the permitting authority deems appropriate:

(1) justification on the need for a large system;

(2) a site evaluation which includes detailed soil descriptions in accordance with the Soil Survey Manual, Agricultural Handbook No. 18 (October 1993), which is incorporated by reference. The manual is issued by the United States Department of Agriculture and is available through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. It can be found at the Minnesota State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155 and is not subject to frequent change.

(3) description of methods to meet or exceed permit standards for down gradient groundwater quality;

(4) an evaluation of groundwater conditions, groundwater impacts, and development of a groundwater monitoring and mitigation plan;

(5) a plan to identify and eliminate discharges of nondomestic wastewater;

(6) meter readings of flow;

(7) an operation and maintenance plan;

(8) a septage disposal plan; and

(9) for joint systems, an assurance which states that all owners of dwellings or other establishments planned to be connected to collection systems agree to be part of the system, to participate in the construction projects, and to participate in and finance future operation, maintenance, and replacement of the system.

7080.0040 ADMINISTRATION BY MUNICIPALITIES.

Subpart 1. **Shoreland and floodplain areas, and wild scenic river land use districts.** Pursuant to *Minnesota Statutes*, sections ~~104.04~~ 103F.121, ~~104.36~~ 103F.335, subdivision 1, and ~~105.485~~ 103F.221, certain counties and ~~cities~~ municipalities must enact ordinances which comply with the appropriate regulations of the Minnesota Department of Natural Resources, some of which in turn require compliance with the regulations of the Minnesota Pollution Control Agency.

Subp. 2. **Other areas.** Outside of the above mentioned areas, these standards provide recommended guidelines for the adoption of local ordinances and for the location, design, ~~location,~~ construction, use, and maintenance of individual sewage treatment systems.

Subp. 3. **Localized standards.** Nothing in these standards shall prevent municipalities from enacting ordinances which provide ~~more adequate~~ additional sewage treatment under local conditions.

Subp. 4. **Inspection and approval.** If a municipality issues construction permits under these standards for individual sewage treatment systems, the municipality or its authorized representative must inspect and approve systems according to all facets of system development to reasonably assure that the system meets these standards. The municipality must maintain records of the location and design of the systems.

7080.0060 TREATMENT REQUIRED.

Subpart 1. **Surface discharge.** All new or existing systems which discharge to surface waters or the ground surface must obtain either a National Pollutant Discharge Elimination System (NPDES) or state disposal system permit from the agency and shall comply with all requirements of the permit. Unless specifically permitted by the agency, sewage or sewage tank effluent or seepage from a soil treatment system shall not be discharged to the ground surface or to bodies of surface water.

Subp. 2. **Subsurface discharge.** The system, or systems, shall be designed to receive and treat all sewage from the dwelling, ~~building,~~ or other establishment served. Sewage or sewage tank effluent shall not be discharged to abandoned wells or any other excavation in the ground not in compliance with this chapter.

Subp. 3. **Lot requirements.** All lots created on or after the effective date of this subpart shall have one or more additional soil treatment system sites. Lots created before the effective date of this subpart shall comply with part 7080.0110, subpart 5a, item I.

Subp. 4. **Primitive dwellings.** Dwellings without running water do not require an individual sewage treatment system. Greywater from these dwellings shall not be discharged directly to surface waters, drainageways, or in a manner which causes environmental harm or a public health nuisance.

Subp. 5. **Prohibited wastes.** Footing or roof drainage shall not enter any part of the system. Products containing hazardous ~~materials~~ waste must not be discharged to the system other than a normal amount of household products and cleaners designed for household use. Substances not used for household cleaning, including, but not limited to, solvents, pesticides, flammables, photo finishing chemicals, or dry cleaning chemicals, must not be discharged to the system.

Subp. 6. **Failing systems.** Any system that discharges untreated or partially treated sewage to the ground surface, surface water, or groundwater is a failed system. Failing systems include seepage pits, cesspools, drywells, leaching pits, systems with less than three feet of unsaturated soil beneath the system bottom, systems causing sewage backups into a dwelling or other establishment, and systems which adversely impact drinking water wells. Failing systems shall be considered nonconforming and shall be replaced or repaired in compliance with this chapter.

Subp. 7. **Conforming systems.** Any system or systems ~~that~~ which are not failing and were ~~installed according to~~ constructed in compliance with all applicable ~~local~~ standards ~~adopted and~~ in effect at the time of installation shall be considered ~~as~~ a conforming ~~unless they are determined to be failing, except that systems using cesspools, leaching pits, or seepage pits, or systems with less than three feet of unsaturated soil or sand between the distribution device and the limiting soil characteristics shall be considered nonconforming~~ system.

7080.0110 SITE EVALUATION.

Subpart 1. [See repealer.]

Subp. 1a. **Necessity of evaluation.** A preliminary and field evaluation shall be conducted for all proposed sites for individual sewage treatment systems.

Subp. 2. [See repealer.]

Subp. 2a. **Preliminary evaluation.** A preliminary evaluation shall consist of:

A. flow determination for the dwelling or other establishment;

B. the investigation of the proposed or existing location of:

(1) water supply wells within 100 feet of the proposed system;

(2) existing and proposed buildings on the lot;

(3) existing and proposed buried water pipes within 50 feet of the proposed system;

C. easements on the lot;

D. ordinary high water level of public waters;

E. ten-year flooding probability and corresponding surface flooding elevation;

F. property lines;

G. a determination of all required setbacks from the system;

H. a determination of the soil map unit, applicable soil characteristics, and soil suitability as determined by the soil survey report, if available;

I. legal description and lot dimensions; and

J. names of property owners.

Subp. 3. [See repealer.]

Subp. 4. ~~**Procedures for percolation tests**~~ **Field evaluation.** A field evaluation consists of:

A. a field determination of the lot lines, lot improvements, required setbacks, and easements;

B. a description of the following surface features:

(1) a determination of the percent and direction of the slope at the proposed system location;

(2) vegetation type;

(3) any evidence of disturbed or compacted area or flooding or run-on potential; and

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(4) landscape position;

C. soil observations. The number of soil observations required is the minimal number necessary to adequately characterize the site. At least one observation per site must be conducted. Soil observations shall be performed in an exposed pit, or by hand augering, or probing. Location of underground utilities must be established before soil observations are undertaken. Required safety precautions must be taken before entering soil pits. Flite augers are not allowable for soil observation. Soil observations shall be conducted prior to percolation tests to determine whether the soils are suitable to warrant percolation tests and, if suitable, at what depths percolation tests shall be conducted. The depth of the soil boring shall be to the seasonally saturated layer, bedrock, or three feet below the proposed depth of the system, whichever is less;

D. soil description. A soil description shall be written for each soil observation to be included with the proposed site. Soils should only be evaluated under adequate light conditions with the soil in a moist state and include the following:

(1) the depth of each soil horizon measured from the ground surface. Soil horizons are differentiated by changes in soil texture, soil color, mottling, bedrock, or any other characteristic which may affect water percolation or treatment of effluent;

(2) the soil matrix and mottled color described per horizon by the Munsell Soil Color Charts, 1992 Revised Edition, which is incorporated by reference. This document is available from Macbeth, Division of Kollmorgen Instruments Corporation, Munsell Color, P.O. Box 230, Newburgh, New York 12551-0230. It can be found at the Minnesota State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155 and is not subject to frequent change.

(3) the soil texture described using the United States Department of Agriculture (USDA) soil classification system as modified below:

Minnesota		USDA
Clay	=	Clay, sand clay, silty clay
Clay loam	=	Clay loam, sandy clay loam, silty clay loam
Loam	=	Loam
Sandy loam	=	Sandy loam
Silt loam	=	Silt loam, silt
Loamy sand	=	Loamy sand
Coarse sand	=	Coarse sand
(Medium) sand	=	(Medium) sand
Fine sand	=	Fine and very fine sand;

(4) bedrock determined according to part 7080.0020, subpart 6;

(5) depth of standing water in the hole measured from the soil surface, if observed;

(6) any other soil characteristic to be described, which must be classified in accordance with chapter 3 of the Soil Survey Manual, Agricultural Handbook No. 18, which is incorporated by reference in part 7080.0030.

E. percolation test procedures. Where percolation tests are required, they shall be made as follows:

~~A. Test hole dimensions and locations:~~

(1) Each test hole shall be six to eight inches in diameter, have vertical sides, be located in the soil treatment or absorption area and be bored or dug to the depth of the bottom of the proposed ~~individual sewage~~ soil treatment system.

(2) Soil texture descriptions shall be recorded noting depths from the ground surface where texture changes occur.

~~B. Preparation of the test hole:~~

~~(1)~~ (3) The bottom and sides of the hole shall be carefully scratched to remove any smearing and to provide a natural soil surface into which water may penetrate.

~~(2)~~ (4) All loose material shall be removed from the bottom of the test hole and two inches of one-fourth to three-fourths inch gravel shall be added to protect the bottom from scouring.

~~C. Soil saturation and swelling:~~

~~(1)~~ (5) The hole shall be carefully filled with clear water to a minimum depth of 12 inches over the soil at the bottom of the test hole and maintained for no less than four hours.

~~(2)~~ The soil shall then be allowed to swell for at least 16, but no more than 30 hours. In sandy soils, the saturation and swelling procedure shall not be required and the test may proceed if one filling of the hole has seeped away in less than ten minutes.

~~D.~~ (6) Percolation rate measurement~~:~~. In sandy soils, adjust the water depth to eight inches over the soil at the bottom of

the test hole. From a fixed reference point, the drop in water level shall be measured in inches to the nearest ~~one-eighth~~ 1/16 inch at approximately ten minute intervals. A measurement can also be made by determining the time it takes for the water level to drop one inch from an eight-inch reference point. If eight inches of water seeps away in less than ten minutes, a shorter interval between measurements shall be used, but in no case shall the water depth exceed eight inches. The test shall continue until three consecutive percolation rate measurements vary by a range of no more than ten percent.

In other soils, adjust the water depth to eight inches over the soil at the bottom of the test hole. From a fixed reference point, the drop in water level shall be measured in inches to the nearest ~~one-eighth~~ 1/16 inch at approximately ~~30-minute~~ 20-minute intervals, refilling between measurements to maintain an eight-inch starting head. If water seeps away in less than 20 minutes, a shorter time interval between measurements should be used, but in no case shall the water depth exceed eight inches. The test shall continue until three consecutive percolation rate measurements vary by a range of no more than ten percent. ~~The percolation rate can also be made by observing the time it takes the water level to drop one inch from an eight-inch reference point if a constant water depth of at least eight inches has been maintained for at least four hours prior to the measurement.~~

~~E.~~ (7) Calculating the percolation rate. Divide the time interval in minutes by the drop in water level in inches to obtain the percolation rate in minutes per inch. The percolation rates which are within the ten percent provision determined for each test hole shall be averaged to determine the final ~~soil treatment system~~ percolation rate for that hole. The slowest final percolation rate for all holes shall be used for design.

~~F. Reporting percolation rates. For reporting the percolation rate, worksheets showing all calculations and measurements shall be submitted.~~

~~G.~~ (8) Frost. A percolation test shall not be run where frost exists below the depth of the proposed soil treatment system.; and

F. the suitable soil treatment system area and absorption areas shall be protected from compaction and disturbance.

Subp. 5. [See repealer.]

Subp. 5a. **Site evaluation reporting.** A written report on the site evaluation shall be prepared covering at least the following:

A. subparts 2a, items A to J, and 4, items B to E;

B. date of preliminary and field evaluations;

C. a map drawn to scale or dimension, with a north arrow, and including:

(1) horizontal and vertical reference point of soil observation and percolation tests and distance to all required setbacks, lot improvements, easements, ordinary high water mark of public waters, property lines, direction, and percent slope;

(2) an indication of unsuitable, disturbed/compacted areas; and

(3) the access route for tank maintenance;

D. estimated height of seasonally saturated layer, bedrock, or flood elevation, if appropriate;

E. proposed elevation of the bottom of the soil treatment system;

F. final soil sizing factor;

G. anticipated construction-related issues;

H. name, address, telephone number, and signature of the site evaluator/designer; and

I. if a suitable additional area for a soil treatment system is available on lots created before the effective date of this subpart, it must be identified in the site evaluation. A minimum of one additional suitable soil treatment area shall be identified on lots created on or after the effective date of this subpart.

7080.0120 BUILDING SEWERS.

Subpart 1. **Plumbing and Well Codes.** The design, construction, and location of, and the materials for use in building sewers are governed by the Minnesota State Building Code, chapter 1300, which incorporates by reference portions of the Minnesota Plumbing Code, chapter 4715, and by specific provisions of the Minnesota ~~Water Well Construction Code~~ rules relating to wells and borings, chapter 4725.

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Subp. 2. [See repealer.]

7080.0125 SEWAGE FLOW DETERMINATION FOR DWELLINGS AND OTHER ESTABLISHMENTS.

Subpart 1. **System sizing.** Where the construction of additional bedrooms, the installation of mechanical equipment, or other factors likely to affect the operation of the system can be reasonably anticipated, the installation of a system for the anticipated need shall be required.

Subp. 2. **Dwellings.** Average design flow shall be used to size soil treatment systems for dwellings. The average design flow estimated for any dwelling shall provide for at least two bedrooms. For multiple residential units, the average design flow shall consist of the sum of the average design flows for each individual unit.

Table I

Average Design Flow (gallons per day)

Number of Bedrooms	Classification of Dwelling		
	I	II	III
2 or less	300	225	180
3	450	300	218
4	600	375	256
5	750	450	294
6	900	525	332

Table I is based on the following formulas:

Classification I: Average design flow = 150 times number of bedrooms. The total floor area of the dwelling divided by the number of bedrooms is more than 800 square feet per bedroom, or more than two of the following water-use appliances are installed or anticipated: automatic washer, dishwasher, water conditioning unit, whirlpool bath, garbage disposal, or self-cleaning humidifier in furnace.

Classification II: Average design flow = 75 times (number of bedrooms plus one). More than 500 square feet of total dwelling floor area per bedroom and no more than two of the water-use appliances listed in Classification I.

Classification III: Average design flow = 66 plus 38 times (number of bedrooms plus one). Less than 500 square feet of total dwelling floor area per bedroom and no more than two of the water-use appliances listed in Classification I.

Subp. 3. **Other establishments.** For other establishments, average design flow shall be used to size soil treatment systems. Maximum design flow shall be used to size sewage tanks. Design flows shall be calculated using estimated or measured values for other establishments according to items A and B.

A. Estimated average and maximum design flows: the best available data as provided by the agency shall be used if estimating the average and maximum design flows.

B. Measured average and maximum design flows:

(1) the average design flow shall be determined by averaging the measured daily flows for the highest consecutive seven-day flow period during the year and multiplying the resultant number by 1.5; and

(2) the maximum design flow shall be determined by averaging the measured daily flows for the highest consecutive seven-day flow period during the year and multiplying the resultant number by 2.0.

Subp. 4. **Seasonal use; other establishments.** Seasonal use occurs when other establishments are occupied or used for less than 180 days per year and less than 120 days consecutively. In no case shall a seasonal use establishment be converted to full-time use until the soil treatment system meets the size requirements using the average design flow under subpart 3.

Average design flow shall be used to size soil treatment systems. Maximum design flow shall be used to size sewage tanks.Design flows shall be calculated using estimated or measured values according to items A and B:

A. Estimated average and maximum design flows: the best available data as provided by the agency shall be used if estimating the average and maximum design flows.

B. Measured average and maximum design flows:

(1) the average design flow shall be determined by averaging the measured daily flows for the highest consecutive seven-day flow period during the year; and

(2) the maximum design flow shall be determined by averaging the measured daily flows for the highest consecutive seven-day flow period during the year and multiplying the resultant number by 2.0.

Subp. 5. **Water meter.** An individual sewage treatment system that serves other establishments must not be installed unless a water meter is provided to measure the flow to the treatment system. For metered systems that have sewage tank effluent pumped to a soil treatment system, an electrical event counter or other method of flow measuring must be employed.

7080.0130 SEWAGE TANKS.

Subpart 1. **In general.** All tanks, regardless of material or method of construction, must:

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

D. not be subject to corrosion or decay; ~~and~~

E. have the manufacturer's name, model number, and tank capacity in gallons permanently displayed on the tank above the outlet pipe~~.~~;

~~Any tank not having an integrally cast bottom shall~~

F. not be ~~installed when the water table is~~ constructed where saturated soil conditions are closer than three inches to the bottom of the excavation at the time of construction~~.~~;

G. be protected against flotation under high water table conditions; and

H. have a written and graphic warning label permanently displayed on manhole covers of sewage tanks warning of the hazardous conditions inside the tanks.

Subp. 2. **Design of septic tanks.** All tanks, regardless of material or method of construction, shall conform to the following criteria:

A. The liquid depth of any septic tank or compartment thereof shall not be ~~not~~ less than 30 inches. ~~A liquid depth greater than six and one-half feet shall not be considered in determining tank capacity.~~

B. No tank or compartment thereof shall have an inside horizontal dimension less than 24 inches.

C. Baffles shall be installed at each inlet and outlet ~~connections~~ of the tank ~~shall be submerged by means of baffles~~ and each compartment.

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

E. Inlet and outlet baffles shall be constructed of acid resistant concrete, acid resistant fiberglass, or plastic not subject to corrosion or decay. Inlet baffles not conducive to the movement of solids shall not be used.

[For text of items F and G, see M.R.]

H. The outlet baffle and the baffles between all compartments shall extend below the liquid surface a distance equal to 40 percent of the liquid depth except that the penetration of the indicated baffles or sanitary tees for horizontal cylindrical tanks shall be 35 percent of the total liquid depth. They also shall extend above the liquid surface as required in item D. In no case shall they extend less than six inches above the liquid surface. Gas deflecting baffles shall be installed on the outlet of the final tank of other establishments.

I. ~~There shall be at least one inch between the underside of the top of the tank and the highest point of the inlet and outlet devices.~~ The top of the inlet baffle may extend through the top of the tank or manhole cover. The cap must be easily accessible.

J. The inlet invert shall be ~~not less than three~~ at least two inches above the outlet invert in a single compartmented tank.

K. The inlet and outlet shall be located opposite each other along the axis of maximum dimension. The horizontal distance between the nearest points of the inlet and outlet ~~devices~~ baffles shall be at least four feet.

L. Sanitary tees shall be at least four inches in diameter. Inlet baffles shall be no less than six inches or no more than 12 inches measured from the end of the inlet pipe to the nearest point on the baffle. Outlet ~~baffles~~ sanitary tees shall be six inches measured from beginning of the outlet pipe to the nearest point on the baffle.

M. Access to the septic tank shall be as follows:

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[For text of subitem (1), see M.R.]

(2) There shall be an inspection pipe of at least four inches in diameter over both the inlet and outlet ~~devices~~ baffles. The inspection pipe shall extend through the tank cover or the manhole cover, be secured, and be capped flush or above finished grade. A downward projection of the center line of the inspection pipe shall be directly in line with the center line of the inlet or outlet device.

[For text of subitem (3), see M.R.]

N. Compartmentation of single tanks.

(1) A septic ~~tanks~~ tank larger than 3,000 gallons ~~and fabricated as a single unit~~ shall be divided into two or more compartments.

(2) When a septic tank is divided into two compartments, ~~not less than~~ the volume of the first compartment shall be between one-half ~~nor more than~~ and two-thirds of the total tank volume ~~shall be in the first compartment~~.

(3) When a septic tank is divided into three or more compartments, one-half of the total volume shall be in the first compartment and the other half equally divided in the other compartments.

(4) In compartmented tanks a minimum two-inch drop shall occur between the inlet and outlet of each compartment. Connections between compartments shall be baffled ~~so as~~ to obtain effective retention of scum and sludge. The submergence of the inlet and outlet baffles of each compartment shall be as specified in ~~items G and~~ item H.

(5) Adequate venting shall be provided between compartments by baffles or by an opening of at least 50 square inches near the top of the compartment wall.

(6) Adequate access to each compartment shall be provided by one or more manholes, at least 20 inches least dimension, and located within six feet of all walls of the tank. The manhole shall extend through the top of the tank compartment cover to a point ~~within~~ between zero and 12 inches of finished grade. If the manhole is ~~covered with less than~~ between zero and six inches of ~~earth~~ finished grade, the manhole cover must be secured to prevent unauthorized access.

O. Multiple tanks.

(1) Where more than one tank is used to obtain the required liquid volume, the tanks shall be connected in series.

(2) ~~Each tank shall comply with all other provisions of subpart 1.~~

~~(3)~~ No more than four tanks in series can be used to obtain the required liquid volume.

~~(4)~~ (3) The first tank shall be ~~no smaller~~ equal to or larger than any subsequent ~~tanks~~ tank in the series.

P. Outlet pipe from septic tank.

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

(4) The soil around the pipe extending from the septic tank must be compacted to at least original density for a length of three feet beyond the edge of the tank excavation.

Subp. 3. **Liquid capacity of septic tanks.** A liquid depth greater than 78 inches shall not be considered in determining tank capacity. Liquid capacity of septic tanks~~:~~ is as described in items A to E.

A. Dwellings. The liquid capacity of a septic tank serving a dwelling shall be based on the number of bedrooms ~~contemplated~~ existing and anticipated in the dwelling served and shall be at least as large as the liquid capacities given ~~below~~ in Table II (see part 7080.0020, subpart 7)~~:~~.

Table II

Number of Bedrooms	Septic Tank Liquid Capacities (gallons)
2 or less	750
3 or 4	1,000
5 or 6	1,500
7, 8 or 9	2,000

For ten or more bedrooms, the septic tank shall be sized as another establishment. See item B.

B. Other establishments. The liquid capacity of a septic tank serving an establishment other than a dwelling shall be sufficient to provide a sewage detention period of not less than 36 hours in the tank for ~~sewage~~ maximum design flows less than 1,500 gallons per day, but in no instance shall the liquid capacity be less than 750 gallons. For ~~sewage~~ maximum design flows greater than 1,500 gallons per day the minimum liquid capacity shall equal 1,125 gallons plus 75 percent of the ~~daily sewage~~ maximum design flow.

For restaurants and laundromats, twice the liquid capacity shown above must be provided. For laundromats the outlet baffle of the septic tank must be submerged to a depth of 50 percent.

C. Garbage disposals. If a garbage disposal unit is anticipated or installed in a residence or other establishment ~~at any time,~~ excluding restaurants, the septic tank capacity must be at least 50 percent greater than that required in items A and B and either multiple compartments or multiple tanks must be provided.

D. Pumping of raw sewage. ~~A sewage pump must not deliver sewage to a one~~ If waste containing toilet waste is pumped under pressure to a septic tank ~~system if the pump cycle delivers more than one percent of the liquid capacity of the tank. For systems with multiple tanks,~~ either subitem (1) or (2) must be used.

(1) At least two tanks in series or compartmented tank must be used, ~~each having at least~~ with the total tank(s) capacity being 1.5 times the liquid capacity specified in this subpart. The volume of sewage delivered in each pump cycle must not exceed five percent of the liquid capacity of the first tank or compartment. ~~Owners of multiple tank systems having more than two tanks may increase the volume of the sewage delivered in each pump cycle.~~

(2) A sewage pump must not deliver more than one percent of the liquid capacity of the tank. For systems with multiple tanks, at least two tanks in series or compartmented tanks must be used; each having at least the liquid capacity specified in this subpart. The volume of sewage delivered in each pump cycle must not exceed five percent of the liquid capacity of the first tank or compartment. Owners of multiple tank systems having more than two tanks may increase the volume of the sewage delivered in each pump cycle.

E. Garbage disposal and pumping of raw sewage. The liquid capacity of septic tanks shall be twice the amount as specified in item A or B if dwellings or other establishments, except restaurants, meet the criteria in both items C and D.

Subp. 4. **Location of ~~septic~~ sewage tanks.** The sewage tank shall be placed so that it is easily accessible for the removal of liquids and accumulated solids.

The sewage tank shall be placed on firm and settled soil capable of bearing the weight of the tank and its contents.

Sewage tanks shall be set back as specified in ~~Table IV,~~ part 7080.0170, subpart 2, item ~~B~~ A, Table IV.

Sewage tanks shall not be placed in areas subject to flooding or in flood plains delineated by local ordinances adopted in compliance with ~~the "Statewide Standards for Management of Flood Areas of Minnesota" (~~chapter 6120~~),~~ or in areas for which regional flood information is available from the DNR, except that in areas where ten year flood information is available from and/or approved by the DNR, sewage tanks may be installed as an alternative system in accordance with all provisions of part 7080.0210, subpart 3, item D.

Subp. 5. [See repealer.]

Subp. 6. **Aerobic tanks.** Aerobic tank treatment systems shall comply with the general requirements for sewage tanks set forth in subpart 1, and with the following:

A. The treatment system including each individual unit or compartment shall be easily accessible for inspection and maintenance and shall be provided with secured covers.

B. ~~The raw sewage flow from the dwelling shall be intercepted by a trash trap prior to its entering the aeration compartment. The trash trap shall have a net holding capacity of not less than 20 percent of the average daily flow. The invert level to the trap shall be above the liquid level and discharge directly into the trap. The outlet from the trap to the aeration compartment shall be deep baffled or equipped with a tee or long ell.~~

~~C. The trash trap shall be readily accessible for inspection and effective cleaning and shall be so constructed as to prevent unauthorized entry.~~

~~D. The aeration compartment shall have a minimum holding capacity of 500 gallons or 120 gallons per bedroom, whichever is greater.~~

~~E. The method of aeration shall be accomplished by mechanical aeration, diffused air, or both. The method used shall maintain aerobic conditions at all times.~~

~~F. The settling compartment shall have a minimum net holding capacity equal to 20 percent of the volume of the aeration compartment. The design shall provide for effective settling and continuous return of settled sludge to the aeration compartment.~~

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~~G. A minimum one year warranty and an initial two year service contract which specifies regular inspection calls and effluent quality checks shall be provided as a part of the purchase agreement.~~

~~H. All other features of the~~ Aerobic tanks ~~not specifically mentioned above~~ shall comply with National Sanitation Foundation Standard (NSF) No. 40 (November ~~1970~~ 1990), which is incorporated by reference. The publication is available through the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106. The publication can be found at the Minnesota State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155 and is not subject to frequent change. Effluent quality shall meet or exceed NSF class II standards.

C. No additional reduction in soil treatment or absorption area shall be allowed with the use of an aerobic tank.

D. A maintenance service contract acceptable to the permitting authority shall be maintained at all times.

7080.0150 DISTRIBUTION OF EFFLUENT.

Subpart 1. **General.** Supply pipes must be protected from freezing where the pipe passes under driveways, sidewalks, roadways, or other areas where deep frost penetration is expected.

Subp. 2. **Gravity distribution.**

A. Drop boxes or valve boxes must be used to distribute effluent to individual trenches in a soil treatment system unless the necessary elevation differences between trenches for drop boxes cannot be achieved by natural topography or by varying the excavation depths, in which case a distribution box or a valve box may be used. The drop boxes must meet the following standards.

(1) The drop box shall be watertight and constructed of durable materials not subject to corrosion or decay.

(2) The invert of the inlet pipe shall be at least one inch higher than the invert of the outlet pipe to the next ~~trench~~ drop box.

(3) The invert of the outlet pipe to the next ~~trench~~ drop box shall be at least two inches higher than the ~~invert~~ crown of the outlet pipe of the trench in which the box is located.

(4) When sewage tank effluent is delivered to the drop box by a pump, the pump discharge shall be directed against a wall or side of the box on which there is no outlet.

(5) The drop box shall ~~have a removable cover either flush or above finished grade or covered by no more than~~ be covered by a minimum of six inches of soil. If the top of the box is deeper than six inches, access must be provided above, at, or within six inches of finished grade.

(6) The drop box shall be placed on firm and settled soil.

B. Systems using valve boxes shall comply with the requirements in part 7080.0170, subpart ~~2, item D~~ 3. The valve boxes shall meet the standards in subitems (1) to ~~(4)~~ (5).

[For text of subitems (1) and (2), see M.R.]

(3) When sewage tank effluent is pumped to a valve box, either a baffle wall must be installed in the valve box or the pump discharge must be directed against a wall or side of the box on which there is no outlet. The baffle must be secured to the box and extend at least one inch above the crown of the inlet ~~flow line~~ pipe.

(4) The valve box shall ~~have a removable cover either flush or above finished grade or covered by no more than~~ be covered by a minimum of six inches of soil. If the top of the box is deeper than six inches, access must be provided above, at, or within six inches of finished grade.

(5) The valve box shall be placed on firm and settled soil.

C. ~~The~~ Distribution boxes must meet the following standards:

(1) The box must be watertight ~~with either a removable cover or a cleanout pipe extending to finished grade~~ and must be constructed of durable materials not subject to corrosion or decay.

(2) The distribution box shall be covered by a minimum of six inches of soil. If the top of the box is deeper than six inches, access must be provided above, at, or within six inches of the finished grade.

(3) The inverts of all outlets must be set and maintained at the same elevation.

~~(3)~~ (4) The inlet invert must be either at least one inch above the outlet inverts or be sloped such that an equivalent elevation above the outlet invert is obtained within the last eight feet of the inlet pipe.

~~(4)~~ (5) Each drain field trench line must be connected separately to the distribution box and must not be subdivided. Distribution boxes must not be connected to one another if each box has distribution pipes. A series of trenches served by a distribution box must be the same length.

~~(5)~~ (6) When sewage tank effluent is delivered to the distribution box by pump, either a baffle wall must be installed in the distribution box or the pump discharge must be directed against a wall or side of the box on which there is no outlet. The baffle must be secured to the box and must extend at least one inch above the crown of the inlet ~~flow line~~ pipe.

D. Distribution pipes.

(1) Distribution pipes used in trenches or beds for gravity distribution must be at least four inches in diameter and must be constructed of sound and durable material not subject to corrosion or decay or to loss of strength under continuously wet conditions. Distribution pipes must have a load bearing capacity of not less than 1,000 pounds per lineal foot.

(2) ~~Perforated pipe~~ Distribution pipes used for ~~sewage~~ gravity distribution ~~pipes~~ must have one or more rows of holes of no less than one-half inch in diameter spaced no more than 40 inches apart. Holes must be spaced to prevent failure due to loads. ~~Distribution pipes must have a load bearing capacity of not less than 1,000 pounds per lineal foot.~~

(3) The distribution pipes for gravity distribution must be laid level or on a uniform slope away from the distribution device of no more than four inches per 100 feet.

(4) Gravity distribution pipes in seepage beds must be uniformly spaced no more than five feet apart and not more than 30 inches from the side walls of the seepage bed.

~~(5) Other devices such as corrugated tubing wrapped with a permeable synthetic material or a chambered trench or bed may be used to distribute sewage tank effluent over the soil treatment area upon approval of the permitting authority.~~

Subp. ~~2~~ 3. **Pressure distribution.**

A. Pressure distribution must be used for the following soil treatment systems:

(1) all mound systems; ~~and~~

(2) all at-grade systems; and

(3) systems where the soil percolation rate is 0.1 to five minutes per inch if the effluent is pumped to a seepage bed or to trenches that are all at the same elevation.

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

D. Perforations must be no smaller than 3/16 inch diameter and no larger than one-quarter inch diameter. The number of perforations, perforation spacing, and pipe size for pressure distribution laterals must be as shown in Table ~~I~~ III. The friction loss in any individual perforated lateral must not exceed 20 percent of the average pressure head on the perforations.

Table ~~I~~ III

Maximum Allowable Number of One-Fourth Inch Diameter, or Smaller, Perforations Per Lateral

	Pipe Diameter, Nominal and Inside			
Perforation Spacing in feet	**1" 1.049**	**1-1/4" 1.380**	**1-1/2" 1.610**	**2" 2.067**
2.5	8	14	18	28
3	8	13	17	26
3.3	7	12	16	25
4	7	11	15	23
5	6	10	14	22

E. Perforation holes must be drilled straight into the pipe and not at an angle. The perforated pipe laterals must be installed level with the perforations downward. Perforation holes must be free of burrs.

F. Laterals must be spaced no further than 60 inches apart in seepage beds and must be spaced no further than a horizontal distance of 30 inches from the ~~bottom~~ outside edge of a drainfield rock layer.

[For text of items G and H, see M.R.]

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7080.0160 DOSING OF EFFLUENT.

Subpart 1. **Dosing chamber.** ~~A dosing device is not necessary in all situations but, where used, shall comply with the following requirements:~~

A. The dosing chamber shall be watertight and constructed of sound and durable materials not subject to excessive corrosion or decay, vented, and must be designed and constructed to withstand lateral pressures when the tank is empty.

B. There shall be one or more manholes, at least 20 inches least dimension and ~~preferably~~ located directly above the dosing device. The manhole shall extend through the dosing chamber cover to final grade and shall be so constructed as to prevent unauthorized entry.

C. ~~The size of the effluent dose shall be determined by design of the soil treatment unit but in no case shall the dosing chamber be sized to provide a dose of less than 75 gallons.~~ The dosing chamber shall either include an alternating two-pump system or shall be a minimum of a 500-gallon tank or 100 percent of the average design flow, whichever is greater.

D. Where the dosing device is a pump, an alarm device shall be installed to warn of pump failure.

E. Pumps shall be elevated from the bottom of the dosing chamber to protect the pump from settled solids. The pump, pump controls, and pump discharge line shall be installed so as to be accessible for servicing without entering the dosing chamber.

F. Electrical installations shall comply with applicable laws and ordinances including the latest codes, rules, and regulations of public authorities having jurisdiction and with part 1315.0200, incorporating the National Electrical Code.

Subp. 2. **Dosing devices for gravity distribution.** Dosing devices for gravity distribution:

A. Where a dosing device is employed, a pump or siphon shall deliver the dose to the soil treatment ~~unit~~ system for gravity distribution over the soil treatment area.

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

~~G. Where the dosing device is a pump, an alarm device shall be installed to warn of pump failure.~~

Subp. 3. **Dosing devices for pressure distribution.** Dosing devices for pressure distribution:

A. The dosing device shall be a pump which is cast iron or bronze fitted and with stainless steel screws or constructed of sound, durable, and corrosion-resistant materials.

B. The pump discharge capacity shall be based upon the perforation discharges for an average head of 1.0 ~~feet~~ foot for ~~residential systems~~ dwellings and 2.0 feet for other establishments. Perforation discharge will be determined by the following formula:

$Q = 19.65\ cd^2h^{1/2}$

where: Q = discharge in gallons per minute

c = 0.60 = coefficient of discharge

d = perforation diameter in inches

h = head in feet.

C. The pump discharge head shall be at least five feet greater than the head required to overcome pipe friction losses and the elevation difference between the pump and the distribution device.

D. The quantity of effluent delivered for each pump cycle shall be no greater than 25 percent ~~of one day's sewage~~ the average design flow.

E. ~~An alarm device shall be installed to warn of pump failure.~~

~~F.~~ A siphon will not be allowed as a dosing device to deliver effluent to a pressure distribution system.

~~G. The dosing chamber for a pressure distribution system shall either include a two pump system or shall be sized to include a minimum reserve capacity of 75 percent of the daily design flow.~~

7080.0170 FINAL TREATMENT AND DISPOSAL.

Subpart 1. **In general.** Final treatment and disposal of all sewage tank effluent shall be by ~~means of soil treatment and disposal~~ discharge into the soil.

~~Subp. 2. Standard system.~~

A. ~~Sizing:~~

~~(1)~~ The required soil treatment area shall be determined by the ~~daily sewage~~ average design flow and the ~~percolation rate of the~~ soil sizing factor.

(2) Acceptable methods for estimating sewage flow for dwellings are given in Table II. The minimum daily sewage flow estimated for any dwelling shall provide for at least two bedrooms. For multiple residential units, the estimated daily sewage flow shall consist of the sum of the flows of each individual unit.

Table II. Sewage flow (gallons per day).

Number of Bedrooms	Classification of Dwelling* I	II	III	IV
2	300	225	180	-
3	450	300	218	-
4	600	375	256	-
5	750	450	294	-
6	900	525	332	-

*Table II is based on the following formulas:

Classification I: Sewage Flow = 150 x (No. of Bedrooms)

The total floor area of the residence divided by the number of bedrooms is more than 800 square feet per bedroom, or more than two of the following water-use appliances are installed: automatic washer, dishwasher, water softener, garbage disposal, or self-cleaning humidifier in furnace.

Classification II: Sewage Flow = 75 x (No. of Bedrooms +1)

More than 500 square feet of total residence floor area per bedroom and no more than two of the water-use appliances listed in Classification I.

Classification III: Sewage Flow = 66 + 38 x (No. of Bedrooms +1)

Less than 500 square feet of total residence floor area per bedroom and no more than two of the water-use appliances listed in Classification I.

Classification IV: Classification I, II, or III but with no toilet wastes discharged into the sewage system. If a greywater system is employed pursuant to part 7080.0210, subpart 4, item B, Appendix A, estimated sewage flow shall equal 60 percent of the amount provided in column I, II, or III of Table II.

(3) For other establishments, the daily sewage flow shall be determined as provided in part 7080.0020, subpart 34.

(4) Table III gives the required trench bottom area assuming six inches of drainfield rock below the distribution pipe. The required bottom area may be reduced, for trenches only, by the following percentages: 20 percent for 12 inches of drainfield rock below the distribution pipe; 34 percent for 18 inches; and 40 percent for 24 inches. Unless pressure distribution is used, all seepage bed bottom areas must be 1.5 times the soil treatment areas required in Table III.

Table III

Percolation Rate (Minutes per inch)	Required Soil Treatment Area in Square Feet of Trench Bottom (Per Gallon of Sewage Flow per Day)
Faster than 0.1*	-
0.1 to 5**	0.83****
6 to 15	1.27
16 to 30	1.67
31 to 45	2.00
46 to 60	2.20
61 to 120***	-
Slower than 120*****	

*See items F and G for special requirements for these soils.

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~~***See items E and G for special requirements for these soils.~~

~~****For soils having more than 50 percent of very fine sand by weight, plus fine sand having a particle size range of 0.05 millimeters (sieve size 270) to 0.25 millimeters (sieve size 60), the required soil treatment area is 1.67 square feet per gallon of sewage flow per day.~~

~~*****See item E and part 7080.0210, subpart 5, item A, for special requirements for these soils.~~

B. Distribution shall be made in accordance with all applicable requirements of part 7080.0150.

Subp. 2. **Trenches and seepage beds.**

~~B.~~ A. Location:

(1) On slopes ~~in excess of~~ greater than 12 percent, the soil profile shall be carefully evaluated in the location of the proposed soil treatment system and downslope to identify the presence of layers with different permeabilities that may cause sidehill seepage. In no case shall a trench be located within 15 feet of where such a layer surfaces on the downslope.

(2) Seepage bed construction shall be limited to areas having natural slopes of less than six percent. Beds shall not be placed in soils with percolation rates faster than 60 minutes per inch or in floodplain areas.

(3) Soil treatment systems shall be located as specified in Table IV.

Table IV. Minimum setback distances (feet).

Feature	Sewage Tank	Soil Treatment or Absorption Area
Water Supply ~~well less than 50 feet deep and not encountering at least ten feet of impervious material~~	*	*
~~Any other water supply well or~~ wells buried water suction pipe, and	*	*
Buried pipe distributing water under pressure	*	*
Buildings*	10	20
Property Lines	10	10
The Ordinary High Water Level of Public Waters	**	**

*For structures other than buildings these setbacks may be reduced if necessary due to site conditions, but in no case shall any part of the individual sewage treatment system be located under or within the structure.

*Setbacks from water supply wells and buried water pipes are governed by chapter 4725.

**Setbacks from lakes, rivers, and streams are governed by chapters 6105 and 6120.

[For text of subitem (4), see M.R.]

~~(5) Soil treatment areas of individual sewage treatment systems that are designed to treat an estimated daily sewage flow greater than 3,000 gallons per day must be separated from other similarly sized systems by at least 300 feet.~~

B. Distribution medium.

(1) General. Distribution medium shall consist of drainfield rock, gravelless drainfield pipe, or a chambered system.

(2) Drainfield rock.

(a) Drainfield rock shall meet the requirements of part 7080.0020, subpart 15a.

(b) There shall be a layer of at least six but no more than 24 inches of drainfield rock below the distribution pipe. The drainfield rock shall completely encase the top and sides of the distribution pipes to a depth of at least two inches. The total thickness of rock-filled trenches shall not exceed 30 inches.

(3) Gravelless drainfield pipe. Gravelless drainfield pipe including appurtenances shall be:

(a) of commercially fabricated corrugated plastic pipe completely encased by the manufacturer in a geotextile wrap specific to this purpose;

(b) an eight-inch or ten-inch nominal ID pipe that conforms to subunits i and ii and meets the requirements of American Society of Testing Materials (ASTM) F667, which is incorporated by reference. The annual book of ASTM standards F667 "Standard Specification for Large Diameter Corrugated Polyethylene Tubing and Fittings" was issued in 1985 and is available at ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103. The standards can be found at the Minnesota State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155 and is not subject to frequent change.

i. The pipes must be marked with an alignment stripe visible through the geotextile wrap and installed with this stripe at top center.

ii. The pipes shall contain two rows of cleanly cut three-eighths inch to one-half inch diameter holes located 120 degrees apart, with each row 120 degrees to each side of the alignment stripe. Each row shall contain a hole in every other corrugation valley, staggered such that every corrugation valley contain one hole.

(c) geotextile wraps specifically designed and tested for use with gravelless pipe and for installation and use in individual sewage treatment systems and designed to transmit sewage at a long-term acceptage rate which corresponds to the sizing factor as prescribed in item C, subitem (2); and

(d) protected from heat and ultraviolet rays prior to installation.

(4) Chambered systems. Chamber media including all piping and appurtenances shall be constructed:

(a) of commercially fabricated materials specific to this purpose;

(b) of materials resistant to sewage tank effluent;

(c) with an open bottom;

(d) to support the load of overburden and sidewall soil;

(e) with slotted or perforated sides to allow sewage to move laterally into the soil and prevent soil penetration into the chamber;

(f) no greater than three feet in width; and

(g) with vertical outside dimensions less than 30 inches.

C. Sizing.

(1) Drainfield rock media. Table V gives the soil sizing factors used to calculate trench bottom area assuming six inches of drainfield rock below the distribution pipe. The trench bottom area is calculated by multiplying the average design flow by the appropriate soil sizing factor. The bottom area may be reduced, for trenches only, by the following percentages: 20 percent for 12 inches of drainfield rock below the distribution pipe; 34 percent for 18 inches; and 40 percent for 24 inches. Unless pressure distribution is used, all seepage bed bottom areas must be 1.5 times the soil sizing factors required in Table V.

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Table V

Soil Sizing Factors

Percolation Rate (Minutes per Inch)	(Square Feet of Trench Bottom per Gallon of Average Design Flow per Day)
Faster than 0.1*	-
0.1 to 5**	0.83****
6 to 15	1.27
16 to 30	1.67
31 to 45	2.00
46 to 60	2.20
61 to 120***	-
Slower than 120*****	

*See part 7080.0210, subpart 3, item B, for special requirements for these soils.

**See subpart 4, or part 7080.0210, subpart 3, item B, for special requirements for these soils.

***See subpart 5 or part 7080.0210, subpart 3, item A, subitem (1), for special requirements for these soils.

****For soils having more than 50 percent of very fine sand by weight, plus fine sand having a particle size range of 0.05 millimeters (sieve size 270) to 0.25 millimeters (sieve size 60), the soil sizing factor is 1.67 square feet per gallon of sewage flow per day.

*****See part 7080.0210, subpart 3, item A, subitem (2), for special requirements for these soils.

(2) Gravelless drainfield pipe media. Sizing shall be based on subitem (1), except no reduction shall be given as specified in subitem (1). An eight-inch ID pipe shall be equivalent to a two-foot wide rock bed with six inches of drainfield rock below the distribution pipe and a ten-inch ID pipe shall be equivalent to a three-foot wide rock bed with six inches of drainfield rock below the distribution pipe.

(3) Chambered media. Sizing shall be based on subitem (1). Sizing shall be equivalent to a rock filled trench with six inches of rock below the distribution pipe.

~~C.~~ D. Design and construction:

(1) The bottom and sides of trenches and beds shall be in original soils at least three feet above ~~the water table~~ saturated soil or bedrock. In no case shall the bottom of the distribution medium be deeper than 48 inches from the final grade.

(2) The trenches shall ~~be~~ not be less than 18 inches nor more than 36 inches wide. Any excavation wider than 36 inches shall be considered a bed. No bed may be wider than 25 feet and parallel beds must not be located closer than ten feet apart. The width of the excavation for gravelless drainfield pipe and chambered systems shall be per manufacturer's recommendation.

(3) ~~Trenches and beds shall be not more than 100 feet in length~~ Drainfield rock must be used as the distribution medium in seepage beds.

(4) ~~The bottom of the trench or bed excavation shall be level.~~

~~(5)~~ The bottom and sides of the soil treatment system to the top of the ~~drainfield rock~~ distribution medium shall be excavated in such a manner as to ~~leave the soil in a natural,~~ expose the original soil structure in an unsmeared, and uncompacted condition. Excavation into the soil treatment area shall be made only when the soil moisture content is at or less than the plastic limit at all depths of excavation.

~~(6)~~ (5) ~~When the percolation rate is slower than 15 minutes per inch, excavation shall be by backhoe or other means that allow the equipment wheels or tracks to remain on the surface soil.~~ Excavation equipment or other vehicles shall not be driven on the ~~soil treatment area~~ excavated trench or seepage bed bottom. Once excavated, the trench or seepage bed shall not be exposed to rainfall prior to placement of the final backfill.

~~(7) There shall be a layer of at least six but no more than 24 inches of drainfield rock in the bottom of the trenches and beds.~~

~~(8) Where disposal trenches are constructed within ten feet of trees six inches or larger in diameter, or dense shrubbery, or where it can reasonably be anticipated that such vegetation will be present during the expected life of the system, at least 12 inches of drainfield rock shall be placed beneath the distribution pipe.~~

~~(9) The drainfield rock shall completely encase the top and sides of the distribution pipes to a depth of at least two inches. The top of the drainfield rock in trenches, beds, and mounds must be level in all directions.~~

(6) A vertical inspection pipe at least 1-1/2 inches in diameter shall be installed and secured in the distribution medium of every trench or seepage bed. The inspection pipe must be located at an end opposite from where the sewage tank effluent enters the medium. The inspection pipe must have three-eighths inch or larger perforations spaced vertically no more than six inches apart. At least two perforations must be located in the distribution medium. No perforations shall be located above the geotextile cover or wrap. The inspection pipe must extend to the bottom of the distribution medium and must be capped flush with or above finished grade.

(7) The top and bottom of the distribution medium shall be level in all directions.

~~(10)~~ (8) ~~The~~ Drainfield rock must be covered with ~~either a permeable synthetic fabric or a four-inch compacted layer of hay or straw covered with untreated building paper. Where a drop box distribution system is used to fill a trench to within two inches of the top of the drainfield rock, a permeable synthetic fabric must be used to cover the drainfield rock~~ a durable nonwoven geotextile cover specific to this purpose. The cover must be of sufficient strength to undergo installation without rupture. In addition, the cover must permit passage of water without allowing the passage of overlying soil material into drainfield rock.

(9) The minimum depth of cover over the distribution medium shall be at least six inches.

~~(11)~~ (10) The trenches or beds shall be backfilled and crowned above finished grade to allow for settling. The top six inches of soil shall have the same texture ~~and density~~ as the adjacent soil.

~~(12) The minimum depth of cover over the distribution pipes shall be at least eight inches. The maximum depth of cover over the distribution pipes shall be no more than 36 inches and preferably no more than 24 inches.~~

~~(13)~~ (11) A grass cover shall be established ~~by the owner or the owner's agent~~ over the soil treatment system. The soil treatment system shall be protected until a grass cover is established.

(12) All joints for gravelless drainfield pipes or chambered systems must be secured as recommended by the manufacturer.

~~(14) A vertical inspection pipe at least 1-1/2 inches in diameter must be installed in each drainfield rock layer of every trench or seepage bed. The inspection pipe must be located at an end opposite from where the sewage tank effluent enters the rock layer. The inspection pipe must have 3/8 inch or larger perforations spaced vertically no more than six inches apart. At least two perforations must be located in the rock layer. The inspection pipe must extend to the bottom of the rock layer and must be capped flush with or above finished grade.~~

(13) Backfilling for gravelless drainfield pipe and chambered systems shall not crush or damage the medium.

~~D.~~ Subp. 3. **Dual field systems.**

~~(1)~~ A. Dual field systems shall be used only where the percolation rate is slower than five minutes per inch.

~~(2)~~ B. Dual field systems shall be sized, designed, and constructed as set forth above for standard systems except as follows:

~~(a)~~ (1) The soil treatment area shall be divided into two or more parts.

~~(b)~~ (2) Alternating soil treatment areas shall each be connected to a valve box outlet.

~~(3)~~ C. A part of the soil treatment area shall be used no more than one year unless inspection of the effluent level indicates that a longer duration can be used.

~~E. Slowly permeable soils.~~

~~(1) Excavation for the purpose of constructing a soil treatment system must not be made in any soil layer having a percolation rate slower than 120 minutes per inch.~~

~~(2) Excavation for the purpose of constructing a soil treatment system must not be made in a soil layer having a percolation rate slower than 60 minutes per inch unless the moisture content is lower than the plastic limit of the soil.~~

~~(3) Drainfield rock must not be placed in contact with original soil having a percolation rate slower than 60 minutes per inch.~~

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~~(4) Where the percolation rate of the original soil is slower than 60 minutes per inch, at least 12 inches of fill material having a texture defined as sand must be placed between the drainfield rock and the original soil along the excavation bottom.~~

~~(5) Construction equipment wheels or tracks must not be placed in contact with the bottom of the excavation during the construction of a soil treatment system in soils having a percolation rate slower than 15 minutes per inch.~~

~~(6) The size of the soil treatment system must be based on an acceptance rate of 0.24 gallons per square foot, which is equivalent to a sizing factor of 4.2 square feet per gallon per day.~~

~~F.~~ Subp. 4. **Rapidly permeable soils.**

~~(1) Drainfield rock for a soil treatment unit must not be placed in contact with original soil having a percolation rate faster than one-tenth minute per inch.~~

~~(2) For coarse soils having a percolation rate faster than one-tenth minute per inch, at least 12 inches of loamy sand textured soil having a percolation rate between six and 15 minutes per inch at the original site must be placed between the drainfield rock and the coarse soil along the excavation bottom and sidewalls. The size of the soil treatment system must be based on the required treatment area for a soil having a percolation rate of 16 to 30 minutes per inch as specified in item A, subitem (4).~~

~~(3) For~~ Soil treatment systems placed in soils with percolation rates between one-tenth and five minutes per inch, must provide at least one of the following treatment techniques ~~must be used~~:

~~(a)~~ A. distribute the sewage tank effluent by pressure flow over the treatment area as specified in part 7080.0150, subpart ~~2~~ 3;

~~(b)~~ B. divide the total soil treatment area into at least four ~~equal~~ parts ~~connected serially; or~~ with no part larger than 25 percent of the area required by subpart 2, item C, and the parts constructed for serial application.

~~(c) provide at least 12 inches of loamy sand textured soil with a percolation rate between six and 15 minutes per inch in situ between the drainfield rock and the coarse soil. Trenches must be used with this liner system. The size of the soil treatment system must be based on the required treatment area for a soil having a percolation rate between 16 to 30 minutes per inch as specified in item A, subitem (4), Table III.~~

~~G.~~ Subp. 5. **Mounds.**

~~(1)~~ A. Location.

(1) Mounds must be constructed on original soils so that there is at least 36 inches of separation between the bottom of the drainfield rock ~~layer~~ bed and ~~limiting soil characteristics as defined in part 7080.0020, subpart 41~~ saturated soil or bedrock.

(2) There must be at least 12 inches of original soil with a percolation rate faster than 120 minutes per inch above ~~the limiting soil characteristics as defined in part 7080.0020, subpart 41~~ saturated soil or bedrock.

~~(3) Where the original soil has a depth of at least 12 inches to the water table as the limiting soil characteristic but has a percolation rate of five minutes per inch or faster, a layer of at least 12 inches of loamy sand textured soil with a percolation rate between six and 15 minutes per inch at the original site must be placed before placing the clean sand layer of the mound. The required absorption width must be determined for a soil having a percolation rate between 16 and 30 minutes per inch as specified in subitem (5), Table V.~~

~~(4) If original soil conditions do not exist on a site proposed for a mound, as defined in part 7080.0020, subpart 24, the site is unsuitable for a mound.~~

~~(5) The allowable absorption area loading rate must be determined according to Table V by the percolation rate of the 12 inches of original or fill soil immediately under the sand layer.~~

(3) Setbacks shall be in accordance with Table IV, subpart 2, item A, subitem (3). For mounds on slopes less than or equal to one percent, the absorption area is the required absorption width by rock bed length plus five feet on each end of the rock bed. For mounds on slopes greater than one percent, the absorption area is the required absorption width plus five feet on the upslope side of the rock bed by rock bed length plus five feet on each end of the rock bed.

(4) Absorption areas shall not be placed in areas subject to flooding as described in subpart 2, item A, subitem (4).

(5) On slopes of one percent or greater, and where the percolation rate in the top foot of original soil is in the 61 to 120 minutes per inch range, mounds must not be located where the ground surface contour lines directly below the long axis of the rock bed represent a swale or draw, unless the contour lines have a radius of curvature greater than 100 feet. Mounds must never be located in swales or draws where the radius of curvature of the contour lines is less than 50 feet.

B. Design. Drainfield rock must be used as the distribution medium in mounds.

(1) The bottom area of the rock bed shall be calculated by multiplying the average design flow by 0.83 square feet per gallon per day.

(2) The width of a single rock bed must not exceed ten feet.

(3) A minimum of 12 inches of clean sand must be placed where the rock bed is to be located.

(4) The required absorption width is calculated by multiplying the rock bed width by the absorption ratio. The absorption ratio shall be determined according to Table VI using the percolation rate of the upper 12 inches of soil in the proposed absorption area.

Table ~~V~~ VI

Percolation rate of original soil under sand layer, minutes per inch	~~Allowable~~ Absorption ~~area loading rate~~ ratio ~~gallons per day per square foot~~	~~square feet per gallon per day~~
Less than 5	1.00	
6 to 15	~~0.79~~ 1.50	~~1.27~~
16 to 30	~~0.60~~ 2.00	~~1.67~~
31 to 45	~~0.50~~ 2.40	~~2.00~~
46 to 60	~~0.45~~ 2.67	~~2.20~~
61 to 120	~~0.24~~ 5.00	~~4.20~~
120 plus	*See part 7080.0210, subpart 3, item A, subitem (2)	

~~(6)~~ (5) The required absorption width ~~of~~ for mounds constructed on ~~ground sloping~~ slopes from zero to ~~2.9~~ one percent ~~must include~~ shall be centered under the rock bed width ~~of the rock layer plus a distance measured between the outer edges of the upslope and the downslope banks~~. The required absorption width for mounds constructed on ~~ground sloping between three and 12~~ slopes greater than one percent ~~must include the width under the drainfield rock layer plus a portion of the width of the~~ shall be measured downslope ~~bank~~ from the upslope edge of the rock bed width.

~~(7)~~ (6) Mounds may be located on natural slopes exceeding 12 percent if the absorption area is designed to be at least 25 percent larger than that required in Table ~~V~~ VI.

~~(8) The bottom area of the drainfield rock layer must be sized on the basis of 0.83 square feet per gallon of waste per day.~~

~~(9) The width of the drainfield rock layer in a single bed must not exceed ten feet.~~

~~(10) A rubber tired tractor may be used for plowing or discing but must not be driven on the absorption area after the surface preparation is completed. A crawler or track type tractor must be used for mound construction where the soil percolation rate is slower than 15 minutes per inch.~~

~~(11) The discharge pipe from the pump to the mound area must be installed before soil surface preparation. The trench must be carefully backfilled and compacted to prevent seepage of effluent.~~

~~(12) All vegetation in excess of four inches in length and dead organic debris must be removed from the surface of the total area selected for the mound, including the area under the banks. The total area must be roughened by plowing to a depth of at least eight inches or the sod layer broken and roughened by backhoe teeth. Furrows must be thrown uphill and there must be no dead furrow under the mound. The soil must be plowed or roughened when the moisture content of a fragment eight inches below the surface is below the plastic limit. The soil under a mound, including the area under the banks, must not be roughened by rototilling or pulverizing. In soils having percolation rates faster than 15 minutes per inch (sandy loam) in the top eight-inch depth, discing may be used for surface preparation as a substitute for plowing. Mound construction must proceed immediately after surface preparation is completed. The original soil must not be excavated or moved more than one foot from its original location during soil surface preparation.~~

~~(13) A minimum of 12 inches of soil defined as sand must be placed where the drainfield rock is to be located. This sand~~

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~~must be placed by using a construction technique that minimizes compaction. If the sand is pushed into place, a crawler tractor with a blade or unloaded bucket must be used to push the sand into place. At least six inches of sand must be kept beneath equipment to minimize compaction of the plowed layer. When placing sand with a backhoe that has rubber tires, the tractor must not drive over the drainfield rock or banks of the mound. The sand layer upon which the drainfield rock is placed must be level.~~

(7) The side slopes on the mound must not be steeper than three horizontal units to one vertical unit and shall extend beyond the required absorption area, if necessary.

(8) On slopes of ~~three~~ one percent or greater, ~~the long axis of the level drainfield rock layer must not diverge up or down the slope by more than 12 inches of elevation from the natural contour line.~~ the depth of the sand layer along the upper edge of the level ~~drainfield~~ rock ~~layer~~ bed must not vary by more than 12 inches in depth.

(9) Whenever mounds are located on slopes greater than one percent, a diversion must be constructed immediately upslope from the mound to intercept and direct runoff.

(10) A maximum of two ten-foot wide beds may be installed side by side in a single mound if the original soil percolation rate is between five and 60 minutes per inch to a depth of at least 24 inches below the sand layer. The beds must be separated by four feet of clean sand.

(11) Distribution of effluent over the rock bed must be by level perforated pipe under pressure. A pump must be used as specified in part 7080.0160, subpart 3.

(12) The rock bed shall completely encase the top and sides of the distribution pipes to a depth of at least two inches above the pipe. The rock shall extend nine inches below the pipe.

(13) A vertical inspection pipe at least 1-1/2 inches in diameter shall be installed and secured at each rock bed/sand interface of every mound. The inspection pipe must have three-eighths inch or larger perforations spaced vertically no more than six inches apart. At least two perforations must be located in the rock bed. No perforations shall be located above the permeable synthetic fabric. The inspection pipe must extend to the bottom of the rock bed and must be capped flush with or above finished grade.

(14) The rock bed must be covered with a durable nonwoven geotextile cover specific to this purpose. The cover must be of sufficient strength to undergo installation without rupture. In addition, the cover must permit passage of water without passage of overlying soil material into the drainfield rock.

(15) Sandy to loamy soil material must be placed on the rock bed to a depth of one foot in the center of the mound and to a depth of six inches at the sides. When two rock beds are installed side by side, the soil material must be 18 inches deep at the center of the mound and six inches deep at the sides.

(16) Six inches of top soil must be placed over the entire mound. Topsoil does not include peat soil textures.

~~On slopes of three percent or greater, and where the percolation rate in the top foot of original soil is in the 61 to 120 minutes per inch range, mounds must not be located where the ground surface contour lines directly below the long axis of the drainfield rock layer represent a swale or draw, unless the contour lines have a radius of curvature greater than 100 feet. Mounds must never be located in swales or draws where the radius of curvature of the contour lines is less than 50 feet.~~

~~(14) A depth of at least nine inches of drainfield rock must be placed over the bed area below the distribution pipe.~~

~~(15) Distribution of effluent over the drainfield rock layer must be by perforated pipe under pressure.~~

~~(16) The drainfield rock shall completely encase the top and sides of the distribution pipes to a depth of at least two inches. The top of the drainfield rock must be level in all directions.~~

~~(17) The drainfield rock must be covered with either a permeable synthetic fabric or a four-inch layer of hay or straw covered with untreated building paper.~~

~~(18) Construction vehicles must not be allowed on the drainfield rock until backfill is placed.~~

~~(19) Sandy loam soil must be placed on the drainfield rock to a depth of one foot in the center of the mound and to a depth of six inches at the sides.~~

~~(20) A maximum of two ten-foot wide beds may be installed side by side in a single mound if the original soil percolation rate is between five and 60 minutes per inch to a depth of at least 24 inches below the sand layer. The beds must be separated by four feet of clean sand.~~

~~(21) When two beds are installed side by side the sandy loam fill must be 18 inches deep at the center of the mound and six inches deep at the sides.~~

~~(22) Six inches of top soil must be placed on the fill material over the entire area of the mound.~~

~~(23) A grass cover must be established over the entire area of the mound.~~

~~(24) Shrubs must not be planted on the top of the mound. Shrubs may be placed at the foot and side slopes of the mound.~~

~~(25) The side slopes on the mound must not be steeper than three to one.~~

~~(26) Whenever mounds are located on slopes, a diversion must be constructed immediately upslope from the mound to intercept and direct runoff.~~

~~(27) A pump must be used as specified in part 7080.0160, subpart 3.~~

~~(28) A vertical inspection pipe at least 1-1/2 inches in diameter must be installed in each drainfield rock layer of every mound. The inspection pipe must have three-eighths inch or larger perforations spaced vertically no more than six inches apart. At least two perforations must be located in the rock layer. The inspection pipe must extend to the bottom of the rock layer and must be capped flush with or above finished grade.~~

C. Surface preparation.

(1) The supply pipe from the pump to the mound area must be installed before mound soil surface preparation. The trench excavated for the supply pipe must be carefully backfilled and compacted to prevent seepage of effluent.

(2) All vegetation in excess of two inches in length and dead organic debris must be removed from the absorption area. Trees must be cut nearly flush with the ground and stumps should not be removed.

(3) All surface preparation must take place when the upper eight inches of soil has a moisture content of less than the plastic limit and soil conditions allow field testing of soil properties and these properties are maintained throughout installation.

(4) The absorption area must be roughened by backhoe teeth or moldboard, or chisel plowed to a depth of eight inches. Discing is allowed if the upper eight inches of soil has a texture of sandy loam or courser. If plowed, furrows must be thrown uphill and there must not be a dead furrow in the absorption area. A rubber-tired tractor may be used for plowing or discing. Rototilling or pulverizing the soil is not allowed. The original soil must not be excavated or moved more than one foot from its original location during soil surface preparation.

(5) Prior to placement of six inches of clean sand, no vehicle shall be driven on the absorption area after the surface preparation is completed. If rainfall occurs on the prepared surface, the site must be allowed to dry below the plastic limit and roughened as specified in subitem (4).

D. Mound construction.

(1) The clean sand must be placed by using a construction technique that minimizes compaction. If the clean sand is driven on for construction, a crawler or track-type tractor must be used for mound construction. At least six inches of sand must be kept beneath equipment to minimize compaction of the prepared surface.

(2) The sand layer upon which the rock bed is placed must be level in all directions.

(3) The top of the rock bed must be level in all directions.

(4) Construction vehicles must not be allowed on the rock bed until backfill is placed.

(5) A grass cover must be established over the entire area of the mound. The soil treatment system shall be protected until a grass cover is established.

(6) Shrubs must not be planted on the top of the mound. Shrubs may be placed at the foot and side slopes of the mound.

Subp. 6. **At-grade systems.**

A. Location.

(1) At-grade systems must be constructed on original soils so that there is at least 36 inches of separation between the bottom of the rock bed and saturated soil or bedrock.

(2) Where required, percolation tests shall be conducted in the upper 12 inches of original soil in accordance with part 7080.0110, subpart 4, item E. At-grade systems are considered standard if constructed on soils with percolation rates faster than 61 minutes per inch.

(3) At-grade systems shall not be installed in areas with slopes greater than 25 percent.

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(4) Setbacks must be in accordance with subpart 2, item A, subitem (3), Table IV. Setbacks shall be measured from the edge of the rock bed.

B. Design.

(1) Rock bed absorption width shall be calculated by multiplying the linear loading rate by the soil sizing factor as identified in subpart 2, item C, Table V, using the percolation rate of the upper 12 inches of soil in the proposed absorption area. The linear loading rate shall be between two and eight gpd/ft as determined by the relationship between vertical and horizontal water movement in the soil. Total rock bed width for sloping ground shall consist of the rock bed absorption width plus enough rock on the upslope side to provide stability.

(2) Rock bed length shall be calculated by multiplying the soil sizing factor by the average design flow and dividing by the rock bed width.

(3) At-grade systems shall be pressurized in accordance with parts 7080.0150, subpart 3, and 7080.0160, subparts 1 and 3. Distribution pipe shall be installed in the center of the rock bed on slopes less than one percent and on the upslope edge at the rock bed absorption width on slopes one percent or greater.

C. Construction.

(1) Surface preparation for at-grade systems shall be in accordance with subpart 5, item C.

(2) Drainfield rock must be used as the distribution medium in at-grades.

(3) The at-grade system shall be installed along the natural contour with no more than a 12-inch difference in elevation from the upslope corners of the rock bed.

(4) The rock bed shall completely encase the top and sides of the distribution pipe to a depth of at least two inches above the pipe. There shall be at least nine inches of rock below the distribution pipe.

(5) The entire rock bed shall be covered with a durable nonwoven geotextile cover specific to this purpose. The cover must be of sufficient strength to undergo installation without rupture. In addition, the cover must permit passage of water without allowing the passage of overlying soil material into the drainfield rock.

(6) One foot of loamy soil cover shall be installed over the rock bed. Cover shall extend at least five feet from the ends of the rock bed and be sloped to divert surface water. Side slopes shall not be steeper than four horizontal units to one vertical unit. The upper six inches of the loamy soil cover must be topsoil. Topsoil must be of a quality that provides a good vegetative cover on the at-grade system and must exclude peaty material.

(7) Three vertical inspection pipes of at least 1.5 inches in diameter shall be installed and secured along the downslope portion of the rock bed. These pipes shall be located within three feet of the downslope edge of the rock bed at the middle and one-sixth of the total rock bed length and placed as measured from the ends of the rock bed. The inspection pipes shall have three-eighths inch or larger perforations spaced vertically no more than six inches apart. No perforations shall exist above the permeable synthetic fabric. The inspection pipes must extend to the rock bed/soil interface and must be stabilized and capped flush with or above finished grade.

(8) A grass cover must be established over the entire area of the at-grade. The soil treatment system shall be protected until a vegetative cover is established.

7080.0175 MAINTENANCE.

A. The individual sewage treatment system and all components must be maintained in compliance with this chapter and other manufacturer requirements.

B. The owner of an individual sewage treatment system or the owner's agent shall regularly, but in no case less frequently than every three years, inspect the septic tank, drop boxes, distribution boxes, soil treatment system, and other related appurtenances for signs of corrosion, leakage, accumulation of liquids and solids, and any other related items that may indicate the need for maintenance.

C. At each inspection, the accumulations of scum, which includes grease and other floating materials at the top of the septic tank along with the sludge, which includes the solids denser than water, must be measured or the contents removed. The owner of a septic tank or the owner's agent must arrange for the removal of septage from the tank whenever the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle. Maintenance shall take place through the manhole. All accumulations of sludge, scum, and liquids must be removed from the tank.

D. Individual sewage additives must not be used as a means to reduce the frequency of proper maintenance and removal of septage from the septic tank as specified in item B.

E. Whenever inspections of pump stations, distribution devices, valve boxes, or drop boxes indicate the accumulation of solids, the accumulation shall be considered septage.

F. Individual sewage treatment system additives which contain hazardous materials must not be used in individual sewage treatment systems in Minnesota.

G. Septage shall be disposed in accordance with state, federal, or local requirements.

H. If septage is disposed into a municipal sewage treatment facility, a written agreement must be provided between the accepting facility and the septage disposal firm.

I. Activities on the soil treatment area or the replacement soil treatment area which may impair the treatment abilities or hydraulic performance of the soil treatment system are prohibited.

7080.0176 SYSTEM ABANDONMENT.

A. For septic tanks, cesspools, leaching pits, dry wells, seepage pits, privies, and distribution devices, all solids and liquids shall be removed and disposed of in accordance with part 7080.0175. Abandoned chambers shall be removed or shall have covers removed or crushed and be filled with granular soil material. The filling shall leave no voids that will result in future settling.

B. Pipes shall be abandoned by plugging the ends with cement grout or in a manner that will not allow further use.

C. If soil treatment systems are removed, contaminated materials shall be properly handled to prevent human contact prior to disposal.

7080.0200 VARIANCE.

In any cases where a permit or review is required by a ~~state agency~~ permitting authority and, upon application of the responsible person or persons, that ~~agency~~ permitting authority 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, or that strict conformity with the standards would be unreasonable, impractical, or not feasible under the circumstances, the ~~agency~~ permitting authority in its discretion may permit a variance upon conditions as it may prescribe for prevention, control, or abatement of pollution in harmony with the general purpose of these standards and the intent of applicable state and federal laws.

7080.0210 APPENDIX A: ALTERNATIVE AND EXPERIMENTAL SYSTEMS.

Subpart 1. **General.** The intent of this appendix is to provide standards for the ~~design,~~ location, design, installation, use, and maintenance of alternative and experimental sewage treatment systems ~~in areas of limiting soil characteristics, or where a standard system cannot be installed or is not the most suitable treatment. Where such systems are employed, they shall comply with all local codes and ordinances, and be subject to timely inspections to assure adherence to specifications~~. They may be employed provided:

A. reasonable assurance of performance of the system is presented to the permitting authority;

B. the engineering design of the system is first approved by the permitting authority;

C. there is no discharge to the ground surface or to surface waters. Systems designed with a ground surface or surface water discharge are not covered under this chapter and must obtain a National Pollutant Discharge Elimination System or state disposal system permit from the agency;

D. a three-foot minimum separation is provided between the bottom of the distribution medium and the saturated soil or bedrock;

E. treatment and disposal of wastes is completed in a manner that protects the public health and general welfare; and

F. the system complies with all local codes and ordinances and is subject to periodic inspections by the permitting authority to assure adherence to specifications.

Subp. 2. **Adoption and use.** Where parts 7080.0010 to ~~7080.0210~~ 7080.0200 are administered by a municipality, those municipalities may adopt this appendix, in whole or in part, as part of a local code or ordinance. Nothing in parts 7080.0010 to ~~7080.0210~~ 7080.0200 or this appendix, however, shall require the adoption of any part of this appendix as local ordinance or code. Further, nothing in parts 7080.0010 to ~~7080.0210~~ 7080.0200 or this appendix shall require municipalities to allow the installation of any system in this appendix.

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This appendix defines the minimum requirements for alternative systems serving establishments or facilities licensed or otherwise regulated by the state of Minnesota or this agency pursuant to part 7080.0030.

Subp. 3. ~~Class I alternatives, modified standard~~ **Alternative systems.** The alternative systems in items A to K may be used only in areas where a standard system cannot be installed or is not the most suitable treatment.

A. ~~Extreme caution and careful planning shall be employed wherever limiting characteristics including, but not limited to, water table or bedrock exist within two feet of the original ground surface.~~

~~B. Fluctuating ground water.~~ Slowly permeable soils. The methods in subitems (1) and (2) may be used for slowly permeable soils.

(1) Soil treatment systems placed in soils with percolation rates between 61 and 120 minutes per inch shall comply with units (a) and (c) and part 7080.0170.

(a) Drainfield rock for trench systems must not be placed in contact with original soil having a percolation rate slower than 60 minutes per inch.

(b) Where the percolation rate of the original soil is slower than 61 minutes per inch, at least 12 inches of clean sand must be placed between the drainfield rock for trench systems and the original soil.

(c) If a mound system is necessary to overcome limitations to consolidate impermeable bedrock and all soil horizons above the bedrock have a percolation rate slower than 60 minutes per inch, the mound must be designed with a linear loading rate of four gallons per day per square foot or less as described in part 7080.0170, subpart 6, item B.

(d) The size of the soil treatment system must be based on a soil sizing factor of 4.2 square feet per gallon per day.

(2) Soils with percolation rates slower than 120 minutes per inch are subject to the requirements under units (a) and (b).

(a) Excavation for the purpose of constructing a soil treatment system must not be made in soil layer having a percolation rate slower than 120 minutes per inch.

(b) Mounds may be allowed on original soils with percolation rates slower than 120 minutes per inch if the following special design requirements, in addition to those listed in part 7080.0170, subpart 5, are used:

i. the width of the drainfield rock bed is determined by using a linear loading rate of four gallons per day per square foot or less as described in part 7080.0170, subpart 6, item B;

ii. beds are not to be installed side by side; and

iii. the absorption ratio used to calculate the required absorption width is 6.0.

B. Soils with percolation rates faster than one-tenth minute per inch and soils with a .1 to five minutes per inch percolation rate. Distribution medium for a soil treatment system must not be placed in contact with original soil having a percolation rate faster than one-tenth minute per inch. For coarse soils having a percolation rate faster than one-tenth minute per inch, at least 12 inches of loamy sand material having a percolation rate between six and 15 minutes per inch at the original site must be placed between the distribution medium and the coarse soil along the excavation bottom and sidewalls. The size of the soil treatment system must be based on the required treatment area for a soil having a percolation rate of 16 to 30 minutes per inch as specified in part 7080.0170, subpart 2, item C, subitem (1), Table V. This criteria may be used as an alternative design for soils with percolation rates between .1 and five minutes per inch.

C. Artificial drainage.

(1) Where natural drainage will not provide three feet of separation between the bottom of the ~~soil treatment area~~ distribution medium and the highest known ~~or calculated~~ level of ~~the water table, agricultural drain tile~~ saturated soil, artificial drainage may be used to intercept or lower the seasonal high water table, except within shorelands of public waters. There shall be at least ten feet of undisturbed soil between the sidewall of the soil treatment unit and the ~~agricultural drain tile~~ artificial drainage. Designs to lower the seasonal high water table must be supported by engineering calculations and monitoring after installation.

(2) Within shorelands of public waters, ~~agricultural drain tile~~ artificial drainage may be used to intercept the ~~seasonal~~ high water table provided the ~~ground~~ water table has a slope of at least two feet per hundred feet toward the public water and provided ~~the drain tile are installed~~ drainage is provided upslope of the soil treatment system. There shall be at least 20 feet of undisturbed soil between the sidewall of the soil treatment unit and the ~~agricultural drain tile~~ artificial drainage.

(3) In all cases the greatest practicable vertical separation distance from the ~~water table~~ system bottom to saturated soil shall be provided with a minimum of three feet.

~~C. Bedrock proximity. In no case shall drainfield rock of the soil treatment system be placed closer than three feet to crevieed bedrock or to consolidated permeable bedrock. When all horizons of the original soil profile have percolation rates slower than 60 minutes per inch, drainfield rock of the soil treatment system shall be placed no closer than seven feet to consolidated impermeable~~

~~bedrock. A maximum depth of 24 inches of sand may be used under the drainfield rock. Where additional fill is required to achieve the required separation distance, a soil having a percolation rate between five and 45 minutes per inch (loamy sand to silt loam) 12 months after placement shall be used. If it is not possible to allow the soil to settle for 12 months after placement, mechanical methods may be used to settle the fill to within ten percent of its density at the original site.~~

D. Floodplain areas.

(1) ~~The soil treatment area shall be a trench system with at least 12 inches of drainfield rock below the distribution pipe.~~ Seepage beds shall not be used in floodplain areas. There shall be no pipe or other installed opening between the ~~drainfield rock~~ distribution medium and the soil surface.

(2) ~~The~~ Trench ~~system~~ systems shall be located on the highest feasible area of the lot and shall have location preference over all other improvements except the water supply well. The bottom of the ~~trench~~ distribution medium shall be at least as high as the elevation of the ten-year flood. The sewage tank may be located so as to provide gravity flow to the ~~soil treatment area~~ trenches.

(3) If a ~~pumping station~~ dosing chamber is used to move effluent from the sewage tank to the ~~drain field~~ trenches, provisions shall be made to prevent the pump from operating when inundated with flood waters.

(4) When ~~fill~~ it is ~~needed~~ necessary to raise the elevation of the soil treatment area, a mound system as specified in part 7080.0170, subpart 5, may be used with the following additional requirement: The elevation of the mound shall be such that the elevation of the bottom of the rock ~~layer~~ bed shall be at least one-half foot above the ten-year flood elevation. Inspection ~~wells~~ pipes shall not be installed unless the top of the mound is above the elevation of the regional flood.

(5) When the top of ~~the~~ a sewage tank is inundated, the dwelling must cease discharging sewage into it. This may be accomplished by either temporarily evacuating the structure until the system again becomes functional, or by diverting the sewage into a holding tank sized and installed according to ~~the requirements below~~ item K.

(6) The building sewer shall be designed to prevent backflow of liquid into the building when the system is inundated. If a holding tank is ~~utilized~~ used, the building sewer shall be designed to permit rapid diversion of sewage into the holding tank when the system is inundated.

(7) If a holding tank is ~~utilized~~ used for a dwelling, its liquid capacity shall be equal to 100 gallons times the number of bedrooms times the number of days between the ten-year stage on the rising limb of the regional flood hydrograph and the ten-year stage on the falling limb of the hydrograph, or 1,000 gallons, whichever is greater. For other establishments, storage equal to at least five times the ~~estimated daily~~ average design flow must be provided. The holding tank must be accessible for removal of tank contents under flooded conditions.

(8) Whenever the water level has reached a stage above the top of ~~the~~ a sewage tank, the tank shall be pumped to remove all solids and liquids after the flood has receded before use of the system is resumed.

~~Subp. 4. Class II alternatives, reduced area systems.~~

~~A. Aerobic tanks. No additional reduction in soil treatment area shall be allowed with the use of an aerobic treatment tank.~~

~~B.~~ E. ~~Separate toilet waste and~~ Greywater ~~systems~~ system.

~~(1) General.~~ A toilet waste treatment device shall be used in conjunction with a greywater system. In all cases, only toilet wastes shall be discharged to toilet waste treatment devices. Greywater or garbage shall not be discharged to the device except as specifically recommended by a manufacturer.

~~(2) Toilet waste treatment devices.~~

~~(a) Toilet waste treatment devices shall be considered as one of two types: I, privies; and II, other devices, including, but not limited to, incinerating, composting, biological, chemical, recirculating, or holding toilets.~~

(1) Plumbing. The drainage system in new dwellings or other establishments shall be based on a pipe diameter of two inches to prevent installation of a water flush toilet. There shall be no openings or connections to the drainage system, including floor drains, larger than two inches in diameter. For repair or replacement of an existing system, the existing drainage system may be used.

Toilets or urinals of any kind shall not be connected to the drainage system. Toilet waste or garbage shall not be discharged to the drainage system.

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Garbage grinders shall not be connected to the drainage system.

(2) Building sewer. The building sewer shall meet all requirements of part 7080.0120 except that the building sewer for a greywater system shall be at least two inches in diameter.

(3) Sewage tank. Greywater septic tanks shall meet all requirements of part 7080.0130, subpart 1, except that the liquid capacity of a greywater septic tank serving a dwelling shall be based on the number of bedrooms existing and anticipated in the dwelling served and shall be at least as large as the capacities given in Table A-1. See parts 7080.0020, subparts 7 and 18, and 7080.0125.

(4) Soil treatment area sizing. The soil treatment area shall be 60 percent of the amount calculated in part 7080.0170, subpart 2, item C.

(5) Septic tank sizing. The septic tank for a greywater system shall be based on Table A-1.

Table A-1

Number of Bedrooms	Tank Liquid Capacity (gallons)
2 or less or hand pump	300
3 or 4	500
5 or 6	750
7, 8, or 9	1,000

For ten or more bedrooms or other establishments, the greywater septic tank shall be sized as for any other establishment (see part 7080.0130, subpart 3, item B) except that the minimum liquid capacity shall be at least 300 gallons.

Greywater aerobic tanks shall meet all requirements of part 7080.0130, subpart 6.

(6) Distribution and dosing. Distribution and dosing of greywater shall meet all requirements of parts 7080.0150 and 7080.0160.

(7) Final treatment and disposal. A standard greywater system shall meet all requirements of part 7080.0170.

~~(b) Type I,~~ F. Privies. Pit privies shall not be installed where the bottom of the pit is less than three feet above ~~the water table~~ saturated soil. A vault privy shall be used in areas ~~of high ground water~~ not meeting the three-foot separation. The vault of a vault privy shall be constructed in the same manner as a ~~septic~~ sewage tank. See part 7080.0130, subpart 1.

Privies shall be set back from surface waters ~~the same distance as required for,~~ buildings ~~and from,~~ property lines, and water supply wells the same distance as required for soil treatment areas.

Pits or vaults shall be of sufficient capacity for the residence they serve, but shall have at least 50 cubic feet of capacity.

The sides of the pit shall be curbed to prevent cave-in.

The ~~superstructure~~ privy shall be constructed so as to be easily ~~cleaned~~ maintained, and it shall be insect proof. The door and seat shall be self-closing. All exterior openings including vent openings, shall be screened.

Privies shall be adequately vented.

When the ~~pit~~ privy is filled to within one foot of the top of the pit, the solids shall be removed ~~or a new pit shall be constructed. The~~ Abandoned ~~pit~~ pits shall have the solids removed and be filled with clean earth and slightly mounded to allow for settling. Removed solids shall be disposed of ~~by land application in accordance with agency guidelines for septage disposal and all local ordinances and codes~~ according to part 7080.0175.

~~(c) Type II,~~ G. Other toilet waste treatment devices. Other toilet waste treatment devices may be used where reasonable assurance of performance is provided.

All ~~type II~~ devices shall be vented.

All electric, gas, and water connections ~~to a type II device~~ shall conform to all local ordinances and codes.

Operation and maintenance ~~of all type II devices~~ shall follow the manufacturer's recommendations.

~~(d)~~ H. All materials removed ~~from a type I or II toilet waste treatment device~~, including, but not limited to, ashes, compost, and all solids and liquids shall be disposed of ~~in a public sewage system or by land application in accordance with the agency's septage disposal guidelines and all local ordinances and codes~~ according to state, federal, or local requirements.

~~(3) Greywater system.~~

~~(a) Plumbing. The drainage system in new systems shall be based on a pipe diameter of two inches to prevent~~

~~installation of a water flush toilet. There shall be no openings or connections to the drainage system, including floor drains, larger than two inches in diameter. For repair or replacement of an existing system, the existing drainage system may be used.~~

~~Toilets or urinals of any kind shall not be connected to the drainage system. Toilet waste or garbage shall not be discharged to the drainage system.~~

~~Garbage grinders shall not be connected to the drainage system.~~

~~(b) Building sewer. The building sewer shall meet all requirements of part 7080.0120 except that the building sewer for a greywater system shall be at least two inches in diameter.~~

~~(c) Sewage tank. Greywater septic tanks shall meet all requirements of part 7080.0130, subpart 1, except that the liquid capacity of a greywater septic tank serving a dwelling shall be based on the number of bedrooms contemplated in the dwelling served and shall be at least as large as the capacities given in Table A-1. See parts 7080.0020, subpart 7, and 7080.0090.~~

~~Table A-1~~

~~Number of Bedrooms~~	~~Tank Liquid Capacity (gallons)~~
~~2 or less or hand pump~~	~~300~~
~~3 or 4~~	~~500~~
~~5 or 6~~	~~750~~
~~7, 8 or 9~~	~~1,000~~

~~For ten or more bedrooms or other establishments, the greywater septic tank shall be sized as for any other establishment (see part 7080.0130, subpart 3, item B) except that the minimum liquid capacity shall be at least 300 gallons.~~

~~Greywater aerobic tanks shall meet all requirements of part 7080.0130, subpart 6.~~

~~(d) Distribution and dosing. Distribution and dosing of greywater shall meet all requirements of parts 7080.0150 and 7080.0160.~~

~~(e) Final treatment and disposal. Standard system. A standard greywater system shall meet all requirements of part 7080.0170.~~

~~Alternative system. A greywater mound system shall meet all requirements of part 7080.0170, subpart 2, item G.~~

~~C. Seasonal use. Where a commercial establishment is occupied or used for less than 180 days per year and less than 120 days consecutively, the maximum daily sewage flow shall be determined and the average daily sewage flow shall be computed by dividing the total annual estimated or measured sewage flow by 365 days. The size of the soil treatment system shall be based on the average daily sewage flow and the areas specified in table III set forth in part 7080.0170, subpart 2. All other requirements of soil treatment system construction shall be followed.~~

~~The maximum daily sewage flow shall be used to determine sewage tank size for other establishments. There shall be no reduction in the size of sewage tanks for seasonal use.~~

~~In no case shall a seasonal use establishment be converted to full time use until the soil treatment system meets the size requirements of table III set forth in part 7080.0170, subpart 2.~~

~~Subp. 5. Class III: alternatives, advanced alternative system.~~

~~A. Mounds may be allowed on original soils with percolation rates slower than 120 minutes per inch if the following special design requirements, in addition to those listed in part 7080.0170, subpart 2, item G, are used:~~

~~(1) the width of the drainfield rock layer must not exceed five feet;~~

~~(2) beds shall not be installed side by side; and~~

~~(3) all vegetation in excess of two inches in length must be removed from the total area under the banks.~~

I. Existing dwellings on small lots. If a system meeting the size requirements of part 7080.0170, subpart 2, item C, cannot be constructed to serve an existing dwelling or other establishment, a downsized soil treatment system may be constructed provided that adequate capacity to hold excess sewage is constructed. Adequate holding capacity for gravity systems shall consist of a

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holding tank. Adequate holding capacity for pressure systems shall be provided by timed dosing of the effluent. The timing of the dosing must not exceed the average design flow. All applicable portions of item J and parts 7080.0110 to 7080.0170 shall be employed.

~~B.~~ J. Collector systems.

(1) In general. Where site or soil conditions do not allow for final treatment and disposal on an individual lot, a system where a soil treatment system is located on another lot or lots may be employed, where approved by the municipality.

Plans and specifications shall comply with local ordinances on such issues as zoning, joint ownership of land, joint maintenance responsibilities, easements, and other considerations and shall be approved by the municipality.

(2) Design.

~~(a) The size of a common soil treatment system for two to four dwellings connected to a single drainfield shall be based on the sum of the areas required for each residence. Where three or more dwellings are connected to a single drainfield, Classification I dwellings may be considered as Classification II dwellings by the owner for the purpose of determining the flow required for the size of the common soil treatment system. Classifications and flow rates are found in Table II, contained in part 7080.0170, subpart 2, item A, subitem (2).~~

(a) Sewer systems shall be designed on the sum of all flows for dwellings and other establishments as indicated in part 7080.0125. Flows shall be increased to allow for 200 gallons of infiltration per inch of pipe diameter per mile per day.

(b) The system shall be designed with each ~~residence~~ dwelling or other establishment having a sewage tank or with a common sewage tank. In the case of a common tank, the capacity of the tank shall be the sum of the tanks sized according to part 7080.0130, subpart 3, item ~~B~~ A, and shall ~~be compartmented if in a single tank~~ meet all applicable requirements under part 7080.0130.

~~(c) Sewer systems shall be designed on an estimated average daily flow for dwellings based on table II, set forth in part 7080.0170, subpart 2, plus estimated flows from other establishments.~~

~~(d)~~ (c) The sewer for systems with common sewage tanks shall be so constructed to give mean velocities, when flowing full, of not less than two feet per second. The sewer for systems with individual sewage tanks shall be so constructed and designed to hydraulically conduct the flow for which they were designed. In no case shall a gravity sewer be less than four inches in diameter. The diameter and grade line should be based on a flow equal to 50 percent of the average design flow occurring in a one-hour period.

~~(e)~~ (d) Infiltration or exfiltration shall not exceed 200 gallons per inch of pipe diameter per mile per day.

~~(f)~~ (e) Cleanouts, brought flush with or above finished grade, shall be provided wherever a common sewer joins an individual building sewer or piping from an individual sewer tank, or every 100 feet, whichever is less, unless manhole access is provided.

~~(g)~~ (f) There shall be no physical connection between sewers and water supply systems. Sewers shall be set back from water supply systems and piping as required for building sewers. Where it is not possible to obtain proper separation distances, the sewer connections shall be watertight and pressure tested.

~~(h) Pump stations~~ (g) Pipes, and pipe joints shall be watertight.

~~(i) Pump stations~~ (h) Dosing chambers shall ~~have manholes flush with or above finished grade for cleaning and maintenance~~ meet all requirements in 7080.0160, subpart 1.

~~(j) Manhole covers shall be so constructed as to prevent unauthorized entry.~~

~~(k)~~ (i) Pumps and ~~pump stations~~ dosing chambers shall be sized to handle ~~peak flows~~ 50 percent of the average design flow in a one-hour period. Common pump tanks shall have a pumpout capacity of ten percent of average design flow plus a reserve capacity of 25 percent of the average design flow or two pumps.

~~(l)~~ (j) An alarm system shall be provided for all pumping stations to warn of pump failure, overflow, or other malfunction.

(k) For systems with individual septic tanks, a stilling tank of at least 1,500 gallons liquid capacity or ten percent of the average design flow, whichever is greater, should be provided before the soil treatment system.

(3) Maintenance. All persons using a common ~~drain field~~ individual sewage system shall assure, by contract with maintenance personnel or other equivalent means, that the system will be ~~adequately~~ maintained throughout its useful life. The system so maintained includes, but is not limited to, common ~~drain fields~~ soil treatment systems, common sewage tanks, common pumps, common pump stations, common sewers, and all individual tanks connected to the common system.

~~C. Other systems. Where unusual conditions exist, special systems of treatment and disposal other than those specifically mentioned in items A and B, may be employed provided:~~

~~(1) reasonable assurance of performance of the system is presented to the permitting authority;~~

~~(2) the engineering design of the system is first approved by the permitting authority;~~

~~(3) there is no discharge to the ground surface or to surface waters;~~

~~(4) treatment and disposal of wastes is in such a manner so as to protect the public health and general welfare;~~

~~(5) the systems comply with all applicable requirements of these standards and with all local codes and ordinances.~~

~~Subp. 6. Class IV alternatives,~~ K. Holding tanks. Holding tanks:

~~A.~~ (1) Holding tanks may be allowed only as replacements for existing nonconforming systems or on existing parcels or lots as of the date of the enactment of these standards and only where it can conclusively be shown that a standard, ~~Class I, Class II, Class III,~~ or ~~mound~~ alternative system as described in this subpart, cannot be feasibly installed.

~~B.~~ (2) A holding tank shall be constructed of the same materials and by the same procedures as those specified ~~for watertight septic tanks~~ under part 7080.0130, subpart 1.

~~C.~~ (3) A cleanout pipe of at least six inches diameter shall extend to the ground surface and be provided with seals to prevent odor and to exclude insects and vermin. A manhole of at least 20 inches least dimension shall extend through the cover to a point within 12 inches, but no closer than six inches below finished grade. The manhole cover shall be ~~covered~~ backfilled with at least six inches of earth.

~~D. The tank shall be protected against flotation under high water table conditions. This shall be achieved by weight of tank, earth anchors, or shallow bury depths.~~

~~E.~~ (4) For a dwelling, the minimum size shall be 1,000 gallons, or 400 gallons times the number of bedrooms, whichever is greater.

For ~~permanent structures~~ other ~~than dwellings~~ establishments, the ~~capacity shall be based on measured flow rates or estimated flow rates. The tank~~ minimum capacity shall be at least five times the ~~daily~~ average design flow ~~rate~~. Tank sizing for floodplain areas shall be in accordance with item E, subitem (7). Tank sizing for reduced sized systems as described in item F shall be upon discretion of the permitting authority.

~~F.~~ (5) Holding tanks shall be located: in an area readily accessible to the pump truck under all weather conditions; as specified for septic tanks in Table IV, part 7080.0170, subpart 2; where accidental spillage during pumping will not create a nuisance.

~~G.~~ (6) A contract for disposal and treatment of the ~~sewage wastes~~ septage shall be maintained by the owner with a pumper, municipality, agency, or firm established for that purpose.

~~H.~~ (7) Holding tanks shall be monitored to minimize the chance of accidental sewage overflows. Techniques such as visual observation, warning lights, or ~~bells~~ audible alarms, or regularly scheduled pumping shall be used. For other establishments, a positive warning system shall be installed which allows 25 percent reserve capacity after actuation.

Subp. 3a. **Experimental systems.** Experimental systems may be used in areas where a standard system cannot be installed or if a system is considered new technology with limited data on reliability.

In addition to the requirements under subparts 1 and 2, experimental systems must also:

A. include an installed water meter;

B. be designed with no single portion of the system taking over 25 percent of the average design flow in part 7080.0125;

C. provide a loading rate calculation to the permitting authority;

D. provide a monitoring report to the permitting authority and the agency, indicating what type of monitoring will take place and who is responsible for monitoring and timelines;

E. provide a mitigative plan to the permitting authority and the agency, indicating what will be done if the experimental system fails to provide treatment and disposal. Experimental systems will not be allowed in areas where a new system or modifications to the experimental system are not feasible if failure occurs; and

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F. comply with all conditions established by the permitting authority necessary for the protection of the environment and public health.

Subp. 7. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

Subp. 11. [See repealer.]

Subp. 12. [See repealer.]

Subp. 13. [See repealer.]

Subp. 14. [See repealer.]

Subp. 15. [See repealer.]

REPEALER. *Minnesota Rules*, parts 7080.0020, subparts 10, 22a, 29, 34, 41, and 50; 7080.0050; 7080.0070; 7080.0080; 7080.0090; 7080.0110, subparts 1, 2, 3, and 5; 7080.0120, subpart 2; 7080.0130, subpart 5; 7080.0180; 7080.0210, subparts 7, 9, 10, 11, 12, 13, 14, and 15, are repealed.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Public Safety

State Fire Marshal Division

Adopted Permanent Rules Relating to Hazardous Materials Incident Response Plan and System

The rules proposed and published at *State Register*, Volume 18, Number 40, pages 2162-2174, April 4, 1994 (18 SR 2162), are adopted with the following modifications:

Rules as Adopted

7514.0100 DEFINITIONS.

Subp. 15. **Primary ~~service~~ response area.** "Primary ~~service~~ response area" means the geographic portion of the state to which a team has been assigned to provide the principal response to an incident.

Subp. 17. **Regional team.** "Regional team" means an emergency response team or chemical assessment team that is part of the regional response team program as defined in subpart 16.

Subp. 18. **Response area.** "Response area" means primary or secondary response area as defined in subpart 15 or 21.

Subp. ~~17.~~ 19. **Response time.** "Response time" means the period of time beginning when the decision is made to dispatch a team and ending when the complete team arrives at the scene of the incident.

Subp. ~~18.~~ 20. **Responsible person.** "Responsible person" has the meaning given it in *Minnesota Statutes*, section 299A.52, subdivision 1.

Subp. ~~19.~~ 21. **Secondary ~~service~~ response area.** "Secondary ~~service~~ response area" means the geographic portion of the state to which a team has been assigned to provide the alternate response to an incident.

Subp. ~~20.~~ 22. **Suggested operating guidelines.** "Suggested operating guidelines" means the written guidance covering those aspects of an emergency response that lend themselves to a general direction, yet require flexibility in their application so as to meet the unique circumstances of each individual emergency.

7514.0300 SCOPE.

Parts 7514.0100 to 7514.2000 are intended to provide direction to state and local government and business and industry regarding the implementation of a statewide system of regional hazardous materials emergency response teams and hazardous materials chemical assessment teams. Provisions of this chapter include, but are not limited to, factors to be considered in establishing the ~~service~~ response area locations of hazardous materials emergency response teams and hazardous materials chemical assessment teams; requirements for designating teams in each established ~~service~~ response area; number and qualifications of team members; procedures for establishing equipment requirements for each team; procedures for selecting and contracting for establishing teams; procedures for dispatching teams at the request of local governments; categories of costs to be used to establish fee schedules for reimbursing teams for costs arising from hazardous materials emergencies and for state recovery of response costs from the person responsible for causing a hazardous materials emergency; and methods of coordinating team response with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, and other nonpublic persons.

7514.0500 TEAM ~~SERVICE~~ RESPONSE AREAS.

Subpart 1. **Establishing ~~service~~ response areas.** The commissioner shall establish up to five ~~service~~ response areas for hazardous materials emergency response based on the factors identified in subpart 2.

Subp. 2. **Factors for establishing ~~service~~ response areas.** The commissioner shall consider the following factors in establishing ~~service~~ response areas:

D. any special conditions that may be present in a given area of the state, and the need for specialized equipment unique to those conditions that might impact emergency response capability; and

E. other factors the commissioner considers appropriate, to the extent they may contribute to the potential for a hazardous materials release that could threaten the public safety or the environment and thus merit an emergency response~~; and~~.

~~F.~~ Subp. 3. **Maximum acceptable response time.** After considering the factors listed in subpart 2, items A to E, the commissioner shall establish a maximum acceptable response time for 90 percent of each primary ~~service~~ response area when a team is responding in the ~~service~~ primary response area under favorable weather conditions.

Subp. ~~3.~~ 4. **Assigning primary ~~service~~ response areas.** Following completion of the team selection process identified in part 7514.1500, the commissioner shall select a primary emergency response team for each ~~service~~ primary response area. ~~A service area is the primary service area for the team so selected for that service area.~~

Subp. ~~4.~~ 5. **Serving as chemical assessment team.** Each emergency response team shall also serve as a chemical assessment team for all or a portion of its primary ~~service~~ response area, as assigned by the commissioner.

Subp. ~~5.~~ 6. **Designating additional chemical assessment teams.** The commissioner may select additional chemical assessment teams for a ~~service~~ response area, as necessary to provide appropriate emergency response capability, in keeping with maximum acceptable response time considerations.

Subp. ~~6.~~ 7. **Assigning secondary ~~service~~ response areas.** The commissioner shall ~~select~~ assign a secondary response area to each emergency response team and ~~a secondary~~ each chemical assessment team ~~for each service area or portion of an area to provide additional response capability within a service area when necessary. A service area is the secondary service area for the teams selected for that service area~~. A team may have more than one secondary ~~service~~ response area.

Subp. ~~7.~~ 8. **Reviewing ~~service~~ response area designations.** At least once every two years from the effective date of this chapter, the commissioner shall review ~~service~~ response area boundaries and primary and secondary ~~service~~ response area designations. Following the review, the commissioner shall adjust response area boundaries and primary and secondary response area designations as necessary to ensure that the most appropriate response is provided statewide.

~~Subp. 8. Adjusting service area boundaries. Following review under subpart 7, the commissioner shall adjust service area~~

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

~~boundaries and primary and secondary service area designations as necessary to ensure that the most appropriate response is provided statewide. The commissioner shall negotiate with teams affected by an adjustment to modify the team contracts accordingly. If the commissioner and a team cannot agree on the terms of modifying a contract, the commissioner and the team shall submit to binding arbitration conducted under *Minnesota Statutes*, chapter 572.~~

Subp. 9. **Statewide response.** An emergency response team or chemical assessment team shall respond to any ~~service~~ response area in the state when directed to do so by the commissioner.

7514.0600 QUALIFICATIONS OF TEAM MEMBERS.

Subp. 4. **Team training.** Each emergency response team member and chemical assessment team member shall successfully complete ~~a~~ the course of instruction designed to familiarize each team member with the suggested operating guidelines and other administrative and operational policies and procedures of the regional response team program identified in part 7514.0700, subpart 2. A team member must complete this training before being assigned to duty as an emergency response team member or chemical assessment team member.

Subp. 9. **Reviewing training requirements.** At least once every two years from the effective date of this chapter, the commissioner shall review the most current Occupational Safety and Health Administration and National Fire Protection Association hazardous materials training requirements and standards. The commissioner shall inform the employer of any modifications from previous requirements and standards to ensure that training provided to team members meets the most current requirements and standards.

7514.0700 TRAINING PROGRAMS.

Subp. 2. **Training provided by commissioner.** The commissioner shall develop and provide each emergency response team and chemical assessment team with a course of instruction in applying the suggested operating guidelines of the regional response team program developed under part 7514.1000, subpart 1, and other administrative and operational policies and procedures ~~as may be necessary and appropriate~~ of the regional response team program.

7514.0800 COMPOSITION OF TEAMS.

Subp. 5. **Training required to respond as emergency response team.** The nine members of an emergency response team available to respond as an emergency response team must have the levels of training certification described in items A to C:

B. The member assigned to provide emergency medical support to the team must be certified by the employer at a minimum of the operations level as defined by *Code of Federal Regulations*, title 29, section 1910.120, and currently certified or registered as an emergency medical technician by the commissioner of the Minnesota Department of Health, in compliance with *Minnesota Statutes*, sections 144.801 to 144.809, and rules adopted pursuant to those sections.

Subp. 7. **Composition of team membership.** Emergency response teams and chemical assessment teams may be composed of personnel from one or more public or nonpublic ~~agencies~~ entities. Teams ~~composed of personnel from more than one agency~~ must designate a single point of contact for purposes of emergency dispatch ~~and~~, a single authority for contract administration, and the employer responsible for the employer requirements of this chapter.

7514.0900 RESPONSIBILITIES OF TEAMS.

Subp. 5. **Support of clean-up operations.** Subject to subpart 6, item A, and when requested by the incident commander, an emergency response team and a chemical assessment team may remain at the scene of a hazardous materials incident to ~~assist~~ provide support to local authorities ~~with the~~ monitoring ~~of~~ clean-up activities conducted by local, state, or federal agencies or the responsible person, for the purpose of ensuring public safety. The team leader will decide whether the team will remain. A team is not obligated to remain. If a team does remain, its costs are recoverable costs.

7514.1300 REVIEW AND EVALUATION OF RESPONSE.

An emergency response team or chemical assessment team shall conduct an evaluation of a response to an incident within 30 days after termination of the team's response. The team shall give all public and private agencies involved in the response the opportunity to participate in the evaluation. The team shall prepare a written report following completion of the evaluation, a copy of which must be provided to the commissioner within 15 days of the date the evaluation is completed.

7514.1500 SELECTION OF TEAMS.

Subpart 1. **Request for proposal to provide contract services.** The commissioner shall issue a request for proposal in the form and manner established by the Minnesota Department of Administration to provide contract service as an emergency response team or chemical assessment team. Requests for proposal ~~may~~ shall be issued as necessary to provide for the needs of the team program.

Subp. 4. **Proposal evaluation criteria.** Proposals received in response to the request for proposal must be evaluated based upon, but not limited to, the following criteria:

C. the location of the proposed team within the designated primary ~~service~~ response area, including response time considerations such as access to major transportation routes, and geographic and other physical barriers to a response;

Subp. 7. **Contractor compensation.** Contractor compensation must include an annual amount for the term of the contract, subject to negotiations between the contractor and the state and budget appropriations by the state legislature. ~~Contractor compensation may include an amount sufficient to cover all or a portion of~~ The contractor's proposal, submitted in response to the commissioner's request for proposal described in subpart 1, must identify the amount of compensation requested for each of the following:

7514.1600 EMERGENCY RESPONSE CRITERIA AND DISPATCHING.

Subp. 3. **Alternate response criteria.** The commissioner shall authorize a team response when the commissioner considers the response to be necessary to protect life, property, and the environment from the effects or potential effects of a hazardous materials release.

7514.1700 COST RECOVERY.

Subpart 1. **Submitting claim for team response costs.** Regional teams shall submit to the commissioner claims for reimbursement of reasonable and necessary costs incurred as a result of a ~~regional~~ response in the manner and form identified in part 7514.0900, subpart 7.

Subp. 2. **Team response costs; payment and recovery.** The state shall reimburse regional teams for reasonable and necessary costs of a ~~regional~~ response after receipt of a properly filed claim. The state shall recover the team's costs, and the state's legal and additional court costs, from the responsible person.

Subp. 3. **Team response costs eligible for recovery.** Reasonable and necessary team response costs associated with an actual response by a team may be recovered by the team from the state and by the state from the responsible person. Costs eligible for recovery include:

H. cost incurred in the use of specialized equipment as provided in part 7514.1200;

I. cost incurred in the use of special technical assistance as provided in part 7514.1200;

Subp. 4. **Billing responsible person for costs.** The commissioner shall bill the responsible person for eligible response costs after receipt of a properly filed claim. If the responsible person fails to pay the bill in full within 30 days of its issuance, the commissioner shall issue subsequent billings. Billings must include interest, at the judgment rate currently charged by the state, per month on the unpaid balance. If payment in full is not made within 60 days of the issuance of the first bill, the commissioner:

Subp. 5. **Right to appeal costs billed.** A responsible person that disagrees with a billing for response costs may file a written appeal with the commissioner. The appeal must be filed within ~~15~~ 30 days of the billing. The written appeal must clearly state what portions of the billing are being appealed and the basis of the appeal. The commissioner shall review each appeal and issue a written determination within a reasonable time affirming, amending, or rescinding the disputed costs. A responsible person may withhold the amount of the billing in dispute while an appeal is pending. The responsible person must not be assessed interest on the disputed amount while the appeal is in process, unless the commissioner determines that the appeal is solely for the purpose of delay. ~~The decision to dispatch a team, and the response decisions made by a team, are not subject to appeal.~~ Any person aggrieved by a decision made by the commissioner under this subpart may proceed before the commissioner as with a contested case in accordance with the administrative procedure act.

7514.1900 MUTUAL AID AGREEMENTS.

The commissioner may enter into mutual aid agreements with federal agencies, other states, and Indian tribes~~, and Canadian provinces~~ for the purpose of supporting the hazardous materials response of either jurisdiction, as provided in *Minnesota Statutes*, section 299A.50, subdivision 2.

7514.2000 LIABILITY AND WORKERS' COMPENSATION COVERAGE.

For the purposes of *Minnesota Statutes*, chapter 176, and section 3.736, coverage is initiated once a team is activated by the state, for operations authorized by the state, and ~~is extended until~~ the team is ~~back in quarters and out of service from the original call~~ outside its geographic jurisdiction.

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Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

1) that a free copy of the proposed emergency rule is available upon request from the agency;
2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*: and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. §§14.14-14.28 supercede emergency rules.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Camp Ripley Archery Quota and Early Goose Seasons

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 14.29, subdivision 4(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.045, subd. 2, 97A.401, subd. 4, 97B.305, 97B.311, and 97B.803.

Dated: 15 August 1994

Rodney W. Sando, Commissioner
Department of Natural Resources

Rules as Adopted

6232.0900 CAMP RIPLEY ARCHERY HUNT.

[For text of subps 1 and 2, see 19 SR 17]

Subp. 3. **Antlerless deer and legal bucks.** Camp Ripley is open for the taking of antlerless deer and legal bucks. Not more than 2,250 permits will be issued for each two-day hunting period, provided the total number of permits issued for both hunting periods does not exceed 4,000.

6240.1500 TAKING GEESE IN TWIN CITIES METROPOLITAN CANADA GOOSE ZONE.

Subpart 1. **Open season.** Canada geese may be taken in the Twin Cities Metropolitan Canada Goose Zone during the ten-day period beginning the first Saturday in September ~~1~~.

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

Subp. 3. **Zone description.** The Twin Cities Metropolitan Canada Goose Zone is described as follows:

A. All of Hennepin and Ramsey Counties.

B. In Anoka County, all of Columbus Township lying south of County State Aid Highway (CSAH) 18, Anoka County; all of the cities of Ramsey, Andover, Anoka, Coon Rapids, Spring Lake Park, Fridley, Hilltop, Columbia Heights, Blaine, Lexington, Circle Pines, Lino Lakes, and Centerville; and all of the city of Ham Lake except that portion ~~described as follows:~~ lying north of CSAH 18 and east of U.S. Highway 65.

~~Beginning at the intersection of CSAH 18, Anoka County, and U.S. Highway 65, thence east along CSAH 18 to the eastern boundary of Ham Lake, thence north along said boundary to the north boundary of Ham Lake, thence west along said boundary to U.S. Highway 65, thence south along U.S. Highway 65 to the point of beginning.~~

C. ~~In~~ That part of Carver County~~, all of the cities of Victoria, Chaska, Chanhassen, and Carver and the Townships of Chaska~~

~~and Laketown, and portions of the cities of Cologne, Waconia, Mayer, and Watertown, and the Townships of Dahlgren, Benton, Waconia, and Watertown~~ lying north and east of the following described line:

~~Beginning on U.S. Highway 212 at the southwest corner of the city of Chaska, thence west to State Trunk Highway (STH) 284, thence north on STH 284 to County State Aid Highway (CSAH) 10, thence north and west on CSAH 10 to CSAH 30, thence north and west on CSAH 30 to STH 25, thence east and north on STH 25 to CSAH 10, thence north on CSAH 10 to the Carver County line, thence east to the Hennepin County line.~~

Beginning at the northeast corner of San Francisco Township; thence west along the north boundary of San Francisco Township to the east boundary of Dahlgren Township; thence north along the east boundary of Dahlgren Township to U.S. Highway 212; thence west along U.S. Highway 212 to State Trunk Highway (STH) 284; thence north on STH 284 to County State Aid Highway (CSAH) 10; thence north and west on CSAH 10 to CSAH 30; thence north and west on CSAH 30 to STH 25; thence east and north on STH 25 to CSAH 10; thence north on CSAH 10 to the Carver County line.

[For text of items D and E, see M.R.]

F. ~~In~~ That portion of Washington County~~, all of the cities of Cottage Grove, St. Paul Park, Newport, Woodbury, White Bear Lake, Oakdale, Landfall, Lake Elmo, Pine Springs, Willernie, Birchwood, Mahtomedi, Dellwood, Forest Lake, Marine, Stillwater, Oak Park Heights, Bayport, Hugo, Lakeland, Lakeland Shores, St. Croix Beach, St. Mary's Point, Afton, and Hastings; all of the Townships of Gray Cloud Island, May, Grant, Stillwater, Baytown, Denmark, and West Lakeland, and that portion of Forest Lake Township lying south of State Trunk Highway (STH) 97 and CSAH 2, Washington County, and those portions of New Scandia Township lying south of STH 97, and of a line drawn due east from the intersection of STH 97 and STH 95 to the east boundary of the state.~~ lying south of the following described line:

Beginning at County State Aid Highway (CSAH) 2 on the west boundary of the county; thence east on CSAH 2 to U.S. Highway 61; thence south on U.S. Highway 61 to State Trunk Highway (STH) 97; thence east on STH 97 to the intersection of STH 97 and STH 95; thence due east to the east boundary of the state.

6240.1600 TAKING GEESE IN SOUTHWEST GOOSE ZONE.

Subpart 1. **Open season.** Canada geese may be taken in the Southwest ~~Border~~ Canada Goose Zone during the ten-day period beginning the first Saturday in September ~~1~~.

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

Subp. 3. **Zone description.** The Southwest ~~Border~~ Canada Goose Zone is ~~all of Martin County and that portion of Jackson County south and east of U.S. Highway 60.~~ described as follows:

A. All of Blue Earth, Faribault, LeSueur, Lincoln, Lyon, Martin, McLeod, Nicollet, Sibley, Waseca, and Watonwan counties.

B. All of Cottonwood, Jackson, Murray, and Nobles counties except the area within the following described boundary:

Beginning at the junction of County State Aid Highway (CSAH) 42 and CSAH 6, Murray County; thence east along CSAH 6 to CSAH 13, Cottonwood County; thence east along CSAH 13 to CSAH 5, Cottonwood County; thence south along CSAH 5 to CSAH 9, Jackson County; thence south along CSAH 9 to CSAH 32, Jackson County; thence west along CSAH 32 to CSAH 18, Nobles County; thence west along CSAH 18 to CSAH 3, Nobles County; thence north along the township road to the Murray County line; thence west to CSAH 42, Murray County; thence north to the point of beginning.

C. That part of Brown County lying south and west of the following described line:

Beginning at the junction of U.S. Highway 14 and the east Brown County line; thence west on U.S. Highway 14 to Cobden; thence due west one mile on U.S. Highway 14 and the township road to the Redwood County line.

D. That part of Renville County east of State Trunk Highway 4.

E. That part of Meeker County south of U.S. Highway 12.

F. In Scott County, the Townships of Belle Plaine, Blakely, and Helena, including municipalities located therein.

G. That part of Carver County lying west of the following described line:

Beginning at the northeast corner of San Francisco Township; thence west along the north San Francisco Township line to the east boundary of Dahlgren Township; thence north on the east Dahlgren Township line to U.S. Highway 212; thence west on U.S. Highway 212 to State Trunk Highway (STH) 284; thence north on STH 284 to County State Aid Highway (CSAH) 10; thence north and west on CSAH 10 to CSAH 30; thence north and west on CSAH 30 to STH 25; thence east and north on STH 25 to CSAH 10; thence north on CSAH 10 to the Carver County line.

6240.1700 TAKING GEESE IN FERGUS FALLS/~~ALEXANDRIA~~ BENSON CANADA GOOSE ZONE.

Subpart 1. **Open season.** Canada geese may be taken in the Fergus Falls/~~Alexandria~~ Benson Canada Goose Zone during the ten-day period beginning the first Saturday in September ~~1~~.

[For text of subp 2, see 18 SR 83]

Subp. 3. **Zone description.** The Fergus Falls/~~Alexandria~~ Benson Canada Goose Zone is described as follows:

Beginning at the intersection of State Trunk Highway (STH) 55 and the western border of Minnesota; thence south along the Minnesota border to a point due south of the intersection of STH 7 and County State Aid Highway (CSAH) 7, Big Stone County; thence due north to CSAH 7; thence north along CSAH 7 to CSAH 6, Big Stone County; thence east along CSAH 6 to CSAH 21, Big Stone County; thence south along CSAH 21 to CSAH 10, Big Stone County; thence east along CSAH 10, Big Stone County to CSAH 22, Swift County; thence east along CSAH 22 to CSAH 5, Swift County; thence south along CSAH 5, Swift County to U.S. Highway 12; thence east along U.S. Highway 12 to CSAH 17, Swift County; thence south along CSAH 17 to the south border of Swift County; thence east along the south border of Swift County to the east border of Swift County; thence north along the east border of Swift County to the east border of Pope County; thence north along the east border of Pope County to STH 28; thence east on STH 28 to County State Aid Highway (CSAH) 33, Pope County; thence north along CSAH 33 to CSAH 3, Douglas County; thence north along CSAH 3 to CSAH 69, Otter Tail County; thence north along CSAH 69 to CSAH 46, Otter Tail County; thence east along CSAH 46 to the eastern boundary of Otter Tail County; thence north along the east boundary of Otter Tail County to CSAH 40, Otter Tail County; thence west along CSAH 40 to CSAH 75, Otter Tail County; thence north along CSAH 75 to STH 210; thence west along STH 210 to STH 108; thence north along STH 108 to CSAH 1, Otter Tail County; thence west along CSAH 1 to CSAH 14, Otter Tail County; thence north along CSAH 14 to CSAH 44, Otter Tail County; thence along CSAH 44 to CSAH 35, Otter Tail County; thence along CSAH 35 to STH 108; thence along STH 108 to CSAH 19, Wilkin County; thence along CSAH 19 to STH 55; thence along STH 55 to the point of beginning.

6240.1850 GAME REFUGES OPEN TO THE TAKING OF GEESE.

The Douglas County Goose Refuge in Douglas County and the Otter Tail County Goose Refuge in Otter Tail County are open to Canada goose hunting during the early and regular goose seasons.

Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* §270.0604.

Department of Revenue

Revenue Notice 94-18: MinnesotaCare: Employee Assistance Programs

Under the MinnesotaCare law, patient services provided by health care providers are subject to tax. Health care providers include persons who furnish services that qualify for reimbursement under the medical assistance program, persons whose health care professions are required to be licensed or registered, and organizations that employ such persons.

Under *Minnesota Statutes* § 295.50 subd. 9b, patient services include various health care goods and services provided to a patient or consumer. These services include diagnostic and therapeutic services.

Following is an explanation of these terms as it applies to services provided by Employee Assistance Programs (EAP); all services provided by EAP professionals that may be administered only by licensed health care providers are subject to the MinnesotaCare tax. All diagnostic and therapeutic services provided by health care providers are taxable, including diagnostic and therapeutic services provided by employees who are not licensed or registered.

Diagnostic Services As explained in Revenue Notice # 94-14, diagnostic services are services that enable a health care provider to identify a mental condition through critical scrutiny. Generally, these are services that use diagnostic tools such as the Minnesota Multiphasic Personality Inventory (MMPI), that provide evidence which allows a health care provider to ascertain whether an individual has a mental disorder, impairment, behavior, or condition which lead to a diagnosis such as those conditions listed in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders (DSM). Services that use diagnostic tools to identify mental disorders, impairments or conditions are considered diagnostic regardless of the purpose of the services in specific cases. Psychological examinations that are considered medical examinations for purpose of the Americans with Disabilities Act (ADA), and thus may be conducted by an employer only after a conditional offer has been extended, are diagnostic and subject to the MinnesotaCare tax.

Therapeutic Services. As explained in Revenue Notice # 94-14, therapeutic services include services of a healing, curing, rehabilitative or remedial nature. For purposes of services provided by EAP professionals, therapeutic services are those services that respond to a diagnosis by a health care provider.

Examples of taxable services:

- Reviewing handling of cases by psychologists employed by managed care organizations;

Examples of non-taxable services:

- Consultation and training to management personnel in the identification and resolution of job-performance issues related to employees' personal concerns;
- Referrals of employees to other providers for diagnosis, treatment, or assistance;
- Monitoring the progress of referrals;
- Assessment of problems for purposes of referral to other health care providers.
- Counseling regarding personal problems that affect work performance (e.g. teaching communication skills, effective time management) in the absence of a diagnosis of a mental disorder, impairment or condition;

Dated: 15 August 1994

Patricia A. Lien
Assistant Commissioner for Tax Policy

Official Notices

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Finance

Notice of Public Hearing on a Proposed Project and Issuance of Revenue Bonds under *Minnesota Laws 1991,* Chapter 350 Aircraft Maintenance Facilities — State Financing

NOTICE IS HEREBY GIVEN, that for purposes of satisfying the requirements of Section 147(f) of the *Internal Revenue Code of 1986,* as amended, on Friday, September 16, 1994 at 9:00 a.m. in the Executive Conference Room on the Fourth Floor of the Centennial Building, 658 Cedar Street, Saint Paul, Minnesota, the Department of Finance of the State of Minnesota (the "State") will conduct a public hearing on a proposal that the State issue its bonds under *Minnesota Laws 1991,* Chapter 350, to finance costs related to the planning, construction and equipping of a project, including costs of issuance and credit enhancement, if any, and the funding of reserves. The proposed project will consist of a heavy maintenance facility for aircraft of approximately 250,000 square feet and real and personal properties subordinate and related to the facility, all located at the Duluth International Airport in the City of Duluth (collectively the "Facility"). The Facility will be owned by the City of Duluth (the "City") and will be leased by the City to Northwest Airlines, Inc., its successor and assigns, as operator of the Facilities (the "Tenant"). The site of the Facility is owned by the City and the Tenant will lease or sublease the site pursuant to a long-term land lease. The total principal amount of the proposed bonds to be issued with respect to the Facility will not exceed $65 million. Not more than $30 million principal amount of the proposed bonds will be payable primarily from revenues pledged by the City of Duluth (including portions of tax increments, franchise and gas utility revenues). Not more than $35 million principal amount of the proposed bonds will be payable primarily from Tenant lease payments. All proposed bonds will be secured by a mortgage (or security interest) on the Facility. In addition, up to $56 million principal amount of the proposed bonds will be secured by the full faith and credit of the State and up to $3,500,000 of the proposed bonds will be secured by the full faith and credit of St. Louis County. Except for bonds secured by a pledge of the full faith and credit of the State and County, no bonds shall constitute a debt of the State or County or any other political subdivision within the meaning of any statutory or constitutional limitation or pledge the full faith and credit of the State, County or other political subdivision and no holder of any bonds may compel any exercise of the taxing power of the State, County, or other political subdivision to pay principal, premiums, or interest for the bonds, nor to enforce payment of principal, premiums, or interest against any property of the State or County except for property expressly pledged, mortgaged, encumbered, or appropriated for this purpose.

All persons interested may appear or submit written comments to express their views at the time and place set forth above.

Minnesota Health Care Commission

Health Technology Advisory Committee

Solicitation of Comments and Information on Technology Evaluations of: 1) Prostate Specific Antigen (PSA) for Prostate Cancer Screening; and 2) Stereotactic Radio-Neuro Surgery for Brain Tumors

The Health Technology Advisory Committee (HTAC) is an advisory committee of the Minnesota Health Care Commission. HTAC conducts evaluations of selected health technologies to provide information to the Commission on the safety, improvement in health outcomes, clinical effectiveness, and cost effectiveness of the technologies selected.

HTAC is seeking comments and information relating to the evaluation of the above-mentioned health care technologies. HTAC is also compiling a mailing list of persons interested in being added to HTAC's mailing list to receive notice of HTAC meetings and other information.

Comments and/or the names of individuals for HTAC mailing lists may be submitted in writing or orally. Written information should be addressed to: Mary Fahey, Minnesota Health Care Commission, P.O. Box 64975, St. Paul, MN 55164-0975. Oral statements will be taken during regular business hours of 8:00 a.m. to 4:30 p.m. by telephone at (612) 282-6355.

All comments and information must be submitted within thirty (30) days from the publication of this notice. Any written material received by HTAC shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13). A notice regarding additional opportunities to submit information pertaining to the evaluation of these technologies will be published at a later date.

Department of Human Services

Health Service Provider Policy Division

Notice of Solicitation of Outside Information or Opinions Governing Eligibility to Receive Payment as a Provider in the Medical Assistance Program under *Minnesota Rules*, Parts 9505.0310, 9505.0365, and 9505.0445, Items S and T

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments to rules governing eligibility to receive payment as a provider in the medical assistance program under *Minnesota Rules*, parts 9505.0310, 9505.0365, and 9505.0445, items S and T. The adoption of the proposed amendments is authorized by *Minnesota Statutes*, sections 256B.04, subdivisions 2 and 12, and 256B.0625, subdivisions 24 and 31.

During the course of the rule development process the following issues may be considered: 1. the medical equipment and supplies and prosthetic and orthotic devices that are eligible for medical assistance payment, the criteria for their provision, and the frequency with which they may be provided to a recipient; and 2. the medical assistance payment rates for these services.

The State Department of Human Services will form an advisory task force to aid in the development of the rule. The State Department of Human Services will invite the following persons or associations to join the advisory task force: Minnesota Medical Association, Minnesota Nurses Association, Minnesota Occupational Therapy Association, Durable Medical Equipment-Regional Carrier, Minnesota Speech-Hearing-Language Association, Minnesota Association of Home Medical Equipment Services, Minnesota Hospital Association, Minnesota Prosthetic and Orthotic Association, Minnesota Home Care Association, Minnesota Pharmaceutical Association, Governor's Council on Technology for People with Disabilities, Minnesota Physical Therapy Association, Care Providers of Minnesota, Association of Residential Resources in Minnesota, consumer advocates, Minnesota Alliance for Health Care Consumers, county social service agencies. The State Department of Human Services will appoint the advisory task force by September 27, 1994. It is expected that the advisory task force will complete consideration of the rule by December 15, 1994.

The Department anticipates that the rule adoption process will take approximately 13 months.

The State Department of Human Services requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Eleanor Weber
Rules and Bulletins Unit
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3816

Oral statements will be received during the regular business hours over the telephone at (612) 297-4301 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Dated: 11 August 1994

Eleanor Weber
Rules and Bulletins

State Board of Investment

Meeting Notice of the State Board of Investment Administrative Committee

The State Board of Investment Administrative Committee will meet on Tuesday, August 30, 1994 in Hearing Room 107, State Capitol Building, Aurora Avenue, St. Paul, MN from 8:45 A.M. to 10:00 A.M.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective August 22, 1994 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Hennepin: Bloomington Schools Interior Signage-Bloomington; U of M Biegen Hall Bus Stop Quarry Tile Replacement-Minneapolis; U of M Vincent Hall Elevator & Toilet ADA Modifications-Minneapolis; U of M Unit "J" Expansion Project Floors 4,5,6,7-Minneapolis.

Mower: Community College Remodeling-Austin.

Nobles: Worthington Community College Activities & Fine Arts Building Reroofing-Worthington.

Polk: U of M Athletic Complex Press Box-Crookston.

Ramsey: U of M VDL Air Conditioning of Building 385-St. Paul Campus.

St. Louis: U of M Demolish House at 501 Gold Street-Duluth; Community College Remodeling-Hibbing.

Stearns: Sauk Centre High School Ceiling & Light Fixture Replacement-Sauk Centre.

Todd: Long Prairie Groundwater Remedication Project-Long Prairie.

Wadena: Northwest Technical College Training Field Facility-Wadena.

Washington: Stillwater State Prison Remodeling-Stillwater.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are $1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr
Commissioner

Pollution Control Agency

Public Notice of Intent to Issue a General State Disposal System Permit for the Land Application of Aquatic Animal Manure — Permit No.: MN G010000

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to issue a State Disposal System general permit for the on-land disposal of manure and wastewater from concentrated aquatic animal production facilities. A general permit covers categories whose operations, emissions, activities, discharges or facilities are the same or substantially similar. The general permit would have a term of approximately five years. The general permit is being proposed to replace the current system of individual, site-specific permits required for the land application of manure and wastewater from concentrated aquatic animal production facilities. Such facilities are generally fish culture operations that produce more than 20,000 pounds/year of cold water

fish, or more than 100,000 pounds/year of warm or cool water fish. The draft permit conditions are based on *Minnesota Statutes* chs. 115 and 116 and *Minnesota Rules* ch. 7001, 7050 and 7060.

Public Notice Issued: August 22, 1994

Last Day to Submit Comments: September 21, 1994

The draft permit and applications are available for review at the MPCA office at 520 Lafayette Road North, St. Paul, Minnesota, 55155-4194, between 8:30 a.m. and 4:00 p.m., Monday through Friday. The draft permit is also available for review at the MPCA Regional Offices in Brainerd, Detroit Lakes, Duluth, Marshall and Rochester. If you have any questions regarding the draft permit or would like to receive a copy, please contact Jim Strudell at (612) 296-7238.

You are invited to submit written comments on the proposed permit. According to *Minnesota Rules* pt. 7001.0110, comments must include: 1) a statement of your interest in the draft permit, 2) a statement of the action you wish the MPCA to take including specific references to the draft permit sections you believe should be changed, and 3) the reasons supporting your position. All comments received by the last day of the comment period will be considered in the final decisions regarding the permit.

During the comment period, you may submit a request for a public informational meeting or a contested case hearing on the proposed permit action. The request must include items 1 through 3 identified above and also a statement of the reasons the MPCA should hold the meeting or hearing and the issues you would like the MPCA to address at the meeting or hearing. A public informational meeting is an informal meeting which the MPCA may hold to help clarify and resolve issues. A contested case hearing is a formal hearing before an administrative law judge.

If the MPCA does not receive any requests for a public informational meeting or contested case hearing, the final decision on the proposed permit will be made by the Commissioner, or other MPCA staff as authorized by the Commissioner, under delegation made by the MPCA Board. Any person may request, in accordance with *Minnesota Rules* pt. 7000.0500, subp. 6, that the MPCA Board consider the permit prior to final permit action. The public may participate in the activities of the MPCA Board and the MPCA Commissioner in accordance with *Minnesota Rules* pts. 7000.1500 and 7000.1600.

Comments and/or requests must be submitted within the comment period to:

Minnesota Pollution Control Agency
Water Quality Division
ATTN: Permit MN G010000
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant 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 notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Amateur Sports Commission

Notice of Request for Proposals for Developing a National Class Shooting Center

1. Background

The State of Minnesota acting through its agency, the Minnesota Amateur Sports Commission (MASC), is seeking interested communities to develop a national class shooting sports center. As per *Laws of Minnesota 1994* Chapter 643, Section 4, a community located within the taconite tax relief area as defined in *Minnesota Statutes*, section 273.134 will be eligible to be awarded a 2.5 million grant to develop a shooting sports center. Grant recipients must be a political subdivision of the state.

This request for proposal does not obligate the state to complete the proposed project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

2. Purpose

The purpose of this grant is to assist a Minnesota community in developing a national class shooting sports center. The result of this grant shall be to establish a shooting sports center capable of hosting all major national, regional and local shooting sports competitions. The purpose of the center will be to maximize the states ability to generate economic benefits for Minnesota and to promote shooting sports participation.

3. Goals

The Grant contract shall accomplish the development of a national class shooting sports center that has the full compliment of shooting ranges and support facilities. The following components need to be developed as part of a national class shooting center:

1) Indoor shooting ranges
2) Outdoor shooting ranges (can utilize area outdoor ranges)
3) Administration areas
4) Support facilities
5) Parking

Other considerations:

1) Good access to hospitality services including hotel, motel, resort, camping, restaurants, etc.
2) Good access to highways and airports.
3) Create partnerships with other state and local agencies and organizations (i.e. school districts, scouts, etc.).
4) Shooting center can tie information related to area shooting facilities and services.
5) Multiple agency applications are encouraged.

4. Tasks

Respondents are asked to complete the following tasks:

1) Interested parties shall call or write for a MASC grant applications.

   a) The MASC will send interested parties a comprehensive shooting center document.

2) Respondents shall complete tasks as outlined in MASC application process.

Respondents may propose additional tasks or activities, if they substantially improve the results of the project.

5. Agency Contacts

Prospective responders who have questions regarding this request for proposal may call or write.

Paul D. Erickson
Executive Director
MASC
1700 105th Avenue NE
Blaine, MN 55449-4500
Phone: (612) 785-5631 Fax: (612) 785-5699

6. Deadline

All proposals must be received by the (MASC) no later than 4 p.m. Monday, October 3.

Responders must submit (5) five copies of their proposal for agency review. Proposals must be sealed in a mailing envelope, with the responders name and address clearly written on the outside by an authorized official of the community.

7. Grant Amount

The MASC is authorized to appropriate a maximum of 2.5 million dollars. Respondents are encouraged, but not required, to augment the state grant with a minimum of 1 million dollars in matching contributions including land, services, equipment and buildings.

8. Project Completion

The project will be completed by November 1, 1996, or within 26 months of when the contract officially begins.

9. Content

Responders proposal should contain the following elements, as per MASC agency application:

1) Resolution of Local Applicant
2) Geographic location map
3) Site Plan and Checklist
4) Environmental Intrusions Statement
5) Environmental Assessment Statement
6) Agreements and Arrangements
7) Operation and Maintenance
8) Letter of County Concurrence
9) Comprehensive Plan (social benefit)
10) Local Financial Commitment
11) Economic Impact Analysis
12) Designation

13) Budget (or cost breakdown)
    a) Capital
    b) Operating

In addition, the MASC will be available for consultation for all responders.

10. Evaluation Criteria

The MASC Board will make final determination and the grant award. Following review of proposals, and consideration of the recommendation of the shooting sports task force.

Factors on which proposals will be judged include:

A. Expressed understanding of proposal objectives
B. Development plan
C. Budget and cost detail: special consideration will be given on the value and purchase price of land, buildings and equipment.
D. Local Match: responders are encouraged to build an attractive local match component.

It is anticipated that the evaluation will be completed by January 1, 1995.

11. State Contract Rules

Normal state grant contract rules will apply to this project.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Administration

Notice of Request for Proposals for Office/Warehouse Space in the City of Marshall, Minnesota

The Department of Administration on behalf of the Minnesota State Lottery desires proposals for the rental of approximately 6,000-6,500 usable square feet of office/warehouse space comprised of 3,000 usable square feet of office space and 3,000-3,500 usable square feet of warehouse space in the City of Marshall.

Contact: Department of Administration
Real Estate Management Division
309 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Telephone: (612) 296-6674

Department of Administration

Notice of Request for Proposals for Office/Warehouse Space in the City Limits of Virginia, Minnesota

The Department of Administration on behalf of the Minnesota State Lottery desires proposals for the rental of approximately 6,000-6,500 usable square feet of office/warehouse space comprised of 3,000 usable square feet of office space and 3,000-3,500 usable square feet of warehouse space in the city limits of Virginia.

Contact: Department of Administration
Real Estate Management Division
309 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Telephone: (612) 296-6674

Department of Corrections

Correctional Facility - Red Wing

Request for Proposal (RFP) for Physician's Services

This request for proposal does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

A. Scope of Project

To provide medical services for adult and juvenile residents residing at the Minnesota Correctional Facility-Red Wing, Minnesota (MCF-RW).

B. Goals and Objectives

This individual will consult with, examine, and instruct residents in maintaining medical and other health issues. This individual will also provide direction, instruction, and orders to employees at the institution providing the necessary items and means to meet the medical needs of the residents.

C. Project Tasks

1. Provide services as needed to examine the juvenile and adult residents at the Minnesota Correctional Facility-Red Wing, Minnesota. Medical services to include but necessarily limited to:
   a) Physical examination to newly admitted residents
   b) Readmittance health check-up for residents returned from the community to MCF-RW
   c) Examination and treatment of residents through self-referral or referral by the facility nurse
   d) Participate in health education of employees and residents as necessary
   e) Facilitate and coordinate referrals to specialists in the community and at St. Paul Ramsey Hospital.
2. Attend quarterly meetings with the Chief Executive Officer at MCF-RW to discuss any medical concerns or problems. Other meetings as needed will be arranged.
3. Attend quarterly meetings with Department of Corrections Central Office personnel regarding Department-wide medical concerns and/or problems.

Responder may propose additional tasks or activities if they will substantially improve the results of the project.

D. Department Contacts

Perspective responders who have any questions regarding this request for proposal may call or write:

Gerald T. O'Rourke, Superintendent
MCF-Red Wing
1079 Highway 292
Red Wing, Minnesota 55066
Telephone: (612) 388-7154

Please note that other department personnel are not allowed to discuss the project with responders before the submittal or proposed deadline.

E. Submission of Proposal

All proposals must be sent to and received by:

Gerald T. O'Rourke, Superintendent
MCF-Red Wing
1079 Highway 292
Red Wing, Minnesota 55066
Telephone: (612) 388-7154

No later than **4:00 p.m.** on **August 29, 1994.**

Late proposals will not be accepted. Submit one (1) copy of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed in ink by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

F. Project Costs

The Department has estimated that the cost of this project should not exceed **$26,550.00.**

Department of Administration

State Designer Selection Board

Request for Proposal for a University of Minnesota Project

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for a University of Minnesota project. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., September 13, 1994, to:

George Iwan
Executive Secretary, State Designer Selection Board
Room G-10, Administration Building
St. Paul, Minnesota 55155-3000

The proposal must conform to the following:

1) Six (6) copies of the proposal will be required.

2) All data must be on 81/2" x 11" sheets, soft bound.

3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) Mandatory Proposal contents in sequence:

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. Identify roles that such persons played in projects which are relevant to the project at hand. **NOTE NEW REQUIREMENT:** The proposal ***must*** contain a statement indicating whether or not the consultants listed have been contacted and have agreed to be a part of the design team.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past projects and studies awarded to the prime firms(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call for a copy of the acceptable format for providing this information.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of $50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

The proposal will not be accepted unless it includes one of the following:

a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or

b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the project herein described or the fee format form may be referred to George Iwan at (612) 296-4656.

7) Project - 18-94

Science IV Renovation and Construction

University of Minnesota - Morris, Minnesota

The University of Minnesota is planning to remodel and construct an addition to the existing Science Facility on the Morris Campus. The project may require modifications to and or expansion of the campus power plant. If the proposed site of the science facility addition is validated as a part of the predesign effort, recreational sports facilities in the old Physical Education Annex Building will need to be replaced. The scope of the project includes a programming and conceptual cost estimating phase for project scope definition including, but not limited to, a review and assessment of a previous study of the power plant. The selected consultant will continue into full design services once funding (Legislative appropriation) is received.

The project includes:

- instructional laboratory space
- general purpose classroom space
- faculty offices
- support and administrative space
- equipment and furnishings

It may include:

- steam boilers
- extended steam lines
- recreational sports space and equipment

The construction budget is anticipated to be approximately $20 million, which will need to be analyzed by the selected consultant as a part of the predesign programming effort. The maximum fee available for this phase of the work, including the science facility, the heating plant expansion and the recreational sports addition, and all travel and reimbursables, is approximately $100,000. Once the total project is funded, the maximum fee for the design basic services is 8%, including all travel and reimbursables. The design team is to have applicable prior experience in the programming, renovation, and construction to current standards of similar buildings for instructional, support, administrative, utility systems, and recreational sports activities. Please contact Harvey Jaeger at (612) 624-3305 if you have any questions.

Maureen Steele Bellows, Chair
State Designers Selection Board

Department of Economic Security

Community Based Services (CBS) Division

Job Service, Re-Employment Insurance (JS/RI) Division

Request for Proposals (RFP) for Developing and Implementing a Statewide Information System for Employment and Training Programs

The CBS and JS/RI Divisions are interested in obtaining the services of a prime contractor to provide and implement software packages/integration services to meet the State of Minnesota's needs in the following areas: client services/case management, job development, financial services and decision support tools. The State is seeking fixed price proposals. Proposers should thoroughly review the RFP in order to be responsive.

The system(s) will support the delivery and administration of a variety of state and federal employment and training programs including: Job Service (Employment Service), the Job Training Partnership Programs (JTPA), dislocated worker programs (including EDWAA), welfare employment and training programs (JOBS and FSET), and various demonstration projects. The system(s) will support activities underway that are examining methods to provide better services to the customer's of the Department.

Proposals are due October 3, 1994. Proposers will be required to attend a proposer's conference on September 9th. All proposals in response to this RFP must be submitted according to the RFP application instructions.

To receive a Request for Proposal, please contact Paul Wasko, Department of Economic Security, Community Based Services Division, 390 N. Robert St., St. Paul, MN 55101 phone 612/296-2095 FAX 612/296-5745.

Department of Education

Request for Proposal for the Marketing Services for the Education and Employment Transitions Council

Proposals are being solicited to provide marketing services to the Education and Employment Transitions Council being managed by the Office of Lifework Development at the Minnesota Department of Education. Marketing services include surveying parents and their children about their future work and learning goals and developing key messages to address these goals. The Minnesota Department of Education has estimated that the marketing contract will not exceed $80,000.

Copies of the RFP may be obtained by contacting Diane Klapak at the Minnesota Department of Education, Office of Lifework Development, 684 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101, 612/296-1500. Proposals must be received by 4:00 p.m., September 12, 1994.

Department of Employee Relations

Notice of Request for Information for Enrollment, Billing and Accounting System for the Minnesota Employees Insurance Program (MEIP) and the Public Employees Insurance Program (PEIP)

1. Overview

The Department of Employee Relations is seeking information about software packages that are capable of supporting the insurance plan administration for MEIP and PEIP. MEIP and PEIP were created by the Minnesota Legislature to provide high quality group insurance benefits to private or public groups, regardless of size, in Minnesota.

2. Objective

The purpose in requesting this information is to assist in the possible development of a software selection and acquisition process for an enrollment, billing and accounting system that would support the administration work of MEIP and PEIP. It is expected that the information received in response to this Request for Information will assist in clearly defining system requirements.

3. Contact

Copies of the request for information are available upon request. Inquiries and requests should be directed to:

Steve Johnson (612) 297-8105

4. Submission of information

All information packets must be received no later than 4:30, on Wednesday, September 28, 1994. Send five copies to:

Steven Johnson, Insurance Analysis
Department of Employee Relations
MEIP / PEIP
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Department of Health

Request for Proposals to Provide Monitoring Services for Nursing Homes

Minnesota Statutes §144A.155 authorizes the Commissioner of Health to assign a person to act as a monitor in a nursing home or certified boarding care home. The Department of Health is required to maintain a list of individuals who are interested in serving as monitors. The purpose of this notice is to solicit proposals from individuals or organizations wishing to be considered for placement as a monitor. Qualified individuals and organizations will be maintained on a list by the Department.

Duties of the Monitor

Minnesota Statutes §144A.155, subd. 2 establishes the general duties of the monitor to include the observation of the operation of the facility, the provision of advice to the facility on methods of complying with state and federal laws and regulations, and the submission of reports to the Department of Health. Specific duties and responsibilities would be based on each specific situation and would be contained in a contract with the Department of Health. The contract would also identify the required hours of monitoring services, the type and frequency of visits, reporting deadlines, the length of the monitoring provision and compensation.

Qualifications

The monitor must be knowledgeable of the federal and state laws and regulations governing nursing homes and certified boarding

care home facilities, have practical experience in long term care and have had employment experience as an administrator, director of nursing or other management level position in a certified nursing home or boarding care home. Since each situation requiring the placement of a monitor will be unique, the Department will need to take into consideration how the individual's knowledge, skills and abilities match the required facility situation.

Proposal Requirements

Any person or organization that would like to be considered as a potential monitor must submit a written proposal which includes the following information:

1. Name and address;
2. Description of nursing home management experience within the last two years;
3. Professional and educational qualifications including the verification of any required professional licenses;
4. A description of the areas in which monitoring services can be provided;
5. Any limitations on geographic locations in which services could be provided;
6. An estimate of available hours that could be devoted to the provision of monitoring services;
7. The proposed fee that would be charged for monitoring services.

Submission of Proposals

The proposal must be submitted to:

Linda Sutherland, Director
Division of Health Resources
Central Medical Building
393 North Dunlap Street
P.O. Box 64900
Saint Paul, Minnesota 55164-0900

This is an open solicitation. Proposals may be submitted at any time and will be maintained on file by the Department until June 30, 1996.

Contact Person

The only employee authorized to answer questions regarding this request for proposals is Mary Hedges, who can be reached at 612/643-2157.

Department of Human Services

Office of Child Support Enforcement Division

Request for Proposals to Design a Child Support Assurance Plan Including a Basic Needs Study

The Minnesota Department of Human Services is soliciting proposals on a fixed cost basis from qualified parties to plan and design a Minnesota child support assurance program. The plan must also include a study with detailed findings on the actual cost in Minnesota of items necessary to adequately meet a child's basic needs. The child support assurance plan, including findings and recommendations, must be presented by the Commissioner of Human Services to the Minnesota Legislature by January 15, 1995.

NOTE: Bidders may submit proposals for the child support assurance program, the basic needs study or both.

This Request for Proposals does not obligate the State to complete the project and the State reserves the right to cancel this solicitation if it is considered to be in its best interests.

The total obligation of the state will not exceed $150,000. All proposals must be received no later than 4:30 p.m. on September 19, 1994.

For a copy of the Request for Proposals, please contact:

Maxine Pederson
Department of Human Services
Office of Child Support Enforcement
444 Lafayette Road
St. Paul, MN 55155-3846
(612) 297-1113 or (612) 296-2542

Minnesota State Universities

Proposals Sought for System Analysis and Staff Audit Services

The Minnesota State Universities Chancellor's Office is seeking qualified professionals/firms to provide analysis and staff auditing services for its MSUS/PALS (Minnesota State University System/Project for Automated Library Systems) program. The scope of the audit will include examining the PALS mission for clarity; determining whether the mission is being achieved; examining the structure of the organization and staffing; determining whether the structure is appropriate to the mission; examining the cost structure; determining whether the staffing level is appropriate; comparison of PALS staffing, structure and software with existing systems elsewhere; recommended changes/improvements in staffing configurations and/or organizational structure; identifying the economies in staffing and\or operations; examining future operating plans; and examining future enhancements to determine whether they are worth doing.

Interested professionals and firms should contact the MSUS Chancellor's Office for a copy of the complete RFP. Proposals must be received in the Minnesota State Universities Chancellors Office no later than 4:00 p.m. cdst, September 6, 1994. Proposals received after that date will not be accepted or considered. Interested parties should contact:

Mary Hickerson
Associate Vice Chancellor for Academic Affairs
Minnesota State Universities
Suite 230, 555 Park Street
St. Paul, MN 55103
Telephone: (612) 296-6870.

Department of Transportation

Technical Services Division

Notice of Availability of Contract for "Epoxy Coated Rebar Study"

The Department of Transportation is requesting proposals for the purpose of conducting an in-depth study of epoxy coated rebars. The objective of this project is to generate a data base on the field performance of epoxy coated rebars, determine the mode of failures (if any), and demonstrate or develop state-of-the art methods for future bridge deck evaluations.

The study will consist of testing on four different types of bridge decks, at sites to be determined by Mn/DOT. The decks to be included in this project were built 15-20 years ago, constructed with the upper rebar mat epoxy coated and the lower rebar mat uncoated black steel.

The entire list of tasks required for this study are included in the complete Request for Proposal.

The Department has estimated that the cost of this project should not exceed $30,000. It is anticipated that the contract period will begin in January, 1995 and continue through October 31, 1995.

For further information, or to obtain a copy of the completed Request for Proposal, contact:

Mark Hagen
Minnesota Department of Transportation
Materials Research and Engineering Laboratory
1400 Gervais Avenue
Maplewood, MN 55109
(612) 779-5521

Proposals must be received at the above address no later than 3:00 P.M. on September 30, 1994.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred responding to this notice shall be borne by the responder.

Department of Transportation

Mn/DOT Minnesota Guidestar — Intelligent Vehicle Highway Systems (IVHS)

Call for Test Participants for the Multi-State One-Stop Purchase of Motor Carrier Credentials Operational Test

NOTICE IS HEREBY GIVEN that the Minnesota Department of Transportation (Mn/DOT) is seeking test participants to take part in the One-Stop project, an operational test of a one-stop electronic service delivery system.

Project Scope

Mn/DOT is the lead organization in a consortium of state agencies from eight Midwestern states, private firms, a university research center, and the USDOT (Federal Highway Administration), that is designing a delivery system to deliver credentials from state agencies to motor carriers at various locations such as motor carrier offices, permitting services, and truck stops.

Mn/DOT and the consortium wish to establish a business relationship with firms or individuals to provide points of distribution/delivery of credentials at remote locations such as truck stops.

The operational test is scheduled to begin in October, 1994 and continue for a period of 18 months. Mn/DOT is seeking participants who are willing to contribute up to 100% towards equipment and engineering and technical services.

Expression of Interest

Prospective participants are invited to submit an expression of interest for providing a point or points of distribution of credentials. The following will be considered the minimum contents of the expression of interest:

- a restatement of the objectives demonstrating the responder's view of the nature of the project;
- an outline of the anticipated benefits for the responder through participation in the operational test;
- description of the deliverables to be provided by the responder;
- detailed description of the equipment proposed including development status, capabilities, and features/functions;
- an outline of the responder's background and experience with this equipment with particular emphasis on any local, state and federal government work and identification of personnel who will work on the project;
- a cost proposal identifying unit costs and quantities, and the proposed contributions for the project including dollar value.

Expressions of interest shall not exceed 10 pages in length including all supporting materials. Two copies shall be submitted. A contact person must be included.

Responses must be received by 3:00 p.m. on September 12, 1994.

Send responses and direct inquiries to:

Cathy L. Erickson
Minnesota Guidestar
Mail Stop 320
Ford Building, Second Floor
117 University Avenue
St. Paul, MN 55155
Phone: 612-296-8533
Fax: 612-296-6599

Evaluation and Selection Criteria

All responses received by the deadline will be evaluated by representatives of the consortium. Minnesota Guidestar is responsible for coordinating the review and selection. Factors upon which responses will be evaluated include the following:

- expressed understanding of project objectives;
- level of proposed contributions;
- ability to provide the service as stated in this notice;
- expertise in the area of participation.

Negotiations will result in agreements with one or more participants that document roles and responsibilities, contributions, and a schedule of activities. This request for participation does not obligate the State to complete the project.

Department of Transportation

Request for Information Regarding the Logo Sign Franchise Program

The Minnesota Department of Transportation (Mn/DOT) intends to prepare a Request for Proposal (RFP) and subsequent contract for a qualified firm to expand and execute the Logo Sign Franchise Program in Minnesota. The successful firm would implement and maintain the program on selected rural and urban state freeways. The signs are located on highway rights-of-way and display specific information signs (logos) of nearby businesses that offer motorist services of gas, food, camping and lodging.

Prior to publishing the RFP, Mn/DOT will conduct an open meeting for all interested potential vendors. Participants are invited to provide input regarding the content of the RFP. This meeting is for information only, and Mn/DOT reserves the right to prepare the RFP as it sees fit. Participation in this Request for Information does not in any way constitute a bid. A transcript of the meeting will be made available upon request for interested parties who are unable to attend.

For information regarding this meeting, contact the following person no later than August 31, 1994:

Janet G. Ekern
Minnesota Department of Transportation
395 John Ireland Blvd. MS 700
St. Paul, Minnesota 55155
Phone: 612-297-7509
Fax: 612-297-7576

Non-State Public Bids and Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as $1,000. Contact the editor for further details.

Southwest Regional Development Commission

Southwest Minnesota Emergency Medical Services Corporation

Notice of Request for Proposals for Review and Evaluation of the Southwest Minnesota Emergency Medical Services Corporation

The Southwest Minnesota Emergency Medical Services Corporation is requesting proposals from qualified individuals or firms to review and evaluate the Southwest Minnesota Emergency Medical Corporation. The review and evaluation will be comprehensive and examine the effectiveness of the organization in addressing its purpose as detailed in the organization's articles of incorporation and by-laws. The Southwest Minnesota Emergency Medical Services Corporation is a non-profit corporation, with its principle office in Granite Falls, Minnesota, established to carry out the intent of the Emergency Medical Services Act of 1973. The Southwest Minnesota Emergency Medical Services Corporation provides services throughout an eighteen county region.

Areas of review and evaluation should at minimum address:

Organizational Structure:

- Mission/Vision for Organization: Existence, clarity, and incorporation in day to day activities of the organization.
- Corporation by-laws: Extent to which by-laws support organization's mission.
- Organizational culture: Extent to which it enhances ability of organization to support the mission.
- Board of Directors: Function and roles of Board members; Function and role of officers; Membership, Size and constituent representation, Selection and terms; General evaluation of board's oversight.

Finance and Administration:

- Funding: Sources and stability.
- Budget: Relationship of resource allocation to the mission.
- Efficiency of resource utilization
- Personnel management: Level of staffing relative to the scope of work; Existence/appropriateness of job descriptions; Clarity of expectations; Evaluation/accountability.

Programming:

- Scope of activities: Outline current activities and relate to organizational mission; Address potential areas for program expansion.
- Consistency and quality of services rendered: Customer satisfaction; consistency throughout the service area and over time.

The Southwest Minnesota Emergency Medical Service Corp. reserves the right to accept or reject any and all proposals.

For further information contact:

Charles Warner, Chair
Board of Directors
Southwest Minnesota EMS Corp.
P.O. Box 333
Brownton, MN 55312
612-328-5368

All proposals must be received by Mr. Warner at the above listed address by 4:30 P.M. on September 13, 1994.

STATE OF MINNESOTA
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Strategic Plan for Locating State Agencies New!
The final report and recommendations of a Steering Committee assigned the task of developing a long-range plan for locating state agency office sites is now available. Months of planning workshops, questionnaires and research led to this plan which concentrates agency development in St. Paul, near the capitol and consolidation of regional sites throughout the state. Includes diagrams and sketches for proposed building sites, a review of transportation and infrastructure concerns, and much more. 97pp. Spiral bound.
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