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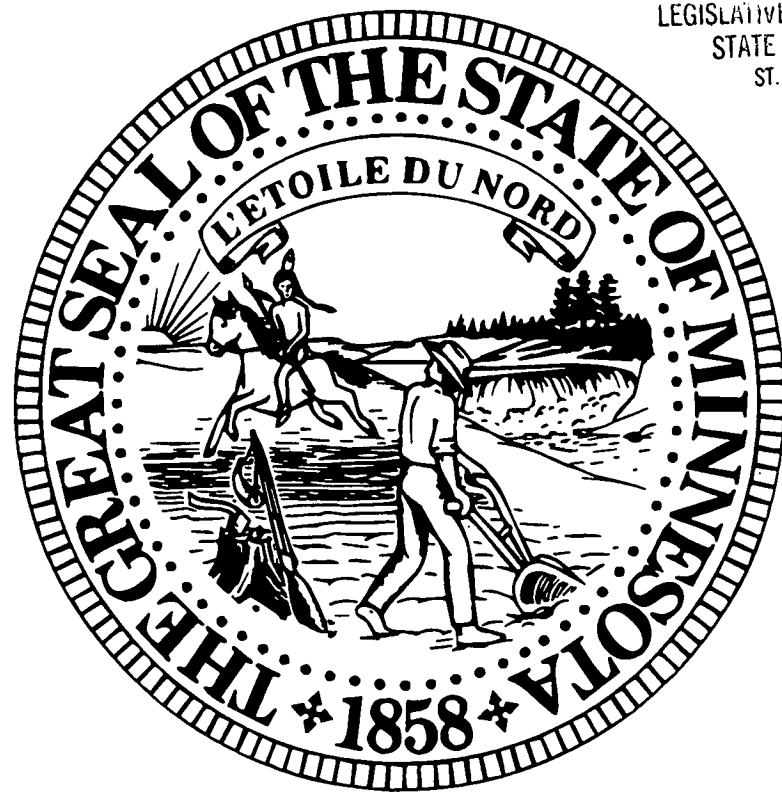
P182

The Minnesota  
**State  
Register**

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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. 20 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
# 4	Monday 24 July	Monday 10 July	Monday 17 July
# 5	Monday 31 July	Monday 17 July	Monday 24 July
# 6	Monday 7 August	Monday 24 July	Monday 31 July
# 7	Monday 14 August	Monday 31 July	Monday 7 August

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Joanne E. Benson, Lt. Governor 612/296-3391

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- "Professional-Technical-Consulting Award Reports," - published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "State Register." Individual copies are \$15.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$75.00. Appears monthly. Order stock number 90-15. Available in hard copy format only.

### 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.

**Perspectives**—Publication about the Senate.

**Session Review**—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (612) 296-0504  
Room 231 State Capitol, St. Paul, MN 55155

#### HOUSE

**Session Weekly**—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

**This Week**—weekly interim bulletin of the House.

**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 (612) 296-2146  
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657-3757. For subscription information call 612/296-0931.  
Individual awards can be obtained from the  
**Materials Management Helpline** 612/296-2600.

# 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.

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## Pollution Control Agency

### Notice of Withdrawal of Proposed Permanent Rules Relating to Individual Sewage Treatment Systems

NOTICE IS HEREBY GIVEN that the proposed amendments to *Minnesota Rules* ch. 7080 published in the August 22, 1994, *State Register* on pages 412 to 450 (19 S.R. 412) are withdrawn. These revisions were proposed to update the technical standards under *Minnesota Rules* ch. 7080 for the design, location, installation, use and maintenance of individual sewage treatment systems (ISTS), commonly referred to as septic systems.

The Minnesota Pollution Control Agency has proposed Chapter 7080 permanent rule revisions in a notice of intent to adopt rule amendments following this notice. Chapter 7080 is being revised for two reasons: 1) to update existing technical standards for location, design, installation, and maintenance for ISTS and 2) to meet the rulemaking mandates in *Minnesota Statutes* §§ 115.55 and 115.56. The proposed amendments include the amendments noticed in the August 22, 1994, *State Register* as revised in response to comments received; administrative requirements for townships, cities and counties that adopt ordinances for ISTS; and administrative rules for a licensing program for ISTS professionals.

Charles W. Williams  
Commissioner

## Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public 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 Human Services

### Proposed Permanent Rules Governing Licensure of the Minnesota Sexual Psychopathic Personality Treatment Center

#### 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**

**Introduction.** The Minnesota Department of Human Services intends to adopt a permanent rule 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 rule within 30 days or by August 23, 1995, a public hearing will be held on Wednesday, September 6, 1995.

To find out whether the rule will be adopted without a hearing or whether the hearing will be held, you should contact the agency contact person after August 23, 1995 and before September 6, 1995.

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

Alice Weck  
Minnesota Department of Human Services  
Appeals and Regulations Division  
444 Lafayette Road  
Saint Paul, Minnesota 55155-3816  
(612) 297-4302  
Fax (612) 297-3173

**Subject of Rule and Statutory Authority.** The proposed rule is about requirements the Minnesota Sexual Psychopathic Personality Treatment Center must meet to be licensed by the commissioner of human services. The statutory authority to adopt the rule is *Minnesota Statutes*, section 246B.04. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

**Copy of the Rule.** A free copy of this rule is available upon request from the agency contact person listed above. A copy of the proposed rule may also be viewed at any of the county welfare or human service agencies in the State of Minnesota.

**Comments.** You have until 4:30 p.m. on August 23, 1995 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 the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule 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 rule. 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 August 23, 1995. 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 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.** 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 September 6, 1995 will be canceled 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 Alice Weck at (612) 297-4302 after August 23, 1995 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 rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on Wednesday, September 6, 1995 in the Office of Aeronautics Building, 222 East Plato Boulevard, St. Paul, MN 55107 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 George A. Beck. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, #1700 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138; telephone (612) 341-7601.

**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*, sections 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 from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Small Business Considerations.** The rulemaking considerations required by *Minnesota Statutes*, section 14.115, subdivision 2 do not apply because the regulated program is not a business entity that is independently owned and operated.

**Expenditure of Public Money by Local Public Bodies.** A copy of the neutral fiscal impact statement is available from the agency contact person at the address and telephone number listed above. The department estimates that the proposed rules will not result in additional state or local costs because the department has been operating the program governed by the rule at another site for a number of years. The cost of the new facility in which the program will operate and other costs associated with opening the new facility are due to statutory requirements and are not attributable to the proposed rules.

**Impact on Agricultural Lands.** The department has determined in the review required under *Minnesota Statutes*, section 14.11, subdivision 2, that the proposed rules to not have a direct and substantial adverse impact on agricultural land in Minnesota.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at 1st Floor, Centennial Office Building, 658 Cedar Street, Saint 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 Attorney General for review as to legality and form to the

**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.

## Proposed Rules

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 want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Alice Weck at the address listed above.

**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 that 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 at any time prior to the filing of the rule with the Secretary of State.

Dated: 3 July 1995

Maria R. Gomez  
Commissioner

### Rules as Proposed (all new material)

#### 9515.3000 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9515.3000 to 9515.3110, the following terms have the meanings given them.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's designated representative.

Subp. 3. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 4. **Minnesota sexual psychopathic personality treatment center.** "Minnesota sexual psychopathic personality treatment center" means the secure facility established at Moose Lake by *Minnesota Statutes*, section 246B.02, to provide care and treatment for:

- A. persons committed there by the courts as sexual psychopathic personalities or sexually dangerous persons; or
- B. persons admitted there with the consent of the commissioner.

Subp. 5. **Person or person in treatment.** "Person" or "person in treatment" means a person committed to the Minnesota sexual psychopathic personality treatment center or admitted there with the consent of the commissioner as provided in *Minnesota Statutes*, section 246B.02.

Subp. 6. **Sexually dangerous person.** "Sexually dangerous person" has the meaning given in *Minnesota Statutes*, section 253B.02, subdivision 18b.

Subp. 7. **Sexual psychopathic personality.** "Sexual psychopathic personality" has the meaning given in *Minnesota Statutes*, section 253B.02, subdivision 18a.

Subp. 8. **Treatment staff.** "Treatment staff" means staff members of the Minnesota sexual psychopathic personality treatment center who are responsible for arranging, evaluating, planning, coordinating, or providing the programming and services required in part 9515.3040, subpart 1.

Subp. 9. **Treatment support staff.** "Treatment support staff" means staff members of the Minnesota sexual psychopathic personality treatment center whose primary responsibility is to maintain a secure and orderly environment supportive of treatment by performing such duties as escorting persons, observing persons' behavior, and directing group activities on the unit.

#### 9515.3010 PURPOSE AND APPLICABILITY.

Parts 9515.3000 to 9515.3110 apply only to residential treatment programs operated by the commissioner primarily for persons committed as sexual psychopathic personalities or as sexually dangerous or admitted with the commissioner's consent. The purpose of parts 9515.3000 to 9515.3110 is to govern the operation, maintenance, and licensure of these department-administered treatment programs. As of the adoption date of parts 9515.3000 to 9515.3110, the Minnesota sexual psychopathic personality treatment center at Moose Lake is the only such treatment program.

#### 9515.3020 PROGRAM ADMISSION CRITERIA.

Except when admitted with the commissioner's consent as provided in *Minnesota Statutes*, section 246B.02, persons admitted to a treatment program licensed under parts 9515.3000 to 9515.3110 must meet one of the criteria in items A to C.

A. A court hold order is in effect under a petition for the person's commitment as a sexual psychopathic personality or sexually dangerous person.



B. A warrant of commitment has been issued for the person as a sexual psychopathic personality or sexually dangerous person pursuant to *Minnesota Statutes*, chapter 253B.

C. Final commitment action committing the person as a sexual psychopathic personality or sexually dangerous person has been taken under *Minnesota Statutes*, chapter 253B.

#### **9515.3030 EVALUATION, ASSESSMENT, AND TREATMENT PLANNING.**

Subpart 1. **Multidisciplinary assessment.** The license holder must assess each person entering the treatment program within ten days after admission to determine the person's need for medical care, nursing services, psychological services, social services, chemical dependency treatment, education and vocational training, and recreation and leisure activities. After the initial assessment, the license holder must update assessments on all persons at least annually.

Subp. 2. **Psychiatric evaluation.** A psychiatrist must evaluate each person within three working days after the person is admitted and reevaluate each person at least annually.

Subp. 3. **Follow-up to psychiatric evaluation.** Specific mental health interventions indicated in addition to the usual sex offender treatment program must be prescribed and monitored by a psychiatrist. These interventions must be integrated into the treatment plan.

Subp. 4. **Individual treatment planning.** Within 14 days after a person is admitted, a multidisciplinary team led by the program director or program director's designee must develop and begin implementing a written treatment plan for the person. Based on the assessments and evaluation in subparts 1 and 2, the plan must identify the person's needs; determine the phase of treatment where it is most appropriate for the person to begin treatment; establish goals; assign staffing responsibility; and provide for at least quarterly review. At a minimum, the team must include the person, a psychologist, a social worker, a nurse, and a member of the treatment support staff. When psychiatric or medical treatment is required, a physician must also be included on the team.

The case manager assigned by the county responsible for providing the person's social services must be notified of and given the opportunity to participate in all team meetings. Treatment staff who provide services identified in the treatment plan must also receive notice of team meetings and be given the opportunity to participate.

#### **9515.3040 TREATMENT PROGRAM SERVICES.**

Subpart 1. **Scope of treatment program services.** At a minimum, a license holder's program services and resources must include:

A. specific programs that address sex offense behaviors and remediation, and include, as applicable, related topics such as deviant sexual arousal patterns, assaultive behavior, human sexuality, victimization issues, reoffense prevention, and interpersonal relationships;

B. psychiatric, medical, dental, psychological, social, and advocacy services;

C. educational programming;

D. assessment and treatment of chemical dependency;

E. vocational rehabilitation services; and

F. leisure and recreational activities.

The license holder must offer treatment in a form and structure consistent with a person's capacity to participate productively.

Subp. 2. **Treatment-related policies and procedures.** A license holder must develop and follow written policies and procedures that specify how the license holder will fulfill the responsibilities in items A to G.

A. Meet data privacy laws and professional confidentiality standards, especially regarding the use and results of physiological examinations and the reporting of previously undetected criminal behavior which is disclosed by a person while in the program.

B. Evaluate individual treatment outcomes and program outcomes, including indicators to be used and processes for program improvement.

C. Prevent abuse and predation among program participants.

D. Provide gender-specific treatment where appropriate.

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## Proposed Rules

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- E. Respond to allegations of criminal acts committed by a person while in the program.
- F. Monitor for contraband.
- G. Provide a safe environment for staff, program participants, and visitors.

### 9515.3050 STAFFING REQUIREMENTS.

Subpart 1. **Program director.** Each licensed facility must have at least one full-time program director who meets the requirements in part 9515.3060.

Subp. 2. **Number of staff; staffing patterns.** The license holder must provide qualified treatment and treatment support staff in numbers sufficient to meet the license holder's responsibilities for evaluation and assessment, developing and implementing individualized treatment plans, providing a secure and orderly environment, and planning for discharge. The number and type of staff needed on a given unit at a given time are to be determined by the needs and characteristics of the persons on the unit in accordance with the ongoing staffing assessment required in subpart 3.

Subp. 3. **Ongoing assessment and determination of necessary staffing levels.** Staffing levels shall be assessed and determined as specified in items A to G.

A. The license holder must perform assessments to determine the staffing levels necessary to meet the safety and treatment needs of program participants and the safety needs of staff. The assessments must address staffing levels for both treatment and treatment support staff functions.

B. The assessments must be based on factors that include but are not limited to the treatment needs of individual program participants, participants' tendencies to victimize others, participants' vulnerability to being victimized, the unit's population mix, and the influence of new admissions.

C. The license holder must develop a written plan that identifies specific participant characteristics related to resource utilization and specifies methods for evaluating the effectiveness and adequacy of staffing levels necessary to provide active treatment, support order, and provide safety and security to staff and participants.

D. Assessments must be completed as often as necessary but no less than quarterly.

E. A team representing different staffing needs within the facility must complete the assessments and report the resulting data to the facility administration.

F. The administration must review and consider the reported data as part of the continuing process of monitoring established staffing levels and reestablishing staffing levels as necessary. The administration must document when staffing changes are made due to assessment data.

G. The license holder must develop policies and procedures for implementing the requirements of this subpart.

### 9515.3060 STAFF QUALIFICATIONS.

Subpart 1. **Program director.** The program director must have at least one year of work experience or training in administration or supervision, plus:

A. at least a master's degree in the behavioral sciences or related field plus at least two years of work experience providing services to sex offenders or to persons with behavioral disorders, developmental disabilities, mental illness, or chemical dependency; or

B. a bachelor's degree in the behavioral sciences or related field from an accredited college or university plus a minimum of four years of work experience providing services to sex offenders or to persons with behavioral disorders, developmental disabilities, mental illness, or chemical dependency.

#### Subp. 2. **Treatment staff and treatment support staff qualifications.**

A. Treatment staff members and consultants whose duties require them to be licensed, certified, or registered by the state of Minnesota must have a copy of their current license, certification, or registration in their personnel files.

B. Treatment staff members who provide assessments and individual and group counseling services must be qualified in at least one of the following ways:

(1) have a bachelor's degree in one of the behavioral sciences or related fields from an accredited college or university and at least 2,000 hours of supervised experience providing services to sex offenders or to persons with behavioral disorders, developmental disabilities, mental illness, or chemical dependency;

(2) have at least 6,000 hours of supervised experience in providing services to sex offenders or to persons with behavioral disorders, developmental disabilities, mental illness, or chemical dependency;

(3) be a graduate student in one of the behavioral sciences or related fields and be formally assigned by an accredited college or university to the facility for clinical training under the supervision of a qualified treatment staff member or consultant; or

(4) hold a master's or other graduate degree from an accredited college or university in one of the behavioral sciences or related fields.

C. A treatment staff member who provides services and programming to implement participant treatment plan objectives such as completing educational and vocational goals, identifying appropriate recreation and leisure activities, and developing social relationships with peers must, at a minimum:

(1) have completed at least two years of post-secondary education at an accredited college or university with a minimum of 18 quarter hours or 12 semester hours in the behavioral sciences, social work, or nursing; or

(2) have been employed at least 2,000 hours providing direct services to: sex offenders or to persons with behavioral disorders, mental illness, developmental disabilities, or chemical dependency.

D. Treatment support staff must be at least 18 years old and have a high school diploma or a general education degree (GED).

#### **9515.3070 STAFF ORIENTATION AND DEVELOPMENT.**

Subpart 1. **Initial staff orientation and training.** The license holder is responsible for ensuring that every staff member successfully completes the orientation training specified in items A and B.

A. Before providing direct care or having any other direct contact with persons in treatment, a staff member must:

(1) complete an overview of the treatment program philosophy and design;

(2) demonstrate mastery of techniques used to manage behavioral emergencies, including preventive de-escalation techniques and physical and nonphysical intervention techniques to interrupt violent behavior;

(3) be knowledgeable about the rights of persons in treatment under applicable laws such as *Minnesota Statutes*, sections 144.651 (the Patient Bill of Rights) and 626.557 (the Reporting of Maltreatment of Vulnerable Adults Act), and about program policies ensuring these rights;

(4) understand how the general need to establish and maintain boundaries in a therapeutic relationship applies in the specific context of working with sexual psychopathic personalities and other sex offenders; and

(5) review the program's emergency provisions on fire, weather, missing persons, serious injury, and death.

B. Within the first 30 calendar days of employment, all staff members must complete introductory training in:

(1) human sexuality and specific issues raised by the program population;

(2) awareness of the influences of culture and the importance of cultural differences;

(3) control of infection and infectious diseases; and

(4) assessment and individual treatment planning.

Subp. 2. **Ongoing individual staff development and evaluation plan.** The license holder must ensure that an individual staff development and evaluation plan is developed and implemented for all staff who provide, supervise, or administer direct services. The plan must:

A. be developed within 90 days of employment and be reviewed and revised at least annually;

B. meet the staff development needs specified in the staff member's annual employee evaluation; and

C. address the specific age, cultural, and mental health needs of the persons being served.

Subp. 3. **Amount of annual training.** The license holder must ensure that all staff receive the amount of training specified in this subpart.

A. Except as provided in items B and C, all staff must receive at least 16 hours of training annually.

B. Staff who work more than half time and have less than 4,000 hours of experience providing services to sex offenders or to persons with behavioral disorders, developmental disabilities, mental illness, or chemical dependency must receive at least 24 hours of training annually.

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C. Treatment staff members and consultants whose duties require them to be licensed, certified, or registered by the state of Minnesota are exempt from the requirements in items A and B as long as they meet the training requirements necessary to remain current in their licensure, certification, or registration.

The orientation required in subpart 1 may be counted toward the annual training requirement in an employee's first year of service.

Subp. 4. **Content of training.** The license holder must ensure that at least 75 percent of the required training hours is focused on one or more of the following areas or subjects:

- A. use of preventive de-escalation techniques and physical and nonphysical intervention to interrupt violent behavior;
- B. application and compliance with *Minnesota Statutes* and rules related to treatment and services for sex offenders;
- C. assessment and treatment of persons with special needs related to conditions such as substance abuse, obsessive compulsive disorder, organic brain damage, impulse control disorders, or other physical needs;
- D. prevention and control of infectious diseases, including human immunodeficiency virus (HIV) infection;
- E. how to administer first aid and cardiopulmonary resuscitation (CPR); and
- F. review of research, practice, or regulations that affect care and treatment programs for sex offenders.

### 9515.3080 PROGRAM SAFETY AND RULES FOR BEHAVIOR.

Subpart 1. **Program safety.** The license holder must develop and follow policies and procedures for maintaining a secure and orderly environment that is safe for persons in treatment and staff and supportive of the treatment program.

Subp. 2. **Written rules for behavior and consequences of violations.** The license holder must specify rules of behavior for persons in treatment that are consistent with maintaining program safety and supportive of the person's rights to treatment. The rules must be in writing and must include a range of consequences that may be imposed for violation of the rules. The license holder must review and approve the written rules and range of consequences at least annually.

The license holder must give each person in treatment a copy of the rules and consequences in a handbook or comparable format at the time of admission. If a person is unable to understand the written rules and consequences, the license holder must make the rules and consequences available in a form that the person can understand.

The license holder must also give each staff member a copy of the written rules and consequences and ensure that the contents are discussed in the orientation required by part 9515.3070.

Subp. 3. **Criteria for written rules.** The written rules and consequences in subpart 2 must:

- A. regulate only behavior that endangers persons in treatment or others or threatens the license holder's ability to maintain the order and safety of the treatment program; and
- B. be clearly and objectively stated in terms of observable behavior.

### 9515.3090 BEHAVIOR MANAGEMENT AND PROGRAM SAFETY.

Subpart 1. **Behavior management.** Disciplinary restrictions, emergency seclusion, and protective isolation may be imposed in accordance with this part when necessary to ensure a safe, secure, and orderly environment for the treatment program. For purposes of this part, disciplinary restrictions, emergency seclusion, and protective isolation have the meanings in subparts 2 to 4.

Subp. 2. **Disciplinary restrictions.** "Disciplinary restrictions" means withholding or limiting privileges otherwise available to a person in treatment as a consequence of the person's violating rules of behavior. Examples of disciplinary restrictions would include withholding or limiting such privileges as work, leisure, vocational and recreational activities, or access to parts of the facility. Disciplinary restrictions must:

- A. be in proportion to the rule's importance to the order, safety, and security of the treatment program and to the severity of the violation;
- B. be reasonably related to the nature of the behavior; and
- C. take into consideration the person's past behavior while in the program.

Subp. 3. **Emergency seclusion.** "Emergency seclusion" means an emergency intervention that physically separates the person in treatment from others, including placing the person in a room from which the person is not able or permitted to exit. Emergency seclusion does not include locking a person in the person's sleeping room during normal sleeping hours or limiting a person's access to parts of the facility to which the person would otherwise have access. Emergency seclusion must be:

- A. imposed only when necessary to protect the person being secluded or another person or individual from imminent danger of serious physical harm or to prevent serious property damage;

- B. authorized by the nurse on duty who must immediately contact a physician for an order; and
- C. continued only as long as the person's behavior indicates imminent danger continues.

Staff must monitor the person in emergency seclusion no less than every 15 minutes. A physician must review the situation at least every 24 hours.

Subp. 4. **Protective isolation.** "Protective isolation" means placing a person in treatment in a room from which the person is not able or permitted to exit as a way of defusing or containing dangerous behavior that is uncontrollable by any other means.

The license holder must have written policies on protective isolation that cover the points in items A to C.

- A. Protective isolation must not be used for the convenience of staff or as a substitute for programming.
- B. Treatment must be available during protective isolation to the extent that the person's behavior and condition make treatment possible; treatment shall include components designed to eliminate or reduce the specified behavior or behaviors that caused the need for protective isolation.
- C. Protective isolation must not go beyond 48 continuous hours unless the treatment team recommends continuation to the medical director in a statement that:

- (1) explains why continued protective isolation is necessary;
- (2) contains an objective description of the behavior which poses the danger;
- (3) describes the frequency with which the behavior has occurred in the past;
- (4) analyzes the causes or precipitating condition for the behavior including, where appropriate, an analysis of the needs of the person which may cause the behavior;
- (5) discusses why protective isolation is necessary, including a statement of the facts and data from which it is concluded that less restrictive programming will not be sufficient to prevent harm;
- (6) describes the treatment plan, if any, which will be offered during the period of protective isolation;
- (7) sets forth a plan for reviewing the protective isolation, including the frequency of reviews and the criteria for determining that the risk of harm is no longer sufficient to justify isolation; and
- (8) is placed in the medical records of the person in protective isolation.

Continuing protective isolation is contingent on the medical director's written approval of the recommendation. If the plan for continuing protective isolation is approved, staff must follow the plan required in subitem (7).

Subp. 5. **Request for review of protective isolation.** The license holder must provide to a person in treatment who is placed in protective isolation a procedure which can be used immediately to request a review if the person believes the placement was unwarranted. Protective isolation may be imposed pending the outcome of the review. The review request procedure must include the elements in items A to D.

- A. The review must be conducted by a panel of at least three persons, who were not participants in the decision to impose the isolation, and whose professional experience and training qualify them to assess the situation.
- B. The review must be conducted and the outcome determined within seven days of being requested, excluding Saturdays, Sundays, and legal holidays, unless the review panel states in writing why a determination cannot be made within seven days and specifies when a determination will be made.
- C. The person requesting the review must have the opportunity to present to the review panel evidence and argument to explain why protective isolation is unwarranted. The review panel may reasonably limit the form by which the evidence and argument are presented if necessary to ensure the physical safety of the review participants.
- D. A person may request that the chief officer of the facility review a determination of the review panel. The chief officer's decision is final.

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### 9515.3100 ADMINISTRATIVE RECORDS.

Subpart 1. **Staff records.** The license holder must maintain personnel records on all staff. The staff records must include the following information:

- A. documentation that a background study has been done as required by *Minnesota Statutes*, section 245A.04, subdivision 3;
- B. documentation of a staff person's education and experience, including current licensure, certification, or registration when required by a person's position; and
- C. documentation of staff orientation and training. The record must include the date orientation or training was completed, the topics covered, and the hours of training received.

Subp. 2. **General administrative records.** The license holder must maintain the following administrative records and make the records available to the commissioner for inspection:

- A. a directory of all persons in the treatment program;
- B. a copy of the facility's licenses from the commissioner and the commissioner of health;
- C. a copy of the purchase of service contracts and subcontracts with a consultant and other individuals who provide services in the residential program, but who are not under the direct control of the license holder; and
- D. a copy of the facility's quality improvement plan, including reports that monitor and evaluate current activities.

### 9515.3110 RECORDS OF PERSONS IN TREATMENT.

Subpart 1. **Central record file on premises.** The license holder must maintain a central file of persons' records on the program premises.

Subp. 2. **Admission record.** Each person's admission record must include:

- A. the person's name, date of birth, and social security number;
- B. a photograph taken at admission;
- C. the date of admission;
- D. the name, address, and telephone number of an individual to contact in case of an emergency;
- E. documentation that the person's legal or medical status meets admission criteria;
- F. names of victims identified as requiring or requesting protection from the person or notification of the person's release or change of status; and
- G. names and telephone numbers of the person's attorney, county case manager, and any other individual warranted by the person's legal or medical status.

Subp. 3. **Treatment records.** The license holder must document the course of evaluation and treatment for each person in treatment. In addition to any other documentation the license holder chooses to include, each person's record must contain:

- A. copies of the person's diagnostic assessment, individual treatment plan, progress notes, quarterly evaluation, and discharge plan;
- B. names of the person's medical providers;
- C. documentation of incidents or emergencies involving the person;
- D. copies of any state review board reports on the person; and
- E. a copy of the person's transfer and discharge summary when applicable.

Subp. 4. **Consent to release information in record.** The license holder shall not release information in a person's record without a written consent signed by the person that specifies:

- A. the date of authorization and length of time, not to exceed six months from the date of the person's signature, for which the consent is valid;
- B. the information that will be released;
- C. the purpose for releasing the information; and
- D. the name of the individual or organization authorized to receive the information.

Subp. 5. **Secure confidential file.** Confidential information that is not to be released to a person must be kept separate from the person's medical record in a secure confidential file. The file must be accessible to staff 24 hours a day.

## **Pollution Control Agency**

### **Proposed Permanent Rules Relating to Individual Septic Tank Systems**

#### **Notice of Hearing**

**Introduction.** The Minnesota Pollution Control Agency (MPCA) intends to adopt a permanent rule after a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* §§ 14.131 to 14.20.

The hearings will be held as follows and will continue until all interested persons have been heard.

**Date:** Tuesday, August 29, 1995

**Time:** Commencing at 9:00 a.m. and continuing to 4:00 p.m. or completion of testimony, whichever occurs first

**Location:** Minnesota Pollution Control Agency

Board Room

520 Lafayette Road

St. Paul

**Date:** Wednesday, August 30, 1995

**Time:** Commencing at 1:00 p.m. and continuing in an evening session at 7:00 p.m.

**Location:** New Ulm Public Library

Public Meeting Room

17 North Broadway

New Ulm

**Date:** Thursday, August 31, 1995

**Time:** Commencing at 1 p.m. and continuing in an evening session at 7:00 p.m.

**Location:** Sawmill Inn

Meeting Room

2301 South Pokegama Avenue

Grand Rapids

The hearings will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted to the administrative law judge without appearing at the hearing. The administrative law judge assigned to conduct the hearing is Allen Giles. Judge Giles can be reached at:

The Office of Administrative Hearings

Suite 1700

100 Washington Square

Minneapolis, Minnesota 55401-2138

Phone: (612) 349-2543

**Subject of Rule and Statutory Authority.** The subject of the hearing will be the proposed rules governing minimum standards and criteria for the location, design, installation, use, and maintenance of individual sewage treatment systems (ISTS). The MPCA is revising this chapter to: 1) modify the existing technical standards and criteria, 2) establish requirements for implementing the technical standards and criteria, 3) establish a licensing program for businesses working with ISTS, 4) establish a training and registration program for professionals, and 5) establish administrative requirements for local units of government which have adopted ordinances regulating ISTS. The statutory authority to adopt the rule is *Minnesota Statutes* §§ 115.03, subd. 1(e), 115.55, subd. 3, and 115.56, subd. 1. A copy of the proposed rule is published immediately after this notice.

**Modifications.** The proposed rule may be modified as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed immediately after this notice, and must be supported by data and views submitted to the MPCA or presented at the hearing. If the proposed rule affects you any way, you are encouraged to participate in the rule-making process.

**Hearing Procedure.** You and all interested or affected persons including representatives of associations or other interested

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## Proposed Rules

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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 close the 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 MPCA 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* § 1400.0200 to 1400.1200 and *Minnesota Statutes* §§ 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

The MCPA requests that any person submitting written views or data to the administrative law judge prior to the hearing or during the comment period also submit a copy of the written data to the MPCA contact person at the address stated below.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available by contacting:

Debbie Olson  
Nonpoint Source Compliance Section  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194  
Phone: (612) 296-5695

This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the MPCA anticipates presenting at the hearing. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Small Business Considerations.** *Minnesota Statute* § 14.115, subd. 4, requires that the notice of rulemaking include a statement of the impact of this proposed rule on small businesses. Two types of small businesses will be affected by the proposed rules. The individual sewage treatment system business required by *Minnesota Statute* § 115.56 to obtain a state license, and the businesses that use individual sewage treatment systems to treat their wastes. The businesses required to obtain a state license will be affected by administrative requirements and license fees; however, many of these businesses have had to meet similar local requirements. Businesses not already having to meet local requirements will experience the greatest effect. The estimated average cost of meeting the requirements in the rule, including license fees, is \$634 per year. The MPCA has implemented several methods in the rule which mitigate the effects on these businesses. These methods include allowing businesses to obtain a single bond and liability insurance policy for multiple licenses, and continual efforts to involve these small businesses in the rulemaking activities, when possible.

In addition, some businesses that use individual sewage treatment systems to treat their wastewater may be affected. New technical requirements on the calculation of wastewater flow may require additional small businesses to obtain a state permit. The percentage of businesses affected is small, and although the requirement may add costs to some businesses, it will prevent system failures that have in the past required similar businesses to replace systems, costing them great amounts of money.

**Economic Factors.** *Minnesota Statute* § 116.07, subd. 6, requires the MPCA to give due consideration to economic factors in exercising its powers. The major economic impact for the licensing of ISTS businesses is the cost of complying with the statutory requirements: education, bonding and insurance, and licensing fees. In assessing the impact of the rule, the MPCA completed a survey of ISTS businesses. Part VI of the statement of need and reasonableness contains a detailed explanation of the estimated costs.

*Minnesota Rule* ch. 7080 establish state standards for the location, design, installation, use, maintenance and abandonment of ISTS. Currently, these standards are mandatory in certain counties and municipalities which must enact ordinances which comply with the appropriate regulations of the Minnesota Department of Natural Resources and county-wide in about one-half of the counties in Minnesota. The MPCA anticipates that changes to these rules will have a nonmeasurable impact on Minnesota's economy. Changes to these standards will have minimal impact on the economic climate of the unsewered community and the ISTS construction industry. The only major economic implication is the provision which requires one additional site for a replacement ISTS. This provision and other revisions causing lesser economic impact are fully detailed in Part VI of the statement of need and reasonableness.

**Impact on Agriculture Lands.** *Minnesota Statute* § 14.11, subd. 2, requires that if the rule would have a direct and substantial adverse impact upon agricultural lands in the state, the MPCA shall comply with specified additional requirements. The only rule change that may affect agricultural lands is the requirement that one additional soil treatment area be available on each lot. This requirement may increase the size of the lots resulting in a potential small increase in the amount of land taken out of agricultural



production. This would only affect those few developments on small lots unable to support two areas for soil treatment systems and is not considered substantial enough to cause adverse impact to agricultural lands.

**Expenditure of Public Money by Local Public Bodies.** *Minnesota Statute* § 14.11, subd. 1, requires the MPCA to include in this notice a statement of the rule's estimated costs to local public bodies 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. Municipalities are required to adopt the provisions of this rule within shoreland and floodplain areas and wild and scenic river land use districts. Outside of these areas, the rule provides recommended guidelines for the adoption of local ordinances. Should a municipality administer this rule for areas outside of the required areas, the added activities may collectively exceed the \$100,000 threshold. However, this expenditure is not mandated by this rule.

**Transportation.** *Minnesota Statute* § 174.05 requires the MPCA to notify the Commissioner of Transportation of all rules that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. This rule does not concern transportation.

**Lobbyist Registration.** *Minnesota Statute* ch. 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at:

Ethical Practices Board  
First Floor  
Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
Telephone: (612) 296-5148

**Adoption Procedure After the Hearing.** 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 MPCA 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 MPCA's notice of adoption must be mailed on the same day that 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 MPCA contact person at any time prior to the filing of the rule with the Secretary of State.

Charles W. Williams  
Commissioner

## Rules as Proposed

### 7080.0010 PURPOSE AND INTENT.

The improper location, ~~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 design, location, installation, use, and maintenance~~ of individual sewage treatment systems, and thus ~~protect~~ protects the surface and ground waters of the state, and ~~promote~~ promotes the public health, safety, and general welfare.

~~These 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 not intended to cover systems treating industrial 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.~~

~~This chapter does not address systems treating industrial or animal waste or wastewater that may contain hazardous materials. Industrial wastewater treatment systems receiving nonhazardous wastes or individual sewage treatment systems serving more than~~

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20 persons are regulated by the United States Environmental Protection Agency as Class V injection wells under Code of Federal Regulations, title 40, part 144.

It is the intent of this chapter to provide clear, reliable, and cost-effective technical standards and criteria; to provide a framework for permitting and inspection programs to be administered at the local level; and to describe the responsibilities, licensing, and enforcement requirements for individual sewage treatment system professionals. The technical portions of this chapter are based on current research and practical field applications to achieve adequate sewage treatment. In conjunction with these minimum standards, the agency encourages the use of advanced treatment methods to further reduce the discharge of contaminants.

In addition to establishing minimum technical standards, this chapter establishes minimum administrative requirements for local units of government that adopt local ordinances to regulate individual sewage treatment systems, establishes requirements for those areas without such ordinances, and establishes programs for licensing businesses and training and registering ISTS professionals.

### 7080.0020 DEFINITIONS.

[For text of subs 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 to decompose~~ sewage by the ~~introduction of~~ introducing air into the sewage.

Subp. 3. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 3a. **Alternative standards.** "Alternative standards" means individual sewage treatment system standards that differ from technical standards and criteria, are not more restrictive, and adequately protect public health and the environment.

Subp. 4. **Alternative system.** "Alternative system" means an individual sewage treatment system employing such methods and devices as presented in part ~~7080.0180~~ 7080.0910, subpart 3.

Subp. 4a. **Applicable requirements.** "Applicable requirements" means local individual sewage treatment system ordinances or in areas without an ordinance to regulate individual sewage treatment systems, the requirements of this chapter.

Subp. 4b. **Apprentice.** "Apprentice" means an individual who has completed training and passed the examination requirements under parts 7080.0805 and 7080.0810 for the specialty area applicable to the work to be performed.

Subp. 4c. **As-builts.** "As-builts" means drawings and documentation specifying the final in-place location, size, and type of all system components. These records identify the results of materials testing and describe conditions during construction. As-builts contain a certified statement.

Subp. 4d. **At-grade system.** "At-grade system" means a pressurized soil treatment system where sewage tank effluent is dosed to a drainfield rock bed which is 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. Bedrock also includes layers of which greater than 50 percent by volume consists of unweathered in-place consolidated bedrock fragments.

Subp. 7. **Bedroom.** "Bedroom" means any room or unfinished area within a dwelling that might reasonably be used as a sleeping room.

Subp. 7a. **Building.** "Building" means all occupied structures and any structure whose foundation could be damaged and structural integrity jeopardized by the seepage of sewage or sewage tank effluent.

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

Subp. 9a. **Business.** "Business" means an individual or organization that designs, installs, maintains, pumps, or inspects an individual sewage treatment system.

Subp. 10. [See repealer.]

Subp. 10a. **Certificate of compliance.** "Certificate of compliance" means a document written after a compliance inspection, certifying that a system is in compliance as specified under part 7080.0060, and signed by a qualified employee or licensee.

Subp. 10b. **Certified statement.** "Certified statement" means a statement signed statement by a licensee or qualified employee certifying that work was completed in accordance with applicable requirements.

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, bedrock, or other soil materials. 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. Clean sand also means a soil texture which meets American Society for Testing and Materials (ASTM) specification C-33 (fine aggregate for concrete) or Minnesota Department of Transportation (MnDOT) specification 3126 (fine aggregate for Portland cement concrete). The ASTM specification is found in the 1994 Annual Book of ASTM Standards, volume 4.02, which is incorporated by reference. This document is provided by the American Society for Testing and Materials located at 1916 Race Street, Philadelphia, PA 19103-1187. The MnDOT specification is found in the MnDOT Standard Specifications for Construction, 1988 Edition, and the May 2, 1994, Supplemental Specifications, which are incorporated by reference. These documents are provided by the Minnesota Department of Transportation located at 395 John Ireland Boulevard, St. Paul, Minnesota 55155. All references can be found at the Minnesota State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155, and are not subject to frequent change.

Subp. 11c. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 11d. **Compliance inspection.** "Compliance inspection" means conducting site investigations, gathering and reviewing information, or conducting tests to reasonably assure an individual sewage treatment system is in compliance as specified under part 7080.0060.

Subp. 11e. **Conforming systems.** "Conforming systems" means individual sewage treatment systems that were installed according to all applicable local standards adopted and in effect at the time of installation, but does not include systems which are failing as defined in subpart 16a.

Subp. 12. **DNR.** "DNR" means the Minnesota Department of Natural Resources.

Subp. 12a. **Designated registered professional.** "Designated registered professional" means an individual who is included on the agency's ISTS professional register with specialty area endorsements that correspond to the license, who has been designated by the individual's employer as its representative for work to be done on an individual sewage treatment system, and who is subject to the obligations of a license. An apprentice may be a designated registered professional if the individual has specialty area endorsements that correspond to the license, has fulfilled the contractual requirement under part 7080.0815, subpart 1, item B or C, and has a restricted license due to the need for experience.

Subp. 12b. **Distribution box.** "Distribution box" means a device designed to concurrently and equally distribute sewage tank effluent by gravity to a soil treatment system.

Subp. 12c. **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. 12d. **Distribution medium.** "Distribution medium" means the material used to distribute the sewage tank effluent within a soil treatment system. This medium includes 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 subs 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.

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## Proposed Rules

Subp. 16. **Dwelling.** "Dwelling" means any building or place used or intended to be used by human occupants as a single-family or two-family unit residence.

Subp. 16a. **Failing system.** "Failing system" means any system that discharges untreated or partially treated sewage to the ground surface, surface water, or groundwater; a seepage pit, cesspool, drywell, or leaching pit; any system with less than three feet of soil or sand between the system bottom and the saturated soil level or bedrock; and any system causing sewage backup into a dwelling or other establishment.

Subp. 17a. **Gas deflecting baffle.** "Gas deflecting baffle" means an obstructing device on the septic tank outlet that limits the escape of solids that are carried by septic tank gases.

Subp. 17b. **Gravelless drainfield pipe.** "Gravelless drainfield pipe" means a distribution medium consisting of a corrugated distribution pipe encased in a geotextile wrap installed in a trench.

[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. 19a. **Imminent threat to public health or safety.** "Imminent threat to public health or safety" means situations with the potential to immediately and adversely impact or threaten public health or safety. At a minimum, surface discharges or adversely impacted wells shall constitute an imminent threat.

Subp. 19b. **ISTS.** "ISTS" means an individual sewage treatment system as defined under subpart 21.

Subp. 19c. **ISTS professional.** "ISTS professional" means a person who designs, installs, alters, repairs, maintains, pumps, or inspects systems as set forth in this chapter.

Subp. 20. [See repealer.]

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 and using sewage tanks or advanced treatment followed by soil treatment and disposal. Individual sewage treatment system includes holding tanks and privies.

Subp. 21a. **Invert.** "Invert" means the lowest point of a channel inside a pipe.

Subp. 21b. **Landscape position.** "Landscape position" means the identification of the shape of the land or geomorphic setting of the soil. Terms used to describe landscape position include ridge, sideslope, footslope, closed depression or pothole, drainage way or swale, terrace, or floodplain.

Subp. 21c. **Licensee.** "Licensee" means the person to whom a license under part 7080.0705 is issued. The designated registered professional is subject to the same obligations as the licensee. The license must be applicable to the work being performed.

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. 22c. **Local ordinance.** "Local ordinance" means any ordinance enacted by the governing body of a local unit of government to regulate individual sewage treatment systems and/or any ordinance to regulate the issuance of permits or variances for the addition of a bedroom or bathroom on property served by an individual sewage treatment system.

Subp. 22d. **Local unit of government.** "Local unit of government" means a township, statutory or home rule charter city, or county.

Subp. 22e. **Lot.** "Lot" means a lot in a plat recorded in the office of the county recorder or registrar of titles or a parcel of land created and conveyed, using a specific legal description, for a building site.

Subp. 22f. **More restrictive standards.** "More restrictive standards" means the modification of this chapter with the intention of providing an additional measure of public health or environmental protection, additional margins of safety, or greater system longevity. More restrictive standards may place additional requirements on standard systems but may not eliminate the use of a standard system.

Subp. 23. **Mottling.** "Mottling", as applied to soils, means a zone of chemical 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~~ natural elevation of the soil to overcome limits imposed by proximity to ~~water table~~ saturated soil or bedrock, or by rapidly or slowly permeable soils.

Subp. 24a. [See repealer.]

Subp. 24b. **New construction.** "New construction" means installing or constructing a new individual sewage treatment system in its entirety; or a holding tank, curtain drain, privy, or collector system; or altering, extending, or adding capacity to an existing individual sewage treatment system.

Subp. 24c. **Nonconforming system.** "Nonconforming system" means a failing system as defined in subpart 16a or a system not constructed in compliance with all applicable local standards adopted and in effect at the time of installation.

Subp. 24d. **Notice of noncompliance.** "Notice of noncompliance" means a document written and signed by a qualified employee or licensee after a compliance inspection which gives notice that an individual sewage treatment system is not in compliance as specified under part 7080.0060.

Subp. 24e. **Ordinary high water level.** "Ordinary high water level" means the boundary of public waters and wetlands, that is an elevation delineating the highest water level maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of a channel. For reservoirs and flowages the ordinary high water level must be the operating elevation of the normal summer pool.

Subp. 24e-24f. **Original soil.** "Original soil" means naturally occurring inorganic soil that has not been moved, smeared, compacted, nor manipulated with construction equipment.

Subp. 25. **Other establishment.** "Other establishment" means any public or private structure other than a dwelling which generates sewage.

Subp. 25a. **Owner.** "Owner" means ~~all persons~~ any person having possession of, control over, or title to property with an individual sewage treatment system.

Subp. 26. **Percolation rate.** "Percolation rate" means the ~~time~~ timed rate of drop of a water surface in a test hole as specified in part 7080.0110, subpart 4.

Subp. 26a. **Permit.** "Permit" means a building, construction, sanitary, planning, zoning, or other such permit issued for new construction, replacement, repair, alteration, or extension of an individual sewage treatment system, including holding tanks, curtain drains, privies, and collector systems. Permit also means a permit issued for the addition of a bedroom or bathroom on property served by an individual sewage treatment system.

Subp. 26b. **Permittee.** "Permittee" means any person who is named on a permit issued pursuant to local ordinance.

Subp. 27. **Permitting authority.** "Permitting authority" means any unit of government, state agency, or municipality ~~which~~ any authorized representative who administers the provisions of these standards or enforces ordinances or laws or rules through permits.

Subp. 28. **Plastic limit.** "Plastic limit" means a soil moisture content below which the soil may be manipulated for purposes of installing a soil treatment system, and above which manipulation will cause compaction and puddling. The soil moisture content at the plastic limit can be measured by American Society for Testing and Materials (ASTM) test number D4318-84.

Subp. 28a. **Public waters.** "Public waters" means any public waters or wetlands as defined in *Minnesota Statutes*, section ~~405.37~~ 103G.005, subdivisions ~~44~~ 15 and 19, or identified as public waters or wetlands by the inventory prepared pursuant to *Minnesota Statutes*, section ~~405.394~~ 103G.201.

Subp. 28b. **Qualified employee.** "Qualified employee" means an employee of state or local government who conducts site evaluations or designs; installs, maintains, pumps, or inspects individual sewage treatment systems as part of employment duties and is registered on the ISTS professional register with specialty area endorsements applicable to the work being conducted. A qualified

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## Proposed Rules

employee may be an apprentice if the individual has specialty area endorsements applicable to the work to be completed, has fulfilled the contractual requirement under part 7080.0815, subpart 1, item B or C, and has been issued performance restrictions.

Subp. 28c. Replacement. "Replacement" means the replacement of an existing sewage tank, holding tank, dosing chamber, curtain drain, privy, collector system, or soil treatment system.

Subp. 28d. Required absorption width. "Required absorption width" means that the 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.

Subp. 28e-28e. Restaurants. "Restaurants" means establishments that prepare and serve meals and at which multiple use dishes and utensils are washed.

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 at a loading rate greater than 1.20 gallons per day per square foot or with a hydraulic head greater than 30 inches.

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. 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 subs 36 to 40, see M.R.]

Subp. 41. [See repealer.]

Subp. 42. Soil textural classification. "Soil textural classification," where means the soil particle sizes or textures are textural classification as 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 the area of trench, at-grade rock bed, or seepage 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 trenches, seepage bed beds, trench, drainfield, disposal field drainfields, at-grade systems, and mounds mound systems.

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 specified in parts 7080.0125 to 7080.0170.

Subp. 45a. SDS and NPDES permits. "SDS and NPDES permits" means State Disposal System and National Pollutant Discharge Elimination System permits issued by the agency to regulate individual sewage treatment systems.

Subp. 45b. Standard system. "Standard system" means an individual sewage treatment system built in compliance with parts 7080.0600 to 7080.0910.

Subp. 45c. 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. 46a. Technical standards and criteria. “Technical standards and criteria” means parts 7080.0020, 7080.0060 to 7080.0176, and 7080.0910.

Subp. 47. Ten-year flood. “Ten-year flood” means that a 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 fecal matter, urine, toilet paper, and any water used for flushing and specifically excluding sanitary napkins, tampons, and disposable diapers.

Subp. 48a. Toilet waste treatment devices. “Toilet waste treatment devices” means privies and other devices including 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. 49a. Voluntary certification program. “Voluntary certification program” means the program administered by the agency that provided certification of education and experience to individual sewage treatment systems professionals who volunteered to participate in the program. This program ends on the effective date of this chapter.

Subp. 50. [See repealer.]

Subp. 52. Watertight. “Watertight” means a sewage tank device constructed so that no water can get into or out of the sewage tank device except through the inlet designed inlets and outlet pipes outlets.

[For text of subp 53, see M.R.]

#### **7080.0025 ADVISORY COMMITTEE.**

Subpart 1. Creation. There is created an advisory committee on individual sewage treatment systems (ISTS).

Subp. 2. Duties. The committee shall, subject to the approval of the commissioner, review and advise the agency on:

- A. revisions of standards and legislation relating to ISTS;
- B. technical data relating to ISTS;
- C. a technical manual on ISTS;
- D. educational materials and programs for ISTS;
- E. the administration of standards and ordinances pertaining to ISTS at the state and local level; and
- F. other ISTS activities considered appropriate by the committee.

Subp. 3. Membership. The committee shall consist of the following voting members. Of the voting members:

- A. one shall be a citizen of Minnesota, representative of the public;
- B. one shall be from the Minnesota Extension Service of the University of Minnesota;
- C. six shall be county administrators, such as zoning administrators and sanitarians, one from each of the five agency regions and one from the seven-county metropolitan area;
- D. one shall be a municipal building inspector;
- E. six shall be sewage treatment contractors, one from each of the five agency regions and one from the seven-county metropolitan area;
- F. one shall be a water well contractor; and
- G. one shall be a township official.

Subp. 4. Ex officio members. The following agencies and associations shall each have one nonvoting ex officio member to

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assist the advisory committee and to be advised, in turn, on matters relating to ISTS: the agency, Department of Natural Resources, Minnesota Department of Health, United States Department of Agriculture Soil Conservation Service, Metropolitan Council, Association of Minnesota Counties, Minnesota Association of Townships, League of Minnesota Cities, Minnesota Society of Engineers, Association of Small Cities, Minnesota Association of Campground Operators, Inc., Minnesota Association of Realtors, Minnesota County Recorders' Association, and Minnesota Environmental Health Association.

### **7080.0030 ADMINISTRATION BY STATE AGENCIES; SDS AND NPDES PERMIT REQUIREMENTS.**

Subpart 1. SDS and NPDES permits required. The agency issues State Disposal System (SDS) and National Pollutant Discharge Elimination System (NPDES) permits. Individual sewage treatment systems are required to have an NPDES or SDS permit, or both, as follows:

A. For an ~~When~~ 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 in accordance with subpart 2 and chapter 7001 if either of the following conditions apply:

A- the individual sewage treatment system or group of systems are is 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. 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 this chapter.

Any individual sewage treatment system requiring approval by the state of Minnesota shall also comply with all local codes and ordinances.

B. All new or existing systems which discharge to surface waters or the ground surface must obtain either an NPDES or an SDS permit from the agency and shall comply with all NPDES or SDS requirements.

Subp. 2. Application for SDS permit. For an individual sewage treatment system that is required to have an SDS permit under subpart 1, the owner must submit to the agency a complete set of plans and specifications with the completed SDS permit application which includes the information under items A to I in such detail as appropriate for the complexity of the system:

A. justification of the need for a large system;

B. 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;

C. a description of methods to meet or exceed permit standards for down gradient groundwater quality;

D. an evaluation of groundwater conditions, groundwater impacts, and development of a groundwater monitoring and mitigation plan;

E. a plan to identify and eliminate discharges of nondomestic wastewater;

F. meter readings of flow;

G. an operation and maintenance plan;

H. a septage disposal plan; and

I. for joint systems, a written statement signed by all owners of dwellings or other establishments planned to be connected to collection systems that they 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.

Subp. 3. Variance procedures. In certain cases, the owner or other person responsible for an ISTS which requires a variance by the agency may submit a request for a variance from the standards in this chapter. Before granting a requested variance, the agency must find that by reason of exceptional circumstances the strict enforcement of any provision of this chapter would cause undue hardship; that disposal of the sewage is necessary for the public health, safety, or welfare; or that strict conformity with the standards would be unreasonable, impractical, not feasible under the circumstances, or not reasonable due to proximity of systems. The agency may permit a variance under part 7000.7000 upon conditions as it may prescribe for prevention, control, or abatement of



pollution in harmony with the general purpose of this chapter and the intent of applicable state and federal laws. Variances to separation distances from wells and water supply pipes can only be issued by the Minnesota Department of Health.

Subp. 4. Administration by all state agencies. Individual sewage treatment systems serving establishments or facilities licensed or otherwise regulated by Minnesota shall conform to the requirements of this chapter. Any individual sewage treatment systems requiring approval by the state shall also comply with all local codes and ordinances. Plans and specifications must receive the appropriate state and local approval before construction is initiated.

**MINIMUM TECHNICAL STANDARDS AND CRITERIA FOR INDIVIDUAL SEWAGE TREATMENT SYSTEMS**

**7080.0060 TREATMENT REQUIRED COMPLIANCE CRITERIA.**

Subpart 1. Treatment required. Each individual sewage treatment system, or systems, shall be designed to receive and treat all sewage from the dwelling, building, or other establishment served. Footing or roof drainage shall not enter any part of the system. Products containing hazardous materials 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 solvents, pesticides, flammables, photo finishing chemicals, or dry cleaning chemicals, must not be discharged to the system.

Systems that were installed according to all applicable local standards adopted and in effect at the time of installation shall be considered as 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.

Subp. 2. Hand carried greywater. Hand carried greywater shall not be discharged directly to surface waters, drainageways, or in a manner harmful to the environment or to public health.

Subp. 3. Compliance. Individual sewage treatment systems shall be considered in compliance if:

- A. an existing individual sewage treatment system is not a failing system as defined in part 7080.0020, subpart 16a; or
- B. new construction or replacement meets the technical standards and criteria defined in part 7080.0020, subpart 46a.

Subp. 4. Required upgrade. Systems not in compliance shall be upgraded, replaced, repaired in compliance with this part, or discontinued. If a compliance inspection indicates that a system presents an imminent threat to public health or safety as defined in part 7080.0020, subpart 19a, the owner must upgrade, replace, or discontinue use of the system within the time period established by the local unit of government in areas with local ordinances and by the agency in areas without local ordinances. This time period shall not be longer than ten months after the owner receives a notice of noncompliance.

**7080.0065 PROHIBITIONS.**

A. Sewage, sewage tank effluent, or seepage from a soil treatment system shall not be discharged into any well or other excavation in the ground not in compliance with this chapter.

B. Footing or roof drainage shall not enter any part of a system. Products containing hazardous materials must not be discharged to a system other than in normal amounts of household products and cleaners designed for household use. Substances not intended for use in household cleaning including solvents, pesticides, flammables, photo finishing chemicals, and dry cleaning chemicals must not be discharged to the system.

C. Unless specifically permitted by the agency, sewage, sewage tank effluent, or seepage from a soil treatment system shall not be discharged to the ground surface or to surface water.

**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:

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- 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 individual sewage treatment 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 elevation from published data or from data which is acceptable to the permitting authority;
- F. property lines;
- G. all required setbacks from the system;
- H. 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. identifying lot lines, lot improvements, required setbacks, and easements;
- B. a description of the following surface features:
  - (1) 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
  - (4) landscape position;

C. soil observations. The number of soil observations required is the smallest number necessary to adequately characterize the site with a minimum of one observation per site. Soil observations shall be performed in an exposed pit, or by hand augering, or probing. Underground utilities must be located before soil observations are undertaken. Required safety precautions must be taken before entering soil pits. Elite augers are not allowable for soil observation. Soil observations shall be conducted prior to any required 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 at 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, 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:

<u>Minnesota</u>	≡	<u>USDA</u>
<u>Clay</u>	≡	<u>Clay, sand clay, silty clay</u>
<u>Clay loam</u>	≡	<u>Clay loam, sandy clay loam, silty clay loam</u>
<u>Loam</u>	≡	<u>Loam</u>
<u>Sandy loam</u>	≡	<u>Sandy loam</u>
<u>Silt loam</u>	≡	<u>Silt loam, silt</u>
<u>Loamy sand</u>	≡	<u>Loamy sand</u>
<u>Coarse sand</u>	≡	<u>Coarse sand</u>
<u>(Medium) sand</u>	≡	<u>(Medium) sand</u>
<u>Fine sand</u>	≡	<u>Fine and very fine sand</u>

(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 or clean sand 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 in order for saturation to occur.

(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 intervals, refilling between measurements to maintain an eight-inch starting head. If water seeps away in less than 30 minutes, a shorter time interval between measurements must 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

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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 within the soil treatment area 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

E. 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 I, and 4, items B to E;

B. dates 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) the location of any unsuitable, disturbed/compacted areas; and

(3) the access route for tank maintenance;

D. estimated depth 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; and

H. name, address, telephone number, and signature of the site evaluator/designer.

Subp. 6. Additional soil treatment areas. If a suitable additional soil treatment area is available, it must be identified in the site evaluation.

### 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.

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)**  
**Classification of Dwelling**

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: The average design flow for classification I dwellings is determined by multiplying 150 by the number of bedrooms. Classification I dwellings are defined as having a total floor area of the dwelling divided by the number of bedrooms of 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: The average design flow for classification II dwellings is determined by multiplying 75 by the number of bedrooms plus one. Classification II dwellings are defined as having 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: The average design flow for classification III dwellings is determined by adding 66 to the product of 38 times the number of bedrooms plus one. Classification III dwellings are defined as having 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 a consecutive seven-day period in which the establishment is at maximum capacity or use; and

(2) the maximum design flow shall be the anticipated peak daily flow.

Subp. 4. 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~~

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F. not be installed when the water table is constructed when saturated soil conditions during construction 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 label affixed to 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 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 septic tank which serves another establishment.

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. In a single compartmented tank, the inlet invert shall be not less than three at least two inches above the outlet invert.

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, other than sanitary tees, 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, other than sanitary tees, shall be six inches measured from beginning of the outlet pipe to the nearest point on the baffle. Sanitary tees used as inlet or outlet baffles shall be at least four inches in diameter.

M. Access to the septic tank shall be as follows:

[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 with 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 not 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.

## Proposed Rules

(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 a 12 inches of inch depth below finished grade. If the manhole is ~~covered with less than~~ between zero and six inches of earth below 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~~ no smaller equal to or larger than any subsequent tanks 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. Any liquid depth which is greater than 78 inches shall not be used when calculating the 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).

<u>Number of Bedrooms</u>	<u>Septic Tank Liquid Capacities (gallons)</u>
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 tanks~~ serving ~~an establishment other than a dwelling shall be establishments using the method in subitem (1), (2), or (3).~~

(1) Sufficient ~~to capacity shall~~ provide a sewage detention period of not less than 36 hours in the tank for sewage maximum design flows of less than 1,500 gallons per day, but in no instance shall the liquid capacity be less than 750 gallons.

(2) 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.

(3) For restaurants and laundromats, ~~twice the liquid capacity shown above~~ sufficient detention time or pretreatment must be provided to produce an effluent quality suitable for discharge to a soil treatment system. For laundromats the outlet baffle of ~~the a~~ septic tank must be submerged to a depth of 50 percent of the liquid depth of the tank.

C. Garbage disposals. If a garbage disposal unit is anticipated or installed in a residence dwelling or other establishment at any time, the septic tank capacity must be at least 50 percent greater than that required in ~~items item A and or B, subitem (1) or (2).~~ 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

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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 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. Owners of multiple tank systems having more than two tanks may increase the volume of the sewage delivered in each pump cycle. If the liquid capacity is determined by item A or B, subitem (1) or (2), the dosing volume to the tank shall not exceed one percent of the liquid volume capacity of the tank. If multiple tanks or compartments are used, the dose volume shall not exceed one percent of the first compartment or tank.

(2) A dosing volume up to five percent of the liquid capacity of the first tank or compartment is allowed if multiple tanks or compartments are used with the total liquid capacity being twice that of item A or B, subitem (1) or (2).

E. Garbage disposal and pumping of raw sewage. Systems designed for dwellings or other establishments with garbage disposals and pump raw sewage must provide for multiple tanks or compartments, have a liquid capacity of twice of item A or B, subitem (1) or (2), and have a dosing volume of five percent or less of the liquid capacity of the first tank or compartment.

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~~ 7080.0910, 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 oil.

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.

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~~ shall 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~~ § 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.

~~(4)~~ (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.

~~(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.

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(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"	1-1/4"	1-1/2"	2"
	1.049	1.380	1.610	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.]

### 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 have a minimum 500-gallon capacity or 100 percent of the average design flow, whichever is greater.~~

D. ~~A dosing device must employ an alarm device to warn of 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.~~

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# Proposed Rules

**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 \* (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 \* (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 \* (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.

\*\*See items F and G for special requirements for these soils.

\*\*\*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 slower 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 or Holding Tank	Soil Treatment or Absorption Area **** or Privy	Building Sewer or Supply Pipes
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	***	***	

\*Setbacks from water supply wells and buried water pipes are governed by ~~chapter~~ chapters 4715 and 4725, respectively.

\*\*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. Infringement on building setbacks for areas without local ordinance requires submittal of a written notification by the owner indicating the proposed setback and approval by the commissioner.

\*\*\*Setbacks from lakes, rivers, and streams are governed by chapters 6105 and 6120.

\*\*\*\*Refer to subpart 5, item A, subitem (3).

\*\*\*\*\*Infringement on property setbacks for areas without local ordinances requires written permission from any potentially affected party, and approval by the commissioner.

[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.

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## Proposed Rules

### 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 are 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 acceptance 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.

**Table V**  
**Soil Sizing Factors**

<u>Percolation Rate</u> <u>(Minutes per</u> <u>Inch)</u>	<u>(Square Feet of Trench</u> <u>Bottom per Gallon of Average</u> <u>Design Flow per Day)</u>
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 7080.0910, subpart 3, item B, for special requirements for these soils.

\*\*See subpart 4, or part 7080.0910, subpart 3, item B, for special requirements for these soils.

\*\*\*See subpart 5 or part 7080.0910, 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 7080.0910, 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).

**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 at least ten feet apart.

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## Proposed Rules

The width of the excavation for gravelless drainfield pipe and chambered systems shall be installed 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 unsmear, and uncompacted condition. Excavation shall be made Excavate into the soil treatment area 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. Do not drive excavation equipment or other vehicles shall not be driven on the soil treatment area excavated trench or seepage bed bottom. Once the trench or seepage bed is excavated, it 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.

~~(4)~~ ~~A.~~ Dual field systems shall be used only where the percolation rate is slower than five minutes per inch, unless a liner or pressure distribution system is employed as specified in part 7080.0150, subpart 3, or 7080.0910, subpart 3, item B.



(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.

(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 4+ 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 4+ 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

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## Proposed Rules

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 six 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
<u>Faster than 5</u>	<u>1.00</u>	
6 to 15	<u>0.79 1.50</u>	<u>1.27</u>
16 to 30	<u>0.60 2.00</u>	<u>1.67</u>
31 to 45	<u>0.50 2.40</u>	<u>2.00</u>
46 to 60	<u>0.45 2.67</u>	<u>2.20</u>
61 to 120	<u>0.24 5.00</u>	<u>4.20</u>
<u>120 plus</u>	<u>*See part 7080.0910, subpart 3, item A, subitem (2)</u>	

(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 required absorption area width 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.

(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 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 must not vary by more than 12 inches upslope edge of the level drainfield rock bed must be placed on the contour.

(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 at least 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.

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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 12 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 coarser. 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.

(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-grade systems.

(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 or sandy cover material 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-

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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 system. 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. If the sewage tank, other than a holding, has a 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.

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. Tank abandonment procedures for sewage tanks, cesspools, leaching pits, dry wells, seepage pits, privies, and distribution devices are as follows: all solids and liquids shall be removed and disposed of in accordance with part 7080.0175 and abandoned chambers shall be removed or be filled with granular soil material.

B. Access for future discharge to the system shall be permanently denied.

C. If soil treatment systems are removed, contaminated materials shall be properly handled to prevent human contact prior to disposal.

### 7080.0300 GENERAL.

Subpart 1. ISTS professionals. A person who designs, installs, alters, repairs, maintains, pumps, or inspects all or part of an individual sewage treatment system, shall comply with applicable requirements.

ISTS professionals shall comply with parts 7080.0020, 7080.0060 to 7080.0176, and 7080.0910. In areas with local ordinances, ISTS professionals shall also comply with parts 7080.0305 to 7080.0315. In areas without local ordinances, ISTS professionals shall also comply with part 7080.0350.

Subp. 2. Additional soil treatment area. Lots created after the effective date of this chapter shall have a minimum of one additional soil treatment area which can support a standard soil treatment system.

Subp. 3. Local unit of government with a local ordinance. Local units of government with local ordinances shall comply with parts 7080.0305 to 7080.0315.

Pursuant to Minnesota Statutes, sections 103F.121; 103F.335, subdivision 1; and 103F.221, certain counties and cities must enact

ordinances which comply with the appropriate rules of the Minnesota Department of Natural Resources, some of which in turn require compliance with the rules of the Minnesota Pollution Control Agency.

Subp. 4. Areas without a local ordinance. In areas without a local ordinance, the requirements of part 7080.0350 apply.

Subp. 5. Other jurisdictions. Outside of the jurisdictions covered by subpart 3, this chapter provides technical and administrative standards for the adoption of local ordinances for the location, design, construction, use, and maintenance of individual sewage treatment systems.

If jurisdictions issue construction permits for individual sewage treatment systems, inspections must be conducted to approve systems according to this chapter. At a minimum, the system must meet the requirements of part 7080.0350. The other area must maintain records of the location and design of the individual sewage treatment systems.

#### **REQUIREMENTS FOR LOCAL UNITS OF GOVERNMENT WITH A LOCAL ORDINANCE**

##### **7080.0305 GENERAL REQUIREMENTS FOR LOCAL ORDINANCES.**

Subpart 1. Deadline for compliance with this chapter. Any local ordinance adopted by a local unit of government to regulate individual sewage treatment systems must be in compliance with this chapter by January 1, 1998.

Subp. 2. Adoption of technical standards and criteria. If a local unit of government adopts an ordinance to regulate individual sewage treatment systems, the ordinance shall incorporate provisions of parts 7080.0020 and 7080.0060 to 7080.0176. Incorporation of part 7080.0910 is discretionary. More restrictive or alternative standards can be adopted in the ordinance if the procedures under subparts 3 to 9 are fulfilled.

Subp. 3. Variances. After December 31, 1995, a local unit of government shall not issue a variance for replacement, or for the addition of a bedroom or bathroom on property served by a system unless the individual sewage treatment system is in compliance with local ordinance, as evidenced by a certificate of compliance. A variance shall not be issued for new construction unless a permit for new construction has received preliminary approval and includes a construction schedule. Only the governing state agency may issue variances to chapters 4725, 6105, and 6120. Variances to decrease the three feet of vertical separation required beneath the distribution medium and the saturated soil or bedrock must be approved by the commissioner. The variance shall be accompanied by items described in subpart 6 as appropriate to the request.

Subp. 4. Requirements for local ordinances. Local ordinances shall include:

A. a provision that requires failing systems to be upgraded, replaced, or repaired in compliance with part 7080.0060, as applicable;

B. a provision to adopt the requirements under subpart 2; and

C. a provision that requires all design, installation, alteration, repair, maintenance, pumping, and inspection activities for an individual sewage treatment system to be completed under a license or by a qualified employee, or as exempted under part 7080.0700, subpart 1. A local unit of government may not require additional local licenses for ISTS professionals.

Subp. 5. Submittal of ordinance to commissioner. A copy of all local ordinances regulating ISTS adopted to meet the deadline under subpart 1, and future ordinances or amendments must be submitted to the commissioner within 30 days after adoption. Local ordinances with alternative standards under this subpart and subpart 6 must be submitted for approval before being adopted by the local unit of government.

Subp. 6. Requirements for alternative standards. Local units of government may adopt and enforce alternative standards if the standards receive the commissioner's approval before they are adopted as an ordinance. The commissioner shall maintain records of approved alternative standards. The local unit of government must submit a written request for review to the commissioner with the following:

A. the draft ordinance containing the alternative standards under the heading "for existing systems" and clearly labeled as alternative standards;

B. a description of the area within the jurisdiction of the local unit of government where the alternative standards would be implemented. This description includes:

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- (1) soil types;
- (2) density of systems and wells including projected population growth;
- (3) zoning designation;
- (4) type and number of facilities served by ISTS; and
- (5) groundwater conditions including:
  - (a) relationship between the shallow water table and the aquifers used for potable water;
  - (b) well depths and construction;
  - (c) potential use of the shallow water table or aquifer;
  - (d) travel times of contaminants; and
  - (e) discharge point of the shallow water table;

C. an explanation of the need for the alternative standards;

D. an explanation of why the variance process or the allowance of experimental or alternative systems on a case-by-case basis will not accomplish the same goal or is inappropriate; and

E. an explanation of how each alternative standard will protect public health and the environment with the supporting information under subitems (1) to (5), as appropriate to the request:

(1) replicated research by independent and qualified professionals, including research results, recommendations, and methodologies, demonstrating that the alternative standards meet the treatment capabilities of individual sewage treatment systems constructed in accordance with technical standards and criteria;

(2) a summary of literature searches on published papers applicable to the alternative standards requested. The summary must include research paper title, author, year, and publication source;

(3) research results or recommendations found while conducting the literature search for subitem (2) that conflict with those submitted under subitem (1), and an explanation of why the conflicting research does not apply;

(4) a summary of the credentials of the person or persons who conducted the submitted research demonstrating that the person is knowledgeable about individual sewage treatment systems and the application of research methodology; and

(5) monitoring data from the area that will be impacted by the alternative standards.

**Subp. 7. Review process for alternative standards.** After the request for review and the supporting items required under subpart 5 are submitted to the commissioner and determined to be complete. The commissioner must evaluate the proposed alternative standards in consultation with specialists qualified to evaluate submitted research to determine if the proposed alternative standards will protect public health and the environment. After this determination is complete, the consultants must recommend whether to certify the alternative standards. The specialists must state reasons for their recommendation.

**Subp. 8. Requirements for more restrictive standards.** Local units of government may adopt and enforce more restrictive standards for a designated area provided each more restrictive standard is clearly labeled, identified as meeting at least one of the three criteria in the definition, and submitted to the commissioner under subpart 5. Local units of government must submit local ordinances with more restrictive standards to the commissioner with an explanation of each provision that is more restrictive than technical standards and criteria.

**Subp. 9. Enforcement of local ordinances.** Local units of government shall enforce local ordinances that regulate individual sewage treatment systems through permitting programs that meet the requirements under part 7080.0310 and inspection programs that meet the requirements under part 7080.0315. Local units of government may also enforce local ordinances that are applicable requirements under *Minnesota Statutes*, section 115.071, subdivisions 3 and 4.

### **7080.0310 PERMIT PROGRAM FOR INDIVIDUAL SEWAGE TREATMENT SYSTEMS.**

#### **Subpart 1. General requirements for permit program.**

A. A local unit of government with a local ordinance to regulate individual sewage treatment systems must have a corresponding permit program that specifically addresses the following:

- (1) permit application requirements;
- (2) permit review and approval requirements and procedures;
- (3) recordkeeping; and
- (4) reporting.



These program elements must contain the minimum requirements under subparts 2 to 5.

B. A local unit of government with a local ordinance to regulate bedroom or bathroom additions must comply with subparts 3, item B, and 4.

Subp. 2. ISTS permit application requirements. ISTS permit applications must include exhibits described under subpart 4 indicating general requirements to adequately identify the property and owners, a site evaluation report, a design summary and drawings, applicable construction information, and any other information requested by the permitting authority pertinent to this process. Exhibits for site evaluation, design, and applicable construction information must be complete and include a certified statement from the person who conducted the work. In the event of a change in the application information which served as the basis for issuing a permit, the permittee must file an amended application for reapproval prior to initiating construction, detailing the changed conditions for approval or denial by the permitting authority.

Subp. 3. Permit approval requirements and procedures. The permit program must include the following requirements:

A. A qualified employee or licensee authorized by the local unit of government must review the permit application and exhibits to determine whether the proposed system will meet applicable requirements. The local unit of government will either grant preliminary approval or denial. Construction shall not be initiated until preliminary approval is granted. Final approval shall be evidenced by issuance of a notice of compliance.

B. After December 31, 1995, a local unit of government shall not issue a permit for a bedroom or bathroom addition on property served by a system unless the individual sewage treatment system is in compliance with applicable requirements, as evidenced by a certificate of compliance.

Subp. 4. Recordkeeping requirements. Local units of government must maintain copies of certificates of compliance, notices of noncompliance, permit applications, issued permits, enforcement proceedings, variance requests, and other actions taken. Records must be available for review by the commissioner. Permit files must also include:

A. site evaluation records including items identified in part 7080.0110;

B. design records including calculations and summaries for all system component sizings; and

C. construction records including plastic limit test results, sand and rock cleanliness comments or test results, dates of construction, weather conditions, plan changes, any problems encountered and their resolution, and as-builts.

Subp. 5. Reporting requirements. Local units of government must submit annual reports to the commissioner to demonstrate enforcement of the local ordinance. At a minimum, the reports must include a copy of the standard permit and inspection forms used if they are different than agency forms, the name and address of the program administrator, all qualified employees and contracted licensees authorized by the local unit of government, the number of permits issued, the number and methods of inspections conducted, the number and type of variances issued, and the number and type of alternative or experimental systems. The reports shall contain information from the calendar year and shall be received by the commissioner no later than March 1 of the following year.

#### **7080.0315 INSPECTION PROGRAM FOR INDIVIDUAL SEWAGE TREATMENT SYSTEMS.**

Subpart 1. Inspection requirements. The inspection program conducted by the local unit of government to fulfill the enforcement requirement under part 7080.0305, subpart 8, must specify the frequency and times of inspections, the requirements of an inspection, an inspection protocol if an inspection cannot be completed within a timely manner, and, at a minimum, the requirements for a compliance inspection under subpart 2.

Subp. 2. Compliance inspection. A compliance inspection shall be conducted:

A. to ensure compliance with local ordinance;

B. for an existing system if a local unit of government issues permits or variances for the addition of a bedroom or bathroom on property served by the system;

C. for all new construction or replacement; and

D. by a qualified employee or under a license authorized by the local unit of government who is independent of the owner and the installer.

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**Subp. 3. Certificate of compliance/notice of noncompliance.** A certificate of compliance or notice of noncompliance must include a certified statement from the licensee or qualified employee who conducted the compliance inspection, identify the type of system inspected, and a copy must be submitted to the local unit of government and owner within 30 days after the inspection. At a minimum, a notice of noncompliance must be issued for systems not in compliance as described under part 7080.0060. If a compliance inspection indicates that the system presents an imminent threat to public health or safety as defined in part 7080.0020, subpart 19a, the notice must also contain a statement to this effect and state that the owner must upgrade, replace, or discontinue use of the system within the time period established by the local unit of government. This time period cannot exceed ten months after the owner receives a notice of noncompliance.

### REQUIREMENTS IN AREAS WITHOUT A LOCAL ORDINANCE

#### 7080.0350 GENERAL REQUIREMENTS.

**Subpart 1. Requirements for work done on individual sewage treatment systems.** In areas that do not have a local ordinance, any person who designs, installs, alters, repairs, maintains, pumps, or inspects all or part of an individual sewage treatment system must complete work according to this chapter. All ISTS work activities must be completed under a license or by a qualified employee, or as exempted under part 7080.0700, subpart 1. Local units of government may not require additional local licenses for ISTS professionals.

**Subp. 2. Compliance inspections.** Compliance inspections are required for all new construction or replacement and must be completed according to items A and B:

**A.** Compliance inspections must be conducted by a qualified employee or under a license independent of the owner and the installer to ensure compliance with the requirements of this chapter.

**B.** A certificate of compliance or notice of noncompliance must include a certified statement from the licensee or qualified employee who conducted the compliance inspection, identify the type of system inspected, and a copy must be submitted to the commissioner and owner within 30 days after the inspection. At a minimum, a notice of noncompliance must be issued for systems not in compliance under part 7080.0060. If a compliance inspection indicates that the system presents an imminent threat to public health or safety as defined in part 7080.0020, subpart 19a, the notice must also contain a statement to this effect and state that the owner must upgrade, replace, or discontinue use of the system within the time period established by the commissioner. This time period may not exceed ten months after the owner receives a notice of noncompliance. The owner must submit to the commissioner a copy of the certificate of compliance after the system upgrade or replacement has occurred or a written notification indicating discontinued use of the individual sewage treatment system.

**Subp. 3. Variances.** Variances to chapters 4725, 6105, 6120, and 7080 may only be approved by the governing state agency.

### INDIVIDUAL SEWAGE TREATMENT SYSTEM LICENSE PROGRAM

#### 7080.0700 LICENSES.

**Subpart 1. State license required.** A state license applicable to the type of work being performed is required for any business that conducts work to site evaluate, design, install, maintain, pump, or inspect all or part of an ISTS. A license is not required for:

**A.** an individual who is a qualified employee performing work as directed by the state or local government employer;

**B.** an individual who is constructing a system on land that is owned or leased by the individual and functions solely as a dwelling or seasonal dwelling after consulting with a designer I or II. The system must be inspected before being covered and a compliance report must be provided to the local unit of government after the inspection;

**C.** an individual who performs labor or services under a licensee; or

**D.** a farmer who pumps and disposes of sewage waste from individual sewage treatment systems on land that is owned or leased by the farmer.

**Subp. 2. State license categories.** The commissioner may issue the following licenses:

**A.** designer I license for conducting site evaluations and compliance inspections, designing ISTS, issuing written certificates of compliance and notices of noncompliance, and issuing and maintaining inspection reports;

**B.** designer II license for conducting site evaluations and designing ISTS;

**C.** installer license for constructing, installing, altering, extending, maintaining, and repairing ISTS; ensuring all work is done according to a written site evaluation and design report; ensuring inspections are conducted for new construction or replacement in areas without ordinances; ensuring site conditions allow for construction; providing evidence to verify compliance with applicable requirements; maintaining quality control/quality assurance records; and maintaining as-builts of all work;

**D.** pumper license for measuring scum and sludge depths for the accumulation of solids and removing these deposits, storing and hauling septage; disposing of septage; identifying problems related to sewage tanks, baffles, manhole covers and extensions.

and making repairs, and inspecting and evaluating water tightness of sewage tanks, dosing chambers, distribution devices, valve boxes, or drop boxes; and

E. inspector license for evaluating site evaluations and designs; conducting compliance inspections and permitting and inspection activities; issuing written certificates of compliance and notices of noncompliance; and issuing and maintaining inspection reports.

Subp. 3. Applicable license category. In the case of ISTS work not described under subpart 2, the commissioner shall determine which license category is applicable.

Subp. 4. Restricted licenses. The commissioner may add restrictions to a license for the following reasons:

A. as an enforcement action under part 7080.0900;

B. as a method to gain experience as described under part 7080.0815, subpart 1, item B or C; or

C. as a method to limit the amount of responsibility for specialty area endorsements under part 7080.0850, subpart 5.

**7080.0705 APPLICATION FOR LICENSE; FEES; RENEWAL.**

Subpart 1. Eligibility. A business is eligible to apply for a license when it meets the following requirements:

A. the business has one or more designated registered professionals to meet the responsibilities under part 7080.0715, subpart 2;

B. the business has acquired general liability insurance as required under part 7080.0710; and

C. the business has acquired a surety bond as required under part 7080.0710.

Subp. 2. Requirements for obtaining or renewing licenses. A business that meets the eligibility requirements under subpart 1 may apply for or renew a license on forms provided by the commissioner. The application must be submitted no later than 60 days prior to the expiration/renewal date. Issuance of new licenses will also require a 60-day review and approval period. To be licensed by March 31, 1996, an application must be submitted to the commissioner by February 1, 1996.

Subp. 3. Fees. The annual license fee is \$100 for each license specialty area under part 7080.0700, subpart 2.

Subp. 4. Issuance. Upon the commissioner's approval of the license application and payment of the license fees, a license will be issued to the proprietor for a sole proprietorship, the partners of a partnership, or the corporate chief executive officer or qualifying person in Minnesota designated by the corporation.

Subp. 5. Term. The license is valid for one year after the date of issuance.

Subp. 6. Denial. The commissioner shall deny the issuance or renewal of a license if the applicant is determined to be ineligible under subpart 1. A license may also be denied as an enforcement action according to part 7080.0900.

**7080.0710 BONDING AND INSURANCE FOR LICENSES.**

Subpart 1. Submittal. At the time an initial or renewal application for a license is submitted to the commissioner, the applicant must show proof of holding a corporate surety bond in the amount of at least \$10,000, and proof of general liability insurance meeting the following requirements:

A. the bond must be submitted to the commissioner on the bond forms provided in part 7080.0920, and must name the applicant as the principal;

B. the bond must be signed by an official of the business who is legally authorized to represent the business;

C. the bond must be written to cover work to be done under all licenses to be held by the business; and

D. proof of general liability insurance must be evidenced by a notarized certificate of insurance form and must be in effect, at a minimum, for the term of the license.

Subp. 2. Multiple licenses. If a business holds more than one license, one bond and one general liability insurance policy will fulfill the bond requirement for all the licenses.

Subp. 3. Bond use. The bond must be conditioned on the principal faithfully performing the duties and in all things complying with all laws, ordinances, and rules pertaining to the license applied for and all contracts entered into.

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Subp. 4. Term of bond. The term of the bond must be continuous with the term of the license. The penal sum of the bond is noncumulative and is not to be aggregated every year that the bond is in force.

Subp. 5. Bond components. The bond must be written by a corporate surety licensed to do business in Minnesota. The corporate surety shall be responsible for providing 30 days' written notice to the commissioner of cancellation of a licensee's bond. If a bond is canceled, a licensee must not perform work requiring the bond as a condition of ISTS license registration until the licensee obtains another bond meeting the requirements in this part.

### 7080.0715 LICENSE CONDITIONS.

Subpart 1. General license conditions. All ISTS licenses shall include the following conditions. The licensee must:

A. ensure that all work to site evaluate, design, install, maintain, repair, pump, or inspect an ISTS is done according to applicable requirements;

B. ensure that the designated registered professionals fulfill the conditions under subpart 2;

C. designate an adequate number of registered professionals to meet the requirements under subpart 2;

D. notify the commissioner within 30 days after any change in the registered professional designations;

E. maintain the bond and insurance required under part 7080.0710; and

E. provide an apprentice with a pumping endorsement on the worksite in the absence of the designated registered professional.

Subp. 2. Conditions for designated registered professional. The designated registered professional is subject to the obligations of a license and must:

A. provide direction and personal supervision to other employees working on an individual sewage treatment system;

B. ensure the work completed meets applicable requirements;

C. ensure a compliance inspection is conducted prior to completion and covering work and to be present during inspections under an installation license;

D. be on the worksite:

(1) to meet supervision needs as determined by the training and experience level of the crew; and

(2) to make determinations about material quality, work methods, and problem detection when activities are being performed that are critical to the evaluation of the site, design, installation, pumping, or inspection of the system and any other time that is appropriate to ensure compliance with applicable requirements; and

E. complete a certified statement for site evaluations, designs, as-builts, pumping records, inspection reports, and other formal work products.

### 7080.0720 QUALIFIED EMPLOYEE.

A qualified employee must fulfill the conditions under part 7080.0715, subpart 2, that are applicable to the work being performed.

## **INDIVIDUAL SEWAGE TREATMENT SYSTEM PROFESSIONAL TRAINING PROGRAM**

### 7080.0800 ISTS PROFESSIONALS TRAINING PROGRAM REVIEW.

Subpart 1. Purpose. Parts 7080.0800 to 7080.0820 establish the ISTS professional training program. This program establishes training, experience, and examination requirements. Individuals may receive endorsement in the following specialty areas:

A. designer I;

B. designer II;

C. installer;

D. pumper; and

E. inspector.

Subp. 2. Program components. The training program has four components:

A. training, described under part 7080.0805;

B. examination, described under part 7080.0810;

C. experience, described under part 7080.0815; and

D. continuing education, described under part 7080.0820.

Subp. 3. Recordkeeping. Individuals that complete subpart 2, items A to C, for a specialty area can apply to be registered by the commissioner as a professional and to have their progress recorded by the commissioner according to part 7080.0850. Individuals that complete subpart 2, items A and B, for a specialty area can apply to receive an apprentice designation and to have their progress recorded by the commissioner according to part 7080.0855.

Subp. 4. Registration period. Registrations issued by the commissioner shall be issued for a three-year period.

**7080.0805 TRAINING.**

Subpart 1. Required training. To fulfill the training requirement for one or more specialty areas under the training program, an individual must successfully complete:

A. course work that covers basic knowledge regarding individual sewage treatment system and soil treatment theory; design and construction fundamentals; and state licensing requirements, standards, and criteria for systems under this chapter; and

B. course work that provides the knowledge necessary to fulfill the responsibilities under part 7080.0850, subpart 5, and includes skills appropriate for each specialty area.

Subp. 2. Accreditation of training. Training used to fulfill the requirements under subpart 1 and part 7080.0820 must be accredited by the commissioner as provided under part 7080.0830.

**7080.0810 EXAMINATION.**

Subpart 1. Examinations. An examination for basic information regarding individual sewage treatment systems and each of the specialty areas under part 7080.0800, subpart 1, will be offered by the commissioner at least annually. The examinations will be based on the skill, knowledge, experience, and education that a person must have to perform the duties and responsibilities under part 7080.0850, subpart 5, for each specialty area.

Subp. 2. Expiration of test score validity. The validity of the examination score for a specialty area expires if the continuing education requirements under part 7080.0820, subpart 1, are not fulfilled. An individual with an expired test score must retest.

Subp. 3. Retesting. A person who fails an examination is ineligible to retake the same examination for six months unless the person has completed 12 hours of ISTS training in addition to those required under part 7080.0805, subpart 1. Official documentation of this training must be provided at the time the test is retaken. Training hours used to fulfill this retesting requirement may not be used to fulfill continuing education requirements. Failure to pass the examination in one specialty area does not prevent the person from taking an examination for a different specialty area endorsement.

**7080.0815 EXPERIENCE.**

Subpart 1. Options to gain experience. The experience needed to qualify for one of the specialty areas listed under part 7080.0800, subpart 1, can be acquired by either of the following methods:

A. experience completed at the direction of and under the personal supervision of the designated registered professional; or

B. experience completed under a signed agreement with a qualified employee for direction and personal supervision when the individual seeking the experience has a restricted license because a lack of experience that corresponds to the specialty area endorsement sought.

The agreement must be approved by the commissioner before an application for a restricted license or for a qualified employee apprentice will be accepted by the commissioner. The commissioner may monitor progress under the agreement. If the objectives for acquiring experience are not being fulfilled, the commissioner may require that the agreement be discontinued or modified to correct problems. A final evaluation shall be made to determine if the agreement successfully fulfilled the experience requirement.

C. Experience completed under a plan where the individual seeking the experience has a restricted license because of the lack of experience corresponding to the specialty area endorsement sought.

The experience plan must be approved by the commissioner before an application for a restricted license or for a qualified employee apprentice will be accepted by the commissioner. The commissioner may monitor progress under the experience plan. If the objectives for acquiring experience are not being fulfilled, the commissioner may require that the plan be discontinued or modified to correct problems. A final evaluation shall be made to determine if the plan successfully fulfilled the experience requirement.

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## Proposed Rules

Subp. 2. Basic experience requirements. The following basic requirements must be met for experience to be used to qualify to be registered as a professional. The applicant must:

- A. complete the experience requirement in accordance with one of the methods under subpart 1;
- B. complete the amount of experience required under subparts 3 to 7 for the specialty area endorsement sought;
- C. complete the documentation requirements under subpart 9;
- D. provide certification by a designated registered professional or qualified employee with an endorsement for inspection that work submitted under subparts 3 to 7 is in compliance with applicable requirements; and
- E. have acquired the experience within six years preceding the submittal date of the completed application for professional registration.

Subp. 3. Designer I. An individual seeking the endorsement for the site designer I specialty area must have completed the experience required under subparts 4 and 7.

Subp. 4. Designer II. An individual seeking the endorsement for the site designer II specialty area must have completed a minimum of 15 site evaluations and 15 individual sewage treatment system designs.

Subp. 5. Installer. An individual seeking the endorsement for the installation specialty area must have completed a minimum of 15 individual sewage treatment system installations.

Subp. 6. Pumper. An individual seeking the endorsement for the pumper specialty area must have pumped out and have proper disposal for a minimum of 15 individual sewage treatment system components.

Subp. 7. Inspector. An individual seeking the endorsement for the inspector specialty area must have completed a minimum of 15 individual sewage treatment system inspections to determine whether new or existing systems comply with applicable requirements.

Subp. 8. Reduction of required experience. The experience requirements under subparts 3 to 7 may be reduced from 15 to ten work products if 12 hours of continuing education training are taken in addition to the training required under parts 7080.0805, subpart 1; 7080.0810, subpart 2; and 7080.0820.

Subp. 9. Experience documentation. Documentation of experience must include:

- A. a summary of the work performed that includes dates and locations;
- B. the signature and registration number of the designated registered professional or, if under an agreement or experience plan required under subpart 1, item B or C, a qualified employee that supervised the performed work; and
- C. a statement from the designated registered professional or qualified employee authorized as an inspector that the work was completed in accordance with applicable standards.

### 7080.0820 CONTINUING EDUCATION.

Subpart 1. Renewal requirements. Individuals registered as professionals and apprentices must complete the applicable hours of continuing education under items A and B that meet the criteria under subpart 2 for each three-year period. Continuing education hours earned in excess of those required under this subpart cannot be carried over to meet the requirements for future three-year periods. The three-year period begins after an individual has received a passing score on the examination under part 7080.0810 for one specialty area endorsement.

A. An individual with a designer I, designer II, installer, or inspector endorsement must complete 12 hours of continuing education training related to individual sewage treatment systems.

B. An individual with a pumper endorsement must complete 12 hours of continuing education related in general to individual sewage treatment systems or nine hours of continuing education specifically related to pumping individual sewage treatment systems or land application of septage.

Subp. 2. Criteria for continuing education. A continuing education activity must be taken through a program accredited or otherwise authorized by the commissioner for credit to be eligible toward maintaining a professional registration or apprentice designation.

Subp. 3. Voluntary certification program participants. Individuals who were qualified under part 7080.0850, subpart 1, item B, are not exempt from the continuing education requirements.

### 7080.0830 ACCREDITATION OF TRAINING PROGRAMS AND AUTHORIZATION OF TRAINING FOR CONTINUING EDUCATION CREDITS.

**Subpart 1. Requirements.** To receive ISTS professional training program accreditation, a program must submit to the commissioner the following:

A. a written objective that describes expected outcomes for the participant;

B. a summary of the credentials of the persons conducting the training demonstrating the trainers' knowledge about individual sewage treatment systems and specifying the specific subject area that the trainers will be responsible for;

C. a training plan that demonstrates how the course will meet the requirements under parts 7080.0805, subpart 1 and 7080.0820, including a method for evaluating successful completion and a form for providing documentation of course participation and successful completion;

D. a description of how much time will be spent on training during the hours the course is conducted; and

E. a document signed by a representative of the sponsoring organization certifying that the sponsor will maintain records of participants, attendance, and successful completions for a minimum of three years.

**Subp. 2. Procedures for approval.** The commissioner shall approve a training course if the information submitted under subpart 1 demonstrates that the training meets the training objectives for a specific specialty area under part 7080.0805, subpart 1, or for continued education under part 7080.0820. The commissioner shall evaluate the submitted information to determine how many continuing education credits will be awarded. The accreditation may be reevaluated by the commissioner at any time. The commissioner may require that the training program be updated to ensure recent industry developments are included. Accreditation may be canceled by the commissioner if the program sponsor does not respond to the commissioner's written request for program information or training course revisions.

**Subp. 3. Authorization of training for continuing education credits.** Nonaccredited training may qualify for continuing education credits only if authorized by the commissioner. The person requesting the credits must provide the information requirements of subpart 1, items A, B, and D, for any nonaccredited training attended, and document in written format how the course will meet the requirements under parts 7080.0525 and 7080.0805, subpart 1, including a proof of successful completion of the training. The commissioner may prorate the credit hours granted based on the amount of the training which pertains to the ISTS specialty area for which it is requested.

## **INDIVIDUAL SEWAGE TREATMENT SYSTEM REGISTRATION**

### **7080.0850 ISTS PROFESSIONAL REGISTRATION.**

**Subpart 1. Qualifications.** The commissioner shall register individuals in the appropriate specialty area who meet either of the following requirements as an ISTS professional:

A. an individual who successfully completes the requirements under parts 7080.0805 to 7080.0820 as applicable to a specialty area under part 7080.0800, subpart 1, and submits a complete application as required under part 7080.0860, subpart 1, that is approved by the commissioner; or

B. an individual who is fully certified under the voluntary certification program on the effective date of this part, meets the requirements of part 7080.0820, and submits a complete application as required under part 7080.0860, subpart 1, by March 31, 1996.

**Subp. 2. Multiple endorsements.** An endorsement for each specialty area successfully completed shall be added to an individual's registration.

**Subp. 3. Registration required.** Except as provided under part 7080.0855, subpart 2, the following individuals must be registered under this part:

A. designated registered professionals under part 7080.0705, subpart 1, item A; and

B. qualified employees.

**Subp. 4. Maintaining registration.** To maintain a professional registration, an individual must fulfill the continuing education requirements under part 7080.0820, complete the renewal requirements under part 7080.0860, subpart 4, and fulfill the responsibilities under subpart 5 that are applicable to earned specialty area endorsements.

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## Proposed Rules

Subp. 5. Specific responsibilities. The following requirements provide the minimum basis of professional responsibility:

A. Individuals who have inspector endorsements must have the knowledge and ability to assess site evaluations, evaluate designs, evaluate installations, pumping and septage disposal activities, conduct compliance inspections, conduct permitting activities, issue written certificates of compliance and notices of noncompliance, and issue and maintain inspection reports.

B. Individuals who have designer I endorsements must have the knowledge and ability to conduct site evaluations, design ISTS, evaluate installations, pumping and septage disposal activities, conduct compliance inspections, issue written certificates of compliance and notices of noncompliance, and issue and maintain inspection reports.

C. Individuals who have designer II endorsements must have the knowledge and ability to conduct site evaluations and design ISTS.

D. Individuals who have installer endorsements must have the knowledge and ability to construct, install, alter, extend, maintain, and repair ISTS; ensure all work is done in accordance to a written site evaluation and design report; ensure inspections are conducted for new construction or replacement in areas without ordinances; ensure site conditions allow for construction; provide evidence to verify compliance with applicable requirements; maintain quality control/quality assurance records; and maintain as-builts of all work.

E. Individuals who have pumper endorsements must have the knowledge and ability to measure scum and sludge depths for the accumulation of solids and, as needed, completely remove, store, and haul septage; properly dispose of septage; identify problems related to sewage tanks, baffles, manhole covers, and extensions, and make repairs as necessary; and inspect, evaluate watertightness of sewage tanks, dosing chambers, distribution devices, valve boxes or drop boxes, and properly dispose of septage.

Subp. 6. Register maintenance. The commissioner shall assign registration numbers, maintain a statewide register, record training, and monitor performance.

### 7080.0855 APPRENTICE.

Subpart 1. Qualifications. An individual shall be designated as an apprentice if the individual successfully completes the requirements under parts 7080.0805 and 7080.0810, for the specialty areas listed under part 7080.0800, subpart 1, and submits a complete application as required under part 7080.0860, subpart 1, that is approved by the commissioner.

Subp. 2. Apprentice required. Individuals and qualified employees who will acquire their experience according to the methods under part 7080.0815, subpart 1, item B or C, must be designated by the commissioner as an apprentice.

Subp. 3. Maintaining apprentice designation. To maintain an apprentice designation, an individual must fulfill the continuing education requirements under part 7080.0820; complete the renewal requirements under part 7080.0860, subpart 4; and fulfill the responsibilities under part 7080.0850, subpart 5, that are applicable to earned specialty area endorsements. An endorsement for each specialty area successfully completed shall be added to an individual's registration and apprentice designation.

### 7080.0860 ADMINISTRATION OF PROFESSIONAL REGISTER AND APPRENTICE PROGRAM.

Subpart 1. Application; issuance. An individual meeting the qualifications under part 7080.0850, subpart 1, or 7080.0855, subpart 1, is eligible to apply for registration or apprentice designation on a form provided by the commissioner. The commissioner requires 60 days for review of applications. To be registered by the statutory effective date of March 31, 1996, an application must be submitted to the commissioner by February 1, 1996. A complete application consists of documentation of training and experience or the experience agreement or plan meeting the requirements under part 7080.0815, subpart 10.

Subp. 2. Approval of registration or apprentice designation. Upon the commissioner's approval of the registration or apprentice application, a number and verification of an individual's status shall be issued to the applicant.

Subp. 3. Registration period. The commissioner shall issue registrations for a three-year period.

Subp. 4. Renewal. Every three years, the registrant or apprentice shall submit an application for renewal on forms provided by the commissioner no later than 60 days prior to the expiration date. The renewal application must be accompanied by documentation of continuing education under part 7080.0820.

Subp. 5. Denial of application. The commissioner may deny an application or renewal application for a professional registration or apprentice based on written evidence documenting actions listed under part 7080.0900. Notice of the denial shall be served on the applicant by mail.

Subp. 6. Restrictions; conditions. The commissioner may add performance restrictions and training conditions to a professional registration or apprentice designation at any time to address unusual work situations, experience requirements, or enforcement action under part 7080.0900.

## ENFORCEMENT



**7080.0900 ENFORCEMENT ACTION.**

**Subpart 1. Business licenses.** The commissioner may deny, suspend, restrict, or revoke a business license issued under part 7080.0705 for any of the following reasons:

- A. failure to meet the requirements of a license;
- B. failure to comply with applicable requirements; or
- C. submission of false or misleading information or credentials in order to obtain or renew a license.

**Subp. 2. Professional registration; apprentice.** The commissioner may deny, suspend, restrict, or revoke an individual professional registration issued under part 7080.0850 or apprentice designation made under part 7080.0855 for any of the following reasons:

- A. failure to meet the registration requirements;
- B. incompetence, negligence, or inappropriate conduct in the performance of the duties on an ISTS professional;
- C. failure to comply with applicable requirements; or
- D. submission of false or misleading information or credentials in order to obtain or renew professional registration.

**Subp. 3. License complaints.** Upon receiving a signed written complaint that alleges the existence of grounds for potential enforcement action against a business or an individual under subpart 1, the commissioner shall initiate an investigation.

- A. The complaint must contain the name, address, and telephone number of the complainant, the name of the alleged violators, the alleged violations, dates, locations, and any other pertinent information to demonstrate the validity of the complaint.
- B. The commissioner shall evaluate the results of the investigation and determine whether enforcement actions are necessary.
- C. Enforcement actions may not be taken before written notice is given to the licensee or individual and an opportunity is provided for a contested case hearing complying with Minnesota Statutes, chapter 14.

**Subp. 4. Enforcement action.** If the commissioner finds that enforcement action is necessary, the actions described in items A to C shall be taken.

A. A written notice shall be mailed to the licensee, registered individual, or apprentice. The written notice shall contain, as applicable, the effective date of the enforcement action, the nature of the violation or violations constituting the basis for the enforcement action, the facts which support the conclusion that a violation or violations have occurred, specific actions necessary to fulfill the terms of the notice, and a statement that a licensee or registered individual who desires a contested case hearing, must within ten calendar days, exclusive of the day of service, file a written request with the commissioner.

B. If a hearing is requested, the enforcement action shall be stayed pending the outcome of the hearing. If the licensee or registered individual does not request a hearing, the individual shall forfeit any opportunity for a hearing.

C. A licensee or registered individual whose license or registration has been revoked shall not be entitled to apply for a license or registration until at least one year following the effective date of revocation or for any longer period of time specified in the revocation notice. A licensee or registered individual with a revoked or suspended license or registration shall return the license or registration identification card to the commissioner.

**Subp. 5. Enforcement; general.** General agency enforcement authority under Minnesota Statutes, sections 115.071, 115.56, 116.071, and 116.072, is available for enforcement actions under this program.

**Rules as Proposed (all new material)**

**ALTERNATIVE AND EXPERIMENTAL SYSTEMS**

**7080.0910 ALTERNATIVE AND EXPERIMENTAL SYSTEMS.**

**Subpart 1. General.** The intent of this part is to provide standards for the location, design, installation, use, and maintenance of alternative and experimental sewage treatment systems. Alternative systems must meet the requirements of subpart 3 and experimental systems must meet the requirements of subpart 3a. They may be employed provided:

- A. reasonable assurance of performance of the system is presented to the permitting authority;

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## Proposed Rules

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 permit 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;

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; and

G. provide a mitigative plan to the permitting authority, indicating what will be done if the system fails to provide treatment and disposal.

Subp. 2. **Adoption and use.** Where parts 7080.0010 to 7080.0200 are administered by a municipality, those municipalities may adopt this part, in whole or in part, as part of a local code or ordinance. Nothing in parts 7080.0010 to 7080.0200 or this part, however, shall require the adoption of any part of this part as local ordinance or code. Further, nothing in parts 7080.0010 to 7080.0200 or this part shall require municipalities to allow the installation of any system in this part.

This part 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. **Alternative systems.** Use of alternative systems in items A to K is allowed only in areas where a standard system cannot be installed or is not the most suitable treatment.

A. **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), (c), and (d) 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 61 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 consolidated impermeable bedrock and the mound is placed on a slope of one percent or greater, 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 a 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. **Rapidly permeable soils.** 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 criterion may be used as an alternative design for soils with percolation rates between 0.1 and five minutes per inch.

C. **Artificial drainage.**

(1) Where natural drainage will not provide three feet of separation between the bottom of the distribution medium and

the highest known level of 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 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, artificial drainage may be used to intercept the high water table provided the water table has a slope of at least two feet per hundred feet toward the public water and that drainage exists 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 artificial drainage.

(3) In all cases the greatest practicable vertical separation distance from the system bottom to saturated soil shall be provided with a minimum of three feet.

**D. Floodplain areas.**

(1) There shall be no pipe or other installed opening between the distribution medium and the soil surface.

(2) Trench 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 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 trenches.

(3) If a dosing chamber is used to move effluent from the sewage tank to the trenches, provisions shall be made to prevent the pump from operating when inundated with flood waters.

(4) When it is 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 bed shall be at least one-half foot above the ten-year flood elevation. Inspection pipes shall not be installed unless the top of the mound is above the elevation of the regional flood.

(5) When the top of 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 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 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 used for a dwelling, its liquid capacity shall equal 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 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 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.

**E. Greywater system.** 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.

(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.

Garbage grinders shall not be connected to the drainage system.

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## Proposed Rules

(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 no greater than 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.

F. Privies. Pit privies shall not be installed where the bottom of the pit is less than three feet above saturated soil or bedrock. A vault privy shall be used in areas not meeting the three-foot separation. The vault of a vault privy shall be constructed in the same manner as a sewage tank. See part 7080.0130, subpart 1.

Privies shall be set back from surface waters, buildings, property lines, and water supply wells as prescribed in Table IV.

Pits or vaults shall be of sufficient capacity for the dwelling 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 privy shall be constructed so as to be easily 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 privy is filled to within one foot of the top of the pit, the solids shall be removed. Abandoned 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 according to part 7080.0175.

G. Other toilet waste treatment devices. Other toilet waste treatment devices may be used where reasonable assurance of performance is provided.

All devices shall be vented.

All electric, gas, and water connections shall conform to all local ordinances and codes.

Operation and maintenance shall follow the manufacturer's recommendations.

H. All materials removed, including ashes, compost, and all solids and liquids shall be disposed of according to state, federal, or local requirements.

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 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.

**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) 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 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 A, and shall meet all applicable requirements under part 7080.0130.

(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.

(d) Infiltration or exfiltration shall not exceed 200 gallons per inch of pipe diameter per mile per day.

(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.

(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.

(g) Pipes, and pipe joints shall be watertight.

(h) Dosing chambers shall meet all requirements in part 7080.0160, subpart 1.

(i) Pumps and dosing chambers shall be sized to handle 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 alternating pumps.

(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 individual sewage system shall assure, by contract with maintenance personnel or other equivalent means, that the system will be maintained throughout its useful life. The system so maintained includes common soil treatment systems, common sewage tanks, common pumps, common pump stations, common sewers, and all individual tanks connected to the common system.

**K. Holding tanks.**

(1) Holding tanks may be allowed only as replacements for existing nonconforming systems or on existing lots as of the date of the enactment of this chapter and only where it can conclusively be shown that a standard, or alternative system as described in this subpart, cannot be feasibly installed.

(2) A holding tank shall be constructed of the same materials and by the same procedures as those specified under part 7080.0130, subpart 1.

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## Proposed Rules

(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 backfilled with at least six inches of earth.

(4) For a dwelling, the minimum size shall be 1,000 gallons, or 400 gallons times the number of bedrooms, whichever is greater.

For other establishments, the minimum capacity shall be at least five times the average design flow. 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.

(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.

(6) A contract for disposal and treatment of the septage shall be maintained by the owner with a pumper, municipality, agency, or firm established for that purpose.

(7) Holding tanks shall be monitored to minimize the chance of accidental sewage overflows. Techniques such as visual observation, warning lights, or 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 soil treatment 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 plan to the permitting authority, indicating what type of monitoring will take place and who is responsible for monitoring and timelines;
- E. provide results of monitoring to the permitting authority and the commissioner;
- F. experimental systems will not be allowed in areas where a new system or modifications to the experimental system are not feasible if failure occurs;
- G. comply with all conditions established by the permitting authority necessary for the protection of the environment and public health; and
- H. in areas without ordinances, the ISTS professional must maintain records subject to commissioner review.

### FORMS

#### 7080.0920 MINNESOTA POLLUTION CONTROL AGENCY SURETY BOND FORM.

Bond No. \_\_\_\_\_

MINNESOTA POLLUTION CONTROL AGENCY  
INDIVIDUAL SEWAGE TREATMENT SYSTEM (ISTS) PROFESSIONAL  
SURETY BOND

KNOW ALL PERSONS BY THESE PRESENTS:

THAT \_\_\_\_\_ of  
(Name of Licensee)

\_\_\_\_\_, Minnesota, as Principal, and  
(Address)

\_\_\_\_\_, a corporation authorized  
(Name of Surety)

to do surety business in the State of Minnesota, as Surety, are hereby held and firmly bound to the Commissioner of the Minnesota Pollution Control Agency-State of Minnesota and any persons aggrieved by reason of the Principal's failure to faithfully perform the duties, and in all things comply with all laws, ordinances, and rules, pertaining to the Principal's license or any permit applied for and all contracts entered into, in the sum of TEN THOUSAND DOLLARS (\$10,000.00). For the payment of this sum, Principal and Surety bind themselves, their heirs, representatives, successors and assigns, jointly and firmly by these presents.

THE CONDITION of the above obligation is such, that WHEREAS the said Principal is making application with the Minnesota Pollution Control Agency to be licensed as, or has been licensed as, an ISTS Professional.

NOW THEREFORE, if said Principal shall faithfully and lawfully perform the duties, and in all things comply with the laws and ordinances, including all Amendments thereto, appertaining to the license or permit applied for, then this obligation shall be void; otherwise to remain in full force and effect.

The aggregate liability of the Surety, regardless of the number of claims made against the bond or the number of years the bond remains in force, shall in no event exceed the amount set forth above. Any revision of the bond amount shall not be cumulative. This bond may be canceled by the Surety as to future liability by giving written notice to the Minnesota Pollution Control Agency, stating the date of cancellation, which in no event shall be less than thirty (30) days after the mailing of said notice; however, the Surety shall remain liable for any and all acts of the Principal covered by this bond up to the date of cancellation.

PROVIDED, it is the intention of the parties that this bond be continuous. This bond may be canceled at any time upon giving the said Principal and the Minnesota Pollution Control Agency 30 days written notice, said notice to be served by registered mail, whereupon, except as to any liabilities or indebtedness incurred prior to the termination of this said 30 days notice, the liability of the Surety under this bond shall cease.

By their signatures below, the parties certify that the wording of this surety bond is identical to the wording specified in *Minnesota Rules*, part 7080.0920, as the rules were constituted on the date the parties executed the bond.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
(Witness as to Principal)

\_\_\_\_\_  
(Licensee name)

\_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Witness as to Surety)

\_\_\_\_\_  
(Name of Surety Company)

\_\_\_\_\_

By \_\_\_\_\_  
(Attorney-in-Fact)

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**Proposed Rules**

**INDIVIDUAL OR PARTNERSHIP ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 19/20 \_\_\_\_\_,  
before me, a Notary Public within and for said county,  
personally appeared, \_\_\_\_\_ to me known to  
be the person(s) described in and who executed the foregoing  
instrument, as Principal(s), and acknowledged to me that \_\_\_\_\_  
s/he executed the same as her/his free act and deed.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_  
County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

(Notarial Seal)

**CORPORATE ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 19/20 \_\_\_\_\_,  
before me personally appeared, \_\_\_\_\_  
to me, who being duly sworn, did depose and say: that s/he  
resides in \_\_\_\_\_ the s/he is the  
\_\_\_\_\_ President of the  
\_\_\_\_\_ the corporation  
described in and which executed the foregoing instrument; that  
he knows the seal of said corporation; that the seal affixed to  
said instrument is such corporate seal; that it was so affixed  
by order of the board of directors of said corporation; and that  
s/he signed her/his name thereto by like order.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_  
County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

(Notarial Seal)

**ACKNOWLEDGMENT OF CORPORATE SURETY**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 19/20 \_\_\_\_\_ before me  
personally appeared, \_\_\_\_\_ to me  
known, who being duly sworn, did say: that s/he resides in \_\_\_\_\_



\_\_\_\_\_ the s/he is the aforesaid officer or attorney in fact of \_\_\_\_\_ a corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation; and that said instrument as signed and sealed in behalf of said corporation by the aforesaid officer, by authority of its board of directors; and the aforesaid officer acknowledged said instrument to be the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_  
County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

(Notarial Seal)

**\*\*\*SURETY COMPANY POWER OF ATTORNEY MUST BE ATTACHED\*\*\***

**REPEALER.** *Minnesota Rules*, parts 7080.0020, subparts 10, 20, 22a, 24a, 29, 34, 41, and 50; 7080.0040; 7080.0050; 7080.0070; 7080.0080; 7080.0090; 7080.0100; 7080.0110, subparts 1, 2, 3, and 5; 7080.0120, subpart 2; 7080.0130, subpart 5; 7080.0180; 7080.0200; and 7080.0210, are repealed.

## **Department of Transportation**

### **Division of State Aid for Local Transportation**

#### **Proposed Permanent Rules Relating to Highway State-Aid Operations**

##### **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 Transportation 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 request a hearing on the rule within 30 days or by August 23, 1995, a public hearing will be held on September 13, 1995. To find out whether this rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after August 23, 1995 and before September 13, 1995.

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

Patrick B. Murphy  
State Aid Engineer  
Division of State Aid for Local Transportation  
395 John Ireland Blvd, MS 500  
St. Paul, MN 55155  
Telephone: (612) 296-9872

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## Proposed Rules

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**Subject of Rule and Statutory Authority.** The proposed rules are revisions to the existing state-aid rules for operations. Revisions occur throughout Chapter 8820, and include revisions to the treatment of trunk highway turnbacks, changes in eligibility of engineering costs, advance funding provisions, certified acceptance authority, increased eligibility for street appurtenances, greater landscaping eligibility, standards for selected highway improvements and metric conversion. The statutory authority to adopt the rules is *Minnesota Statutes* section 162.02, subdivision 2, and *Minnesota Statutes* section 162.09, subdivision 2. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments** Written comments supporting or opposing any part or all of the proposed rules will be received until 4:30 p.m. on August 23, 1995. Comments must be in writing and received by the agency contact person by the due date. Comments are encouraged, and should identify the portion of the proposed rules being addressed, the reason for the comment, and any proposed changes.

**Request for a Hearing.** In addition to submitting comments, a hearing on the proposed rules may also be requested. Requests for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on August 23, 1995. Written requests for a public hearing must include your name, address, and telephone number. Please 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 attached and printed in the *State Register* and must be supported by data and views submitted to the Department or presented at the hearing.

**Cancellation of Hearing.** The hearing scheduled for September 13, 1995 will be canceled if the Department does not receive requests from 25 or more persons that a hearing be held on the rules. Everyone who requested a public hearing will be notified by the Department about whether or not a hearing will be held, or you may call the agency contact person after August 23, 1995 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 rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on September 13, 1995 at the offices of the Minnesota Department of Transportation in the Water's Edge Building, 1500 W County Road B2, Roseville, Minnesota beginning at 9:30 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 Allen Klein. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401-2138, telephone (612) 341-7609.

**Hearing Procedure.** If a hearing is held, all interested or affected parties including representatives of associations or other interested groups, will have an opportunity to participate. Viewpoints may be presented 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. Written material may also be mailed to the administrative law judge to be recorded in the hearing record within 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. Anybody may respond in writing within five additional business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judges 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*, sections 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 available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a summary of the evidence and argument which the department anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction at the Office of Administrative Hearings.

**Small Business Considerations.** In preparing the rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, and finds there to be no impacts of the proposed rules on small businesses.

**Expenditure of Public Money by Local Public Bodies.** The adoption of the proposed rules will not require any additional expenditure of public money by local public bodies.

**Impact on Agricultural Lands.** Adoption of the proposed rules will not have a direct or substantial adverse impact on agricultural land. Therefore, *Minnesota Statutes*, section 14.11, subdivision 2, is not applicable to this rulemaking.

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## Proposed Rules

**Accommodations for Disabilities.** The hearing room is accessible to persons with disabilities. IF YOU NEED A REASONABLE ACCOMMODATION FOR A DISABILITY in order to participate in the hearing process, such an accommodation can be made available upon advance request. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. To arrange an accommodation, you may contact Mark Gieseke at 395 John Ireland Boulevard, MS 500, St. Paul, MN 55155, or you may call:

Voice: (612) 296-9877 TDD: (612) 296-9970

**Lobbyist Registration.** *Minnesota Statutes*, section 10A, requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor South, Centennial Office Building, 658 Cedar Street, St. Paul, MN 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 the 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 want to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact.

**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 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 the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 10 July 1995

Patrick B. Murphy, Director  
Division of State Aid for Local Transportation  
Department of Transportation

### ORDER FOR HEARING

**IT IS HEREBY ORDERED** that a public hearing be held on the following date and time at the location shown in order to receive public comment and testimony on revisions to the rules for state-aid operations, to be adopted pursuant to *Minnesota Statutes*, Section 162.02, subdivision 2 and *Minnesota Statutes*, Section 162.09, subdivision 2:

September 13, 1995 at 9:30 a.m.	Minnesota Department of Transportation Water's Edge Building 1500 W. County Rd B2 Roseville, Minnesota
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**Accommodations for Disabilities.** The hearing room is accessible to persons with disabilities. IF YOU NEED A REASONABLE ACCOMMODATION FOR A DISABILITY in order to participate in the hearing process, such an accommodation can be made available upon advance request. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. To arrange an accommodation, you may contact Mark Gieseke at 395 John Ireland Boulevard, MS 500, St. Paul, MN 55155, or you may call:

Voice: (612) 296-9877 TDD: (612) 296-9970

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## Proposed Rules

A Notice of Hearing shall be sent to all persons who have registered with the Department of Transportation for the purpose of receiving notices of proposed agency rulemaking. The Notice of Hearing shall be published in the *State Register*. In addition, the Department of Transportation also declares its intent to give additional discretionary notice of this rule-making to all individuals and organizations registered with the Division of State Aid as being interested in the state-aid rules for operations.

Dated: 10 July 1995

Patrick B. Murphy, Director  
Division of State Aid for Local Transportation  
Department of Transportation

### Rules as Proposed

**CHAPTER 8820**  
**DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF STATE AID FOR LOCAL TRANSPORTATION DIVISION**  
**STATE-AID OPERATIONS**

#### 8820.0100 DEFINITIONS.

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

Subp. 2. ~~Advance encumbrance.~~ "Advance ~~encumbrance~~" means the authorized expenditure of local funds or state-aid funds from another account, in lieu of state-aid funds from a specified account, by a county or urban municipality for use on an approved state-aid project. By agreement with the commissioner, the ~~local~~ advanced funds will be repaid to the county or urban municipality from future county or municipal state-aid allotments or from future county or municipal turnback funds.

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

Subp. 2b. [See renumbering instruction.]

Subp. 2c. Bridge. "Bridge" has the meaning given it in part 8810.8000, subpart 2.

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

Subp. 3b. City streets. "City streets" are those streets under the jurisdiction of an urban municipality, and do not include county highways or trunk highways within the urban municipality.

Subp. 4. Commissioner. "Commissioner" means the commissioner of the Minnesota Department of Transportation, or a designated representative.

Subp. 4a. [See repealer.]

Subp. 5. County highway engineer. "County highway engineer" means a registered engineer employed as the county highway engineer, county engineer, or the director of public works, county highway engineer of each county.

[For text of subps 6 to 8, see M.R.]

Subp. 9. [See repealer.]

Subp. 9a. District state-aid engineer. "District state-aid engineer" means a registered engineer employed as the district state-aid engineer of the Minnesota Department of Transportation, or a designated representative.

Subp. 9b. Force account agreement. "Force account agreement" means an agreement between the Minnesota Department of Transportation and ~~a city~~ an urban municipality or county for the ~~city~~ urban municipality or county to do state-aid funded construction projects with local forces, and for the ~~city~~ urban municipality or county to be reimbursed, based on agreed unit prices.

[For text of subp 10, see M.R.]

Subp. 10a. Local forces. "Local forces" means railroad forces when working on a railroad crossing, utility forces when conducting utility work eligible under a force account agreement, ~~or~~ the employees of a local unit of government, or contract forces for contracts not advertised for bids in accordance with Minnesota Statutes, section 471.345, needed to perform a specific project for reasons of expertise or necessary expediency.

[For text of subps 11 to 13, see M.R.]

Subp. 13a. Project development costs. "Project development costs" are any costs (1) incurred before a contract is awarded and (2) attributable to the development of a project on a designated state-aid route. These costs include, but are not limited to, costs for preparation of environmental documentation, special studies or reports, historical or archaeological reviews, project design, costs of obtaining permits, and public involvement, but does not include costs for acquiring right-of-way.

Subp. 14. **Screening board.** "Screening board" means the county screening board or municipal screening committee appointed in accordance with law and authorized to recommend to the commissioner the ~~mileage~~ size and money needs for each of their state-aid systems.

Subp. 14a. **Special resurfacing project.** "Special resurfacing project" means a bituminous or concrete resurfacing or concrete joint repair project that has been funded at least partially with money from the county or municipal state-aid account, and for which a needs adjustment has been made.

Subp. 15. **State-aid engineer.** "State-aid engineer" means a registered engineer employed as the state-aid engineer of the Minnesota Department of Transportation, or a designated representative.

Subp. 15a. [See repealer.]

[For text of subps 16 and 17, see M.R.]

Subp. 17a. [See renumbering instruction.]

Subp. 17b. **Town road mileage.** "Town road ~~mileage~~" means ~~mileage~~ on a road that is maintained by a town or any other local unit of government acting as a town and open to the traveling public a minimum of eight months of the year as certified by the county highway engineer.

Subp. 18. **Town allotment.** "Town allotment" means the county apportionment of county state-aid highway funds for use in constructing and maintaining town roads.

Subp. 19. [See repealer.]

Subp. 20. **Turnback account.** "Turnback account" means the account provided by law for payment to the county or ~~city~~ urban municipality for the approved repair and restoration or reconstruction and improvement of those former trunk highways that have reverted to county or urban municipal jurisdiction and have become part of the state-aid system.

[For text of subps 21 and 22, see M.R.]

#### **8820.0600 SELECTION OF ROUTES.**

Final selection of routes to be included in the respective county state-aid and municipal state-aid systems are subject to the approval of the commissioner. These routes may be established on new locations where no existing roadway exists or may be located upon or over an established roadway or specified portion of a roadway.

The highway and street systems to be selected and designated in accordance with law are:

A. a county state-aid highway system ~~not exceeding 30,000 miles in extent of a size determined by the county screening board, excluding the length of former trunk highway turnback mileage highways that have reverted to the county pursuant to law on and after July 1, 1965, and the length of former municipal state-aid street mileage streets~~ in cities whose population fell below 5,000 under the 1980 or 1990 federal census; and

B. a municipal state-aid street system ~~not exceeding 2,500 miles in extent within urban municipalities, excluding trunk highway turnback mileage~~ 20 percent of the total length of city streets and county roads within the jurisdiction of an urban municipality plus the length of all trunk highways reverted or turned back to the jurisdiction of the urban municipality pursuant to law on and after July 1, 1965, plus the length of county highways reverted or turned back to the jurisdiction of the urban municipality pursuant to law on or after May 11, 1994.

For an undivided, one-way street with a minimum width of 26 feet 7.8 meters and with no parking lane or with a maximum width of 46 feet 14.7 meters with parking available on both sides one side of the street, the chargeable ~~mileage~~ length allowed for municipal state-aid street ~~mileage~~ length purposes is one-half of the length of the one-way street.

#### **8820.0700 SELECTION CRITERIA.**

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

Subp. 2. **County state-aid highway.** A county state-aid highway may be selected if it:

A. is projected to carry a relatively heavier traffic volume or is functionally classified as collector or arterial as identified on the county's functional classification plans as approved by the county board plan;

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## Proposed Rules

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

Subp. 3. **Municipal state-aid street.** A municipal state-aid street may be selected if it:

- A. is projected to carry a relatively heavier traffic volume or is functionally classified as collector or arterial as identified on the urban municipality's functional classification plan ~~as approved by the urban municipality's governing body;~~
- B. connects the points of major traffic interest, parks, parkways, or recreational areas within an urban municipality; and
- C. provides an integrated street system affording, within practical limits, a state-aid street network consistent with projected traffic demands.

### 8820.0800 ROUTE DESIGNATIONS.

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

Subp. 1a. Route revisions. Route revisions must be completed in accordance with subpart 1, except that revisions may be made on the basis of a construction plan without action of the respective governing body if the designated route is relocated and the function of the designated route at the previous location is transferred to the new location.

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

Subp. 3. **Payback on revoked state-aid routes.** If a local unit of government revokes a state-aid route for which state-aid construction money has been spent, the district state-aid engineer shall determine the remaining life of the project and compute the value of the items that were financed with state-aid money. This computed value must be subtracted from the next state-aid contract let by the local unit of government. For this determination, (1) the life of a construction project is 25 years, (2) the life of a bridge project is 35 years, and (3) the life of a surfacing project is ten years. Payback is not required if the state-aid construction was a special resurfacing project.

~~The district state-aid engineer shall report the amount of required payback to the office of state-aid immediately upon receiving a copy of the commissioner's order revoking the affected state-aid route.~~

### 8820.1000 MONEY NEEDS AND APPORTIONMENT DETERMINATION.

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

Subp. 2. **Incidental costs.** In addition to the direct construction or maintenance costs permitted under law, the cost of the following incidental items is eligible for inclusion in the total estimate of needs:

- A. right-of-way;
- B. automatic traffic control signals;
- C. lighting of ~~intersections~~ roadways and bridges within approved standards; and
- D. drainage costs.

Subp. 3. [See repealer.]

### 8820.1100 SCREENING BOARD REPORTS.

Subpart 1. **Annual reports.** A detailed report of the length of the state-aid mileage systems and cost estimates must be tabulated and referred to the respective screening boards appointed pursuant to law. These boards shall investigate and review mileage the length of the systems, cost estimates, and the reports of those expenditures listed under deductible items, and shall, on or before November 1 of each year, submit their findings and recommendations in writing to the commissioner as to the mileage length of the systems and adjusted money needs for each of the governmental subdivisions represented by the respective boards.

### 8820.1200 COMPILATION AND NOTICE OF APPORTIONMENT.

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

Subp. 1a. **State-aid apportionments.** State-aid apportionments must be made from the county state-aid highway fund and the municipal state-aid street fund as provided by law. ~~Apportionments to the respective counties and urban municipalities must be released in accordance with parts 8820.1400, subparts 5 and 6, and 8820.1500 to 8820.2400.~~

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

### 8820.1400 MAINTENANCE, CONSTRUCTION, AND TURNBACK ACCOUNTS; STATE-AID PAYMENTS.

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

Subp. 3. **Urban maintenance apportionment account.** Twenty-five percent of the total allocation, if requested by the urban municipality before December 16 preceding the annual allocation, or ~~\$1,500~~ \$1,000 per ~~mile~~ kilometer of improved municipal state-aid streets, is the minimum allotment for the general maintenance of the approved state-aid system. The commissioner may

modify the ~~minimum allotment~~ any allotments to the urban maintenance account to finance the amount needed to pay the interest due on municipal state-aid bonds and to accommodate the screening board resolutions pertaining to trunk highway turnback maintenance allowances.

Those municipalities desiring to receive an amount greater than the established minimum, not to exceed 35 percent of the total allocation, shall file a request with the commissioner before December 16 preceding the annual allocation and shall agree to file a detailed annual maintenance expenditure report at the end of the year.

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

Subp. 5. **Payment schedule.** At the earliest practical date, after the allotments have been determined, the commissioner shall release the following amounts to the respective counties and urban municipalities:

A. One hundred percent of the town road account.

B. Maintenance funds:

(1) Fifty percent of the maintenance allotment from the regular account of each county.

(2) Fifty percent of the maintenance allotment from the municipal account of each county ~~that has filed a request for advance payments prior to the annual apportionment in January of each year. The request must include the estimate of the maintenance expenditures anticipated within the municipal account during the calendar year.~~

(3) Fifty percent of the maintenance allotment to each urban municipality.

Subp. 6. **Additional advances.** On or about July 1 of each year, the commissioner shall release an additional advance from the respective maintenance accounts listed above, in an amount not to exceed 40 percent of the total maintenance allocations, except that the entire remaining amount may be released to those urban municipalities receiving the minimum maintenance allocation specified in subpart 3.

Subp. 7. **Remaining maintenance funds.** The remaining maintenance funds will be released to the counties and urban municipalities upon receipt of their report of actual maintenance expenditures ~~except that those urban municipalities that receive the minimum maintenance allocation will receive their remaining maintenance money on or about December 15.~~

Subp. 8. **Unobligated maintenance account balance.** An unobligated balance remaining in the state-aid maintenance account to the credit of a county or urban municipality, after final settlement has been made for the annual maintenance expenditures, must be automatically transferred to the construction account of that county or urban municipality.

### **8820.1500 CONSTRUCTION FUNDS.**

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

Subp. 3. **Federal-aid contracts.** Under authority of an agency agreement with the governing body of a county, ~~or~~ urban municipality, or other governmental unit and acting as its agent in federal-aid operations, the commissioner shall release from available state-aid funds, 95 percent of the county's or urban municipality's share of the entire contract obligation for immediate transfer to the state-aid agency account, to be used in paying the county's or urban municipality's eligible share of the partial estimates and for advancing the federal share of those estimate payments. The commissioner shall keep the remaining percentage of the contract cost of the project until the final cost is determined and the project accepted by the district state-aid engineer. When other than state-aid funds are to be used for depositing in the state-aid agency account, 100 percent of the local governmental share of the contract amounts must be deposited in the state-aid agency account before the contract is awarded.

Subp. 4. **Force account agreements.** ~~Partial estimates must be accepted on the projects approved for construction by local forces using the agreed unit prices for determining the value of the completed work. Upon receipt of an approved force account agreement and a report of state-aid contract,~~ the commissioner shall promptly release from funds available for these approved projects 95 percent of the cost of current accomplishments as reported by the partial estimates agreement amount. ~~Upon request of the county or urban municipality, the commissioner shall set aside and keep its state-aid funds in an amount equal to the agreed total cost of the entire project to ensure final settlement of the completed construction when the final estimate is submitted and upon acceptance by the district state-aid engineer. The commissioner shall keep the remaining percentage of the agreement amount until the project is 95 percent or more completed as substantiated and requested by the county or city engineer, or until the final cost is determined and the project accepted by the district state-aid engineer.~~

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Subp. 5. **Payment limitations.** Approval of state-aid projects by the commissioner does not imply that state-aid payments will be made in excess of the construction funds available from current state-aid allotments. A county or urban municipality having depleted its currently available funds during the calendar year will not be eligible for reimbursement from future allotments unless a request for an advance encumbrance has been approved or a project is completed in a subsequent year and funds are available.

Subp. 6. **Engineering costs.** Requests for reimbursement of preliminary engineering project development costs must ~~may~~ be submitted with the report of state-aid contract or with the initial partial estimate on an approved force account project at any time after the costs have been incurred. The commissioner, upon receipt of this request supplemented by documentation as may be requested, shall authorize the reimbursement for actual documented engineering project development costs, not to exceed ten percent of the total eligible estimated contract or agreement amount. Requests for reimbursement must be processed at least semi-annually, except that payments requested with the report of state-aid contract, report of final estimate, force account partial payments, or force account final payments must be made at the time the reports are processed.

Requests for payment of actual construction engineering costs must be documented and submitted along with the final estimate report. The commissioner, upon receipt of this request, shall authorize a construction engineering payment that must either be limited to eight percent of the eligible construction costs when there are no unusual traffic or construction problems, or that may at the commissioner's discretion be paid in the maximum amount of 12 percent of the construction costs on complex projects involving difficult construction features or the continuous movement of dense traffic.

The sum of the project development and construction engineering charges must be limited to 25 percent of the eligible construction costs. Limitations for project development costs paid before a contract is awarded must be based upon the engineer's estimate of the eligible construction costs.

[For text of subp 7, see M.R.]

Subp. 8. **Advance from county funds.** When the commissioner approves a request from the county board for constructing an approved county state-aid project requiring county state-aid highway funds in excess of the county's available allotment, and these excess costs are initially paid for from other local sources, then the commissioner, to the extent authorized by law, shall repay these locally financed expenditures balance, then, subject to limits of the law, the county may make advances from any state-aid or local funds available to the county for the construction of that project. The request for an advance must be in the form of a resolution. Advances repaid from the turnback account must be processed according to part 8820.2900, subpart 4. The commissioner shall repay the advanced funds out of subsequent county construction account apportionments or turnback account apportionments to the county's state-aid accounts in accordance with the terms and conditions specified in the approved request. The request for advance encumbrance must be submitted with the report of state-aid contract.

Subp. 9. **Advance of from county regular account funds state-aid highway fund.** When the commissioner approves a request from the county board for the advance of county regular account funds for use on a municipal section of constructing an approved county state-aid highway project, and when repayments to the county regular account fund are to be made from requiring county state-aid highway funds in excess of the county's available balance, then, subject to limits of the law, the county may request to advance funds from the county state-aid highway fund. The request for an advance must be in the form of a resolution. The commissioner shall restore the county state-aid fund out of subsequent accruals to the county municipal construction account fund; the repayments must be made by the commissioner, to the extent authorized by law, in the form of transfers from the county municipal account fund to the county regular account fund, in the amounts and when apportionments or turnback account apportionments in accordance with the terms and conditions specified in the authorization approved request. The request for advance encumbrance must be submitted with the report of state-aid contract.

The county screening board shall recommend to the commissioner procedures for prioritizing requests for advance funding and a minimum balance for the county state-aid highway account, below which no further advances may be granted.

Subp. 10. **Advance from urban municipal funds.** When the commissioner approves a request from the governing body of an eligible urban municipality for constructing an approved municipal state-aid street project requiring funds in excess of the urban municipality's available allotment, and these excess costs are initially paid from other local sources, then the commissioner, to the extent authorized by law, shall repay these locally financed expenditures balance, then, subject to limits of the law, the urban municipality may make advances from any state-aid or local funds available to the urban municipality for the construction of that project. The request for an advance must be in the form of a resolution. Advances repaid from the turnback account must be processed according to part 8820.2900, subpart 4. The commissioner shall repay the advanced funds out of subsequent urban municipal construction account apportionments or turnback account apportionments to the urban municipal account of that municipality in accordance with the terms and conditions specified in the approved request. The request for advance encumbrance must be submitted with the report of state-aid contract.

Subp. 10a. [See renumbering instruction.]

Subp. 10b. Advance from municipal state-aid street fund. When the commissioner approves a request from the governing



body of an eligible urban municipality for constructing an approved municipal state-aid project requiring municipal state-aid street funds in excess of the urban municipality's available balance, then, subject to limits of the law, the urban municipality may request to advance funds from the municipal state-aid street fund. The request for an advance must be in the form of a resolution. The commissioner shall restore the municipal state-aid street fund out of subsequent urban municipal construction account apportionments or turnback account apportionments in accordance with the terms and conditions specified in the approved request. The amount of the advance encumbrance must not exceed \$500,000 or the last year's apportionment whichever is greater, except that in no case may the advance exceed three times the last year's apportionment.

The municipal screening board shall recommend to the commissioner procedures for prioritizing requests for advance funding and a minimum balance for the municipal state-aid street account, below which no further advances may be granted.

[For text of subp 11, see M.R.]

Subp. 12. **Municipal state-aid funds; county or trunk highway projects.** The governing body of an urban municipality desiring to use a portion of its state-aid funds for improvements within its boundaries on a state trunk highway or county state-aid highway, must have the plans approved by the state-aid engineer before the contract is awarded ~~and must have a resolution requesting the off-system expenditure approved by the commissioner before funds are released for these purposes. This subpart does not apply to payments made for interest on bonds sold under Laws of Minnesota 1959, chapter 538. The extent of state-aid participation must be determined on the same basis as a regular municipal state-aid highway project, including engineering and right-of-way costs.~~

#### **8820.1600 SEMIANNUAL ~~ANNUAL~~ STATEMENTS.**

Within 30 days after the close of each ~~six-month period year,~~ the commissioner shall submit to each county or urban municipality ~~semiannual~~ annual statements as to the status of its respective state-aid accounts.

#### **8820.2000 CONSTRUCTING SELECTED STATE PARK PROJECTS.**

For constructing selected state park projects and as provided by law, a portion of the county state-aid highway funds must be set aside and used for constructing, reconstructing, and improving county state-aid highways, county roads, city streets, and town roads providing access to the headquarters of ~~or the principal parking lot located within a state park outdoor recreation units as defined in Minnesota Statutes, section 86A.04.~~ These funds set aside must be spent for this purpose only on a request from the commissioner of natural resources. Projects selected on county state-aid highways or municipal state-aid streets must be approved by the commissioner of transportation in accordance with the procedure established for other state-aid operations, and must also receive the approval of the appropriate screening board.

#### **8820.2100 DISASTER ACCOUNT.**

A disaster appropriation approved by the commissioner for a county or urban municipality in accordance with law, must be promptly paid to the county or urban municipality for which the appropriation was authorized. The funds so allotted and paid to the county or urban municipality may only be spent for the purpose for which they were authorized, and within a reasonable time specified by the commissioner. Immediately upon completion of the work for which the disaster payment was made or the expiration of the time specified for doing the work, whichever occurs first, the county or urban municipality shall file a report certifying the extent of the authorized work completed and showing the total expenditure made. If the total disaster allotment was not required or used for the purpose specified or if federal disaster aid is later received, the remainder and an amount equal to the federal aid received must be promptly ~~returned~~ reimbursed to the commissioner for redeposit in the county state-aid highway fund or the municipal state-aid street fund, as the case may be, and apportioned by law. Damage estimates submitted by a county or urban municipality must exceed ten percent of the current annual state-aid allotment to the county or urban municipality before the commissioner shall authorize the disaster board to inspect the disaster area. The disaster board shall consider the availability of any available federal disaster relief funds before making its recommendation.

#### **8820.2200 RESEARCH ACCOUNT.**

County and municipal state-aid funds that may be annually allocated to the research account must be used solely for those research projects recommended by the local road research board and approved by the commissioner. ~~Unexpended balances in this account at the end of each year must be transferred back to the state-aid fund from which they were obtained.~~

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## Proposed Rules

### 8820.2300 TURNBACK, TOWN BRIDGE, AND TOWN ROAD ACCOUNTS.

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

Subp. 1a. **Town bridge account.** Further, a percentage of the county turnback account has been set aside and must be used for replacement or reconstruction of town bridges ~~ten feet or more in length, in those counties that have two or more towns,~~ pursuant to the law. This latter account is known as the town bridge account.

Subp. 1b. **Town road account.** Further, a percentage of the county turnback account must be apportioned to the counties for the construction, reconstruction, and ~~gravel~~ maintenance of town roads. This account is known as the town road account.

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

Subp. 2a. **Town road account allocation.** The amounts to be distributed to the counties from the town road account must be determined according to the formula prescribed by *Minnesota Statutes*, section 162.081, subdivisions 2 and 4.

A. The funds apportioned to a county from the town road account must be distributed to the treasurer of each eligible town within 30 days of the receipt of the funds by the county treasurer, according to a distribution formula adopted by the county board. The county board must consider each town's levy for road and bridge purposes, its population, length of town road mileage roads, and other factors considered advisable to the interest of achieving equity among the towns.

The county treasurer is the treasurer for eligible unorganized towns.

B. If a county board does not adopt a distribution formula, the funds must be distributed to the town according to subitems (1) to (4).

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

(4) Fifty percent of the funds apportioned to a county must be distributed to eligible towns based upon the percentage of the length of town road mileage roads of each town to the total length of town road mileage roads of eligible towns in the county.

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

### 8820.2500 MINIMUM STATE-AID STANDARDS.

Subpart 1. **Applicability of standards.** The standards in this part apply to all new construction, reconstruction, rehabilitation, or resurfacing projects approved by the state-aid engineer on and after the effective date of this subpart, except as noted or otherwise provided for in law.

Subp. 1a. Geometric design standards. The standards in part 8820.9940 8820.9920 apply to rural design undivided roadways, new or reconstruction.

The standards in part ~~8820.9930~~ 8820.9931 apply to suburban design roadways that meet indicated conditions, new or reconstruction.

The standards in parts ~~8820.9935 and 8820.9940~~ part 8820.9936 apply to urban design roadways, new or reconstruction.

The requirements in parts ~~8820.9925, 8820.9945, 8820.9926 and 8820.9970~~ 8820.9946 apply to resurfacing projects.

~~The roadway classifications in part 8820.9950 apply to urban roadways.~~

The vertical clearances for underpasses in part ~~8820.9955~~ 8820.9956 apply.

The standards in part ~~8820.9965~~ parts 8820.9981 and 8820.9986 apply to designated forest highways within national forests and state park access roads within state parks; ~~new or reconstruction.~~

~~The standards in parts 8820.9980 and 8820.9985 apply and~~ to designated natural preservation routes.

The standards in part 8820.9995 apply to bicycle paths.

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

Subp. 3. **Right-of-way.** The minimum widths of right-of-way for state-aid routes must be at least 60 feet 18 meters within municipalities ~~cities~~ and 66 feet 20 meters in rural areas, except that the right-of-way may be less for routes that are within a city, that were constructed before the effective date of this subpart, and that can be reconstructed to new construction standards within the previously existing right-of-way. Before construction, the governing body shall acquire control of the additional widths of right-of-way ~~for rural design~~ as may be necessary to properly maintain the ditch section, drainage structures, and the recovery area. Permanent easements for highway purposes are considered to be right-of-way for the purposes of this subpart.

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

### 8820.2700 MAINTENANCE REQUIREMENTS.

Subpart 1. **Standards.** The commissioner shall require a reasonable standard of maintenance on state-aid routes within the

county or urban municipality, consistent with available funds, the existing street or road condition, and the traffic being served. This maintenance must be considered to include:

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

D. the striping of pavements of ~~22 feet~~ 6.6 meters or more in width, consistent with the current manual on uniform traffic control devices, and for which there are no pending improvements;

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

F. the installation of route markers on county state-aid highways as follows:

(1) route markers must be a minimum of ~~16 inches~~ 405 millimeters by ~~16 inches~~ 405 millimeters square with black letters or numerals on a white background; or

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

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

### **8820.2800 CONSTRUCTION REQUIREMENTS.**

Subpart 1. **Engineer's duties.** Surveys, preparation of plans, and estimates, and construction inspection for state-aid projects must be ~~made performed~~ by or under the supervision of the county highway or city engineer in accordance with standards for form and arrangement prescribed by the commissioner.

Subp. 2. **Plans and estimates.** Plans and estimates for each state-aid construction project must be submitted for review. Each plan must show the subsequent stages required for the completion of the improvement, portions of which may be covered by later contracts or agreements. Only those projects for which final plans are approved by the state-aid engineer before awarding a contract or approving a force account agreement are eligible for state-aid construction funds, except as provided in subpart 8.

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

Subp. 5. **Force account.** A county or urban municipality desiring to use funds credited to it on a force account basis must have its engineer file a request with the commissioner for each construction project to be built by the county or urban municipality at agreed unit prices. The unit prices must be based upon estimated prices for contract work, less a reasonable percentage to compensate for move-in, move-out, ~~taxes,~~ and contractor's profit. These requests must contain a complete list of pay items and the unit prices at which it proposes to do the work. Before approval by the commissioner, the district state-aid engineer shall file recommendations with the commissioner concerning the request and the cost estimate. Items of work other than those listed as a pay item or approved by supplemental agreements must be considered incidental work not eligible for state-aid payment.

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

Subp. 8. **Certified acceptance.** The commissioner may establish a certified acceptance program and establish qualifications for counties and urban municipalities to be eligible for participation in the program. Judgment of qualifications must be based upon factors such as the existence of a peer review program, the volume of state-aid contracts, availability of staff, and completion of appropriate training or demonstration of sufficient competency, or other similar factors. Certification may be granted in any or all of the following functional areas: road design, bridge design, traffic signal design, storm sewer design, right-of-way acquisition, or construction inspection and contract administration.

Counties and urban municipalities who request and are qualified may enter into an agreement with the state-aid engineer certifying that they will comply with all laws and state-aid rules and administrative policies in those functional areas for which they are qualified. Projects certified in accordance with the terms of the agreement are considered approved for purposes of subpart 2 and, when applicable, parts 8820.1500, subparts 2 (final inspection) and 12 (construction plans); 8820.3000, subpart 3 (bridges); and 8820.3100, subpart 8 (hydraulics).

The certified acceptance agreement must authorize the state-aid engineer to audit the work performed under the agreement and must contain provisions for cancellation of the agreement by the commissioner and for reimbursement of state-aid funds for cases of repeated noncompliance by the county or urban municipality.

### **8820.2900 TURNBACK AND TOWN BRIDGE ACCOUNT EXPENDITURES.**

Subpart 1. **Requirements; turnback accounts Eligibility; former trunk highways.** The funds in the county and municipal

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turnback accounts must be spent only as payments to a county or urban municipality for the approved repair and restoration or reconstruction and improvement of those former trunk highways that have reverted to county or ~~municipal jurisdiction and that meet the eligibility requirement as set forth in subpart 2~~ urban municipal jurisdiction after July 1, 1965, and that are a part of the county state-aid highway or municipal state-aid street system.

Approval of plans for the initial construction of a turnback project is limited to a period of five years from the date of reversion. After plan approval for constructing the initial part of a turnback project, plans for other portions of the same route must be approved within ten years from the date of reversion to be eligible for turnback funds. Each approved project must be advanced to construction status within one year after notification to the county or urban municipality that sufficient funds are available for constructing the project. Payment for repair and restoration or reconstruction and improvement of a section terminates eligibility for repair and restoration or reconstruction and improvement of that section with turnback funds.

Subp. 1a. [See repealer.]

Subp. 2. [See repealer.]

Subp. 2a. **Eligibility; town bridges.** A town bridge ~~that is ten feet or more in length~~ is eligible for replacement or reconstruction after the county board reviews the pertinent data supplied by local citizenry, local units of government, the regional development commission, or the metropolitan council, and adopts a formal resolution identifying the town bridge or bridges to be replaced or reconstructed. Payment to the counties is limited to 90 percent, except may be 100 percent where provided by law, of the cost of the bridge, and must be made in accordance with part 8820.2300, subpart 7.

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

Subp. 4. **Construction authorization.** As soon as the plans for a state-aid turnback or town bridge project are approved, the county or urban municipality must be furnished either an authorization to proceed with construction or a notice that sufficient funds are not available within the applicable turnback account or town bridge account and that a priority has been established for the project for construction authorization as soon as funds are available. When ~~local~~ funds are advanced by the county or urban municipality to construct an approved project for which sufficient funds are not available in the turnback account or town bridge account, authorization to proceed with construction will be notification that the agreement for reimbursement of funds, in accordance with part 8820.1500, subpart 8, ~~8a~~, 9, 10, or ~~10a~~ 10b, has been approved by the commissioner.

### 8820.3100 GENERAL STATE-AID LIMITATIONS.

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

Subp. 2. **Lighting hazardous areas.** The cost of roadway lighting of locations at which accidents are likely to occur or are otherwise hazardous is an eligible expense if that lighting:

A. meets one or more of the following criteria:

(1) is intended for four or more lanes (complete cost eligible);

(2) is intended for lighting intersections; ~~or~~

(3) is a cost incidental to the necessary revision or relocation of existing lighting facilities on reconstruction projects; ~~and~~

or

B. is ~~not~~ for a location where lighting would normally have been installed by the county or urban municipality within a city.

For the funding of additional locations, lighting expenses are eligible only to the extent that the county or urban municipality has furnished traffic information or other needed data to support its request.

Ornamental light poles will be 100 percent eligible for state-aid funds only if the ornamental pole is required by an adopted city or county policy. In the absence of such a policy, ornamental poles will be treated as a landscaping item according to subpart 10.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. **Traffic control signals; extent of participation.** The extent of state-aid participation in signal installations ~~shall~~ must be determined by ~~the state-aid engineer in relation to the proportion of state-aid~~ the number of approaching routes under the jurisdiction of the county or urban municipality to the total number of approaching routes involved at each installation. When at least one approach is eligible for state-aid participation for a county or urban municipality, then all other approaches under the same jurisdiction are also eligible.

Subp. 6. **Right-of-way.** The cost of lands and properties required for right-of-way to accommodate the design width of the street or highway as governed by the state-aid standards, including necessary width for sidewalks and bicycle paths, is considered an eligible expense. This cost includes relocation and moving costs as provided by law and includes damages to other lands if reasonably justified to the satisfaction of the commissioner. Costs incurred by the county or urban municipality for title searches and costs

associated with condemnation proceedings are also an eligible expense. Receipts from the rental or sale of excess properties paid for with state-aid funds must be placed in the local agency's road and bridge account to be used on the next state-aid project constructed.

Subp. 7. [See repealer.]

Subp. 7a. Bicycle paths. Payment for bicycle paths must be made when requested by urban municipalities, but only if the bicycle path is located within the permanent right-of-way of a state-aid eligible route or within an easement generally parallel with a state-aid route. County state-aid funds may be spent on bicycle paths as a match to federal-aid funds or on paths that are both a part of an adopted bicycle path plan and are located within the permanent right-of-way of a state-aid route or within an easement generally parallel with a state-aid route.

Subp. 8. **Storm sewers.** Plans containing items for storm drainage sewer construction must be reviewed by the hydraulics engineer for the Minnesota Department of Transportation and the engineer's recommendations obtained concerning compliance with adopted state-aid storm sewer design features requirements and the proportionate share chargeable to the state-aid system. These recommendations along with those of the district state-aid engineer must be considered in determining the maximum state-aid participation in this work.

Subp. 9. [See repealer.]

Subp. 9a. Flexible or rigid pavement. The use of state-aid construction funds to finance the initial surfacing of rural roadways with flexible or rigid pavement materials is limited to the following costs participation:

<u>Projected ADT (a)</u>	<u>Participation</u>
<u>80 and over</u>	<u>100 percent</u>
<u>50 to 79</u>	<u>75 percent</u>
<u>0 to 49</u>	<u>(b)</u>

(a) If the next traffic count scheduled by the Minnesota Department of Transportation shows an increase in traffic, the percentage participation on an approved project must be adjusted to reflect the revised projected ADT if the county requests reimbursement at the increased percentage rate.

(b) Payment will be made up to the cost of a standard designed aggregate surface.

Subp. 10. **Landscaping.** The extent of state-aid participation in landscaping is limited to ~~one~~ five percent of the total construction allocation in any year. ~~Participation is generally~~ Landscaping includes, but is not limited to:

- A. items such as trees when exceeding two-to-one replacement, shrubs, ground covers, and mulch; and
- B. retaining walls, fences, and other landscaping appurtenances when only decorative in function.

The extent of participation also includes excess costs for functional but ornamental features such as, but not limited to, ornamental fences and railings, brick pavers, aesthetic surface treatments, and internally lit street signs. Excess cost is the cost in excess of a functional, standard item. Irrigation systems are not eligible. Seeding, with mulch and fertilizer, and sodding are considered normal grading items.

**8820.3200 LOCAL ROAD RESEARCH BOARD.**

Subpart 1. **Appointment.** The commissioner shall appoint a local road research board consisting of the following members:

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

- D. one University of Minnesota ~~staff engineer~~ representative; and
- E. one ex officio secretary, who must be the department's research coordination engineer.

Subp. 2. **Terms.** Appointments of county highway and city engineers, except for unexpired terms, are for three years. The other members shall serve at the will of the commissioner.

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

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## Proposed Rules

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### 8820.3300 VARIANCE.

[For text of subs 1 to 2, see M.R.]

Subp. 3. **Decision.** The commissioner shall base the decision on the criteria in part 8820.3400, subpart 3 and shall notify the political subdivision in writing of the decision. The commissioner ~~shall~~ may require a resolution by the recipient of the variance that indemnifies, saves, and holds harmless the state and its agents and employees of and from claims, demands, actions, or causes of action arising out of or by reason of the granting of the variance. The recipient of the variance shall further agree to defend at its sole cost and expense any action or proceeding begun for asserting any claim of whatever character arising as a result of the granting of the variance.

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

### 8820.3400 ADVISORY COMMITTEE ON VARIANCES.

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

Subp. 2. **Membership.** The committee shall consist of any five of the following persons: not more than two county highway engineers, only one of whom may be from a county containing a city of the first class; not more than two city engineers, only one of whom may be from a city of the first class; not more than two county officials, only one of whom may be from a county containing a city of the first class; and not more than two city officials of an urban municipality, only one of whom may be from a city of the first class. The committee must have at least two elected officials as members. The committee shall have at least one member but not more than four members from a metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, as well as cities with a population of over 50,000 according to the most recent census.

Subp. 3. **Operating procedure.** The committee shall meet on call from the commissioner at which time they ~~shall~~ must be instructed as to their responsibilities by a designee of the commissioner, shall elect a chairperson, and shall establish their own procedure to investigate the requested variance.

The committee shall consider the:

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

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

### 8820.4030 NATURAL PRESERVATION ROUTE ADVISORY COMMITTEE.

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

Subp. 2. **Operating procedure.** The advisory committee shall meet on call from the commissioner at which time they ~~shall~~ must be instructed as to their responsibilities by a designee of the commissioner, shall elect a chair, and shall establish their own procedures to investigate the designation proposals.

The committee shall consider:

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

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

### 8820.4050 EXTENT OF STATE AID FOR NATURAL PRESERVATION ROUTE.

The extent of state aid participation for a construction project must be determined on the same basis as a regular county state-aid highway project, except that landscaping items are eligible for up to two percent of the total construction allocation of the year in which any construction on the natural preservation route is completed. This amount for landscaping is in addition to the amount allowed in part 8820.3100, subpart 10.

### 8820.4070 RECONSTRUCTION NOTIFICATION FOR NATURAL PRESERVATION ROUTE.

A county proposing a project that requires removal of the entire surface of a county state-aid highway that is a natural preservation route shall send to owners of property abutting the highway a written notice that describes the project. In addition, the county shall hold a public meeting to discuss design and construction alternatives. Before project approval, the county highway engineer shall provide evidence to the state aid engineer that the concerns raised at the public meeting have been addressed or incorporated into the project. Spot maintenance projects, such as culvert replacements or subgrade corrections, do not require notice.

8820.9990 ROUTE MARKER.



24 x 24 610 mm x 610 mm

Green legend; white reflectorized background

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# Proposed Rules

Rules as Proposed (all new material)

## 8820.9920 GEOMETRIC DESIGN STANDARDS; RURAL UNDIVIDED; NEW OR RECONSTRUCTION.

Projected ADT (b)	Lane Width (meters)	Shoulder Width (meters)	Inslope (c) (rise:run)	Recovery Area (d) (meters)	Design Speed (e) (km/h)	Surfacing	Structural Design Strength (metric tons)	Bridges to Remain (f) Width Curb-Curb (meters)
0-49	3.3	0.3	1:3	2	50-100	Aggregate	-----	6.6
50-149	3.3	0.9	1:4	3	60-100 (g)	Aggregate	-----	6.6
150-399	3.6	1.2 (h)	1:4	5	60-100	Paved	6.4	8.4
400-749	3.6	1.2	1:4	6	60-100	Paved	8.2	8.4
750-1499	3.6	1.8	1:4	8	60-100	Paved	8.2	8.4
1500 and Over	3.6	2.4	1:4	9	60-100	Paved	9.1	9.0

(a) For rural divided roadways, use the geometric design standards of the Mn/DOT Road Design Manual, with a minimum 9.1 metric tons structural design and minimum 60 kilometers per hour design speed.

(b) Use the existing traffic for highways not on the state-aid or federal-aid systems.

(c) Applies to slope within recovery area only.

(d) Obstacle-free area (measured from edge of traffic lane). Culverts with less than 675 millimeter vertical height allowed without protection in the recovery area.

Guardrail is required to be installed at all bridges where the design speed exceeds 60 kilometers per hour, and either the ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with the provisions of chapter 8818.

(e) Subject to terrain.

(f) Inventory design rating M 13.5 required. Bridges narrower than these widths may remain in place provided that the bridge does not qualify for federal-aid bridge funds.

(g) Design speed of 50 kilometers per hour allowed off of the state-aid and federal-aid systems.

(h) Initial roadbed width must be adequate to provide a finished roadbed width for 8.2 metric tons design.

Approach sideslopes must be 1:4 or flatter when the ADT exceeds 400.

MS 22.5 loading or LRFD design is required for new bridges. MS 16 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or rehabilitated bridges is the sum of the lane and shoulder widths plus 1.2 meters.



8820.9926 GEOMETRIC DESIGN STANDARDS: RURAL UNDIVIDED; RESURFACING.

Present ADT	Proposed Structural Design Strength (metric tons)	Pavement Width (meters)	Shoulder -- Shoulder Width (meters)	Design Speed (km/h)
Under 100	6.4	6.6	7.8	50
100 - 749	6.4	6.6	7.8	60
750 - 999	6.4	6.6	9.0	60
1000 and Over	6.4	7.2	9.0	60

Subpart 1. Minimum resurfacing standards.

Widths of bridges to remain in place must equal roadway pavement width. Bridges narrower than these widths may remain in place provided that the bridge does not qualify for federal-aid bridge funds. M 13.5 loading is required.

Any highway that was previously built to state-aid or state standards or is a trunk highway turnback but does not meet current standards for vertical or horizontal alignment, may be resurfaced and may retain the existing vertical and horizontal alignment where safety considerations do not warrant improvements.

Subp. 2. Selected improvements. Selected improvements that widen the embankment or alter the alignment or inslopes may be included in a resurfacing project if the improvement does not require additional right-of-way or the construction limits do not extend beyond the existing ditch bottoms, and the improvement does not remove more than 20 percent of the length of the existing bituminous or concrete surfacing over the length of the project.

Selected improvements must improve roadway design elements where accidents or other safety problems can be documented, or where benefits are clearly supported by an economic analysis. Written justification for these selected improvements must be submitted to the state-aid engineer for concurrence before the plan is approved. The state-aid engineer's concurrence must be based on the applicable criteria of part 8820.3300, subparts 1 and 1a. Resurfacing projects may include spot subgrade corrections over a small percentage of the project length without written justification.

In addition to the standards in subpart 1, the inslopes must be 1:3 or flatter and must be free of obstacles to at least three meters from the edge of the driving lane or to the toe of the inslope.

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# Proposed Rules

## 8820.9931 GEOMETRIC DESIGN STANDARDS: SUBURBAN; NEW OR RECONSTRUCTION.

Projected ADT	Lane Width (meters)	Shoulder Width (meters)	Slope (a)	Recovery Area (b) (meters)	Design Speed (c) (km/h)	Structural Design Strength (metric ton)	Bridges to Remain (d) Curb to Curb Width (meters)
Less than 1000	3.6	1.8	1:4	3	50-80	8.2	8.4
Over 1000	3.6	2.4	1:4	6(e)	50-80	8.2	9.0

(a) Applies to slope within the recovery area only. Approach sideslopes must be 1:4 or flatter.

(b) Obstacle-free area, measured from edge of traffic lane. Culverts with less than 675-millimeter vertical height allowed without protection in the recovery area.

Guardrail is required to be installed at all bridges where the design speed exceeds 60 kilometers per hour, and either the ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with the provisions of chapter 8818.

(c) Subject to terrain.

(d) Inventory design rating M 13.5. Bridges narrower than these widths may remain in place provided that the bridge does not qualify for federal-aid bridge funds.

(e) Where the posted speed limit is 60 kilometers per hour or less, the minimum recovery area may be reduced to three meters.

This standard applies only when the project is both located in a subdivided area or an area in a detailed development process, and physical restraints are present that prevent reasonable application of the rural design standards. This standard may also be applied when the legal speed limit is 60 kilometers per hour or less.

MS 22.5 loading or LRFD design is required for new bridges. MS 16 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or rehabilitated bridges is the sum of the lane and shoulder widths plus 1.2 meters.

8820.9936 GEOMETRIC DESIGN STANDARDS, URBAN; NEW OR RECONSTRUCTION.

Functional Classification and Projected Traffic Volume	Design Speed (km/h)	Lane Width (a) (meters)	Curb Reaction Distance (meters)	Parking Lane Width (meters)
Collectors or Locals with ADT <10000*	50-60 km/h	3.3 (b)	0.6	2.4
	over 60 km/h	3.6	0.6	3.0
Collectors or Locals with ADT ≥ 10000 and Arterials	50-60 km/h	3.3 (b)	1.2 (c)	3.0
	over 60 km/h	3.6	1.2 (c)	3.0 (d)

(a) One-way turn lanes must be at least three meters wide, except 3.3 meters is required if the design speed is over 60 kilometers per hour.

(b) Wherever possible, lane widths of 3.6 meters, rather than 3.3 meters, should be used.

(c) May be reduced to 0.6 meters if there are four or more traffic lanes and on one-way streets.

(d) No parking is allowed for six or more traffic lanes or when the posted speed limit exceeds 70 kilometers per hour.

One-way streets must have at least two through-traffic lanes.

When a median is included in the design of the two-way roadway, a 0.3 meter reaction distance to the median is required on either side of the median. Minimum median width is 1.2 meters.

Urban design roadways must be a minimum 8.2 metric ton structural design.

A new or rehabilitated bridge must have a curb-to-curb width equal to the required street width. MS 22.5 loading or LRFD design is required for new bridges and a minimum of MS 16 loading is required for rehabilitated bridges.

Clearance of 0.5 meter from the face of the curb to fixed objects must be provided when the posted speed is 60 to 70 kilometers per hour. A three-meter clearance from the driving lane must be provided when the posted speed exceeds 70 kilometers per hour.

For volumes greater than 15,000 projected ADT\*, at least four through-traffic lanes are required.

\*Additional average daily traffic may be allowed if a capacity analysis demonstrates that level of service D or better is achieved at the higher traffic volume. If the capacity analysis demonstrates that additional lanes are required only during peak traffic hours, then each additional driving lane may be used as a parking lane during nonpeak hours.

"Level of service" has the meaning given it in the Highway Capacity Manual, Special Report 209, as revised and published by the Transportation Research Board of the National Research Council, Washington, D.C. The definition is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 25 Constitution Avenue, St. Paul, Minnesota 55155.

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## Proposed Rules

8820.9946 GEOMETRIC DESIGN STANDARDS, URBAN; RESURFACING. Subpart 1. Two-way streets. In the following table, total width is in meters, from face-to-face of curbs.

Number of Through Lanes, Functional Class, and Present Traffic Volume	Total Width with No Parking	Total Width with Parking on One Side	Total Width with Parking on Both Sides	Proposed Structural Design Strength (metric tons)
2-Lane Collector or Local with ADT < 10000	7.8	9.6	11.4	8.2 (b)
4-Lane Collector or Local with ADT < 10000	13.2	15.6	18.0	8.2 (b)
2-Lane Collector or Local with ADT ≥ 10000 or 2-Lane Arterial (a)	7.8	9.6	12.6	8.2
4-Lane Collector or Local with ADT ≥ 10000 or 4-Lane Arterial	13.2	16.2	19.2	8.2
6-Lane Collectors or Arterials	19.8	(c)	(c)	8.2

(a) Permissible for present traffic volumes less than 15,000 ADT.

(b) When ADT is less than 5,000, 6.4 metric tons is allowable.

(c) No parking is allowed.

Minimum design speed is 50 kilometers per hour. When a median is included in the design of the two-way roadway, a 0.3 meter reaction distance to the median is required on either side of the median. Minimum median width is 1.2 meters. <SEJECT>

Subp. 2. One-way streets. In the following table, total width is in meters, from face-to-face of curbs.

Number of Through Lanes and Functional Class	Present ADT	Total Width with No Parking	Total Width with Parking on One Side	Total Width with Parking on Both Sides	Proposed Structural Design Strength (metric tons)
2-Lane Collector or Local with ADT < 10000	≤5000	6.3	8.7	11.1	6.4
	5000 - 10000	6.9	9.3	11.7	8.2
2-Lane Collector or Local with ADT ≥ 10000 or 2-Lane Arterial	<15000	6.9	9.3	11.7	8.2
	≥15000	7.2	9.6	12.0	8.2
3-Lane Arterial or Collector	All	10.2	12.6	15.0	8.2

## Proposed Rules

Minimum design speed is 50 kilometers per hour.

Subp. 3. **Exception.** Any street that was previously built to state-aid or state standards or is a trunk highway turnback, which does not meet current standards, may be resurfaced regardless of subparts 1 and 2.

### 8820.9956 VERTICLE CLEARANCES FOR UNDERPASSES.

	Rural-Suburban Design, Vertical Clearance (meters)	Urban Design, Vertical Clearance (meters)
Highway under roadway bridge	5	4.4
Highway under railroad bridge	5	4.4
Highway under pedestrian bridge	5.3	4.4
Highway under sign structure	5.3	4.4
Railroad under roadway bridge*	6.7	6.7

\*Variances to the required minimum may be granted by the Minnesota Transportation Regulation Board. That approval eliminates the need for a state-aid variance.

### 8820.9961 MINIMUM DESIGN STANDARDS FOR 45-DEGREE AND 60-DEGREE DIAGONAL PARKING.

Parking Angle	Stall Width (meters)	Stall Depth (meters)	Traffic Aisle Width (meters)	Length Along Curb (meters)	1/2 Roadway Width Minimum (meters)	Present ADT	Legal Speed Limit (km/h)
45 Degrees	2.7	6.0	4.0	3.9	10.1	Less than 3000	50 km/h or less
60 Degrees	2.7	6.4	5.5	3.2	11.9	Less than 3000	50 km/h or less
45 Degrees	2.7	6.0	7.7	3.9	13.7	3000 and over	50 km/h or less
60 Degrees	2.7	6.4	9.1	3.2	15.5	3000 and over	50 km/h or less

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## Proposed Rules

Diagonal parking provisions must be established by cooperative agreement between the local road authority and the commissioner.

The cooperative agreement must show the angle of parking, provide for pavement marking of the parking lanes, and provide that the road authority may alter parking provisions if traffic volumes exceed the design criteria.

*Minnesota Statutes*, section 169.34, must be adhered to in determining diagonal parking spacing.

Provide a 0.6 meter clearance from the face of the curb to fixed objects. Parking meters, when spaced so as to not interfere with vehicle operation, are exempt.

### 8820.9981 MINIMUM GEOMETRIC DESIGN STANDARDS: NATURAL PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; NEW OR RECONSTRUCTION.

#### Subpart 1. Type I route.

Surface Type	Design Speed (km/h)	Lane Width (meters)	Shoulder Width (meters) (a)	Inslope (rise:run) (b)	Recovery Area (meters) (c)	Design Strength (metric tons)	Bridge to Remain (meters) (d)
Aggregate	50	3.3	0.3	1:3	1		6.6
Paved	50	3.3	0.5	1:3	3	8.2	6.6

(a) If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable. The designer will provide a 1.2 meter paved shoulder if the route is a popular bicycle route.

(b) Applies to slope within recovery area only. Other design features, such as guardrails or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060.

(c) Obstacle-free area (measured from edge of traffic lane).

Guardrail is required to be installed at all bridges where the design speed exceeds 60 kilometers per hour, and either the ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with the provisions of chapter 8818.

(d) Inventory design rating M 13.5. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

MS 18 loading or LRFD design is required for new bridges. MS 16 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or rehabilitated bridges is the sum of the lane and shoulder widths plus 1.2 meters.

Ditch depths and widths must be kept to the minimum required to function hydraulically and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless otherwise required for special conditions.

Curb and gutter may be used in lieu of a ditch section under the paved option. The lane width, shoulder width, and recovery area must be maintained.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart applies only where the projected ADT is less than 100, unless the route has been designated as a natural preservation route.

Subp. 2. Type II route.

Surface Type	Design Speed (km/h)	Lane Width (meters)	Shoulder Width (meters) (a)	Inslope (rise:run) (b)	Recovery Area (meters) (c)	Design Strength (metric tons)	Bridge to Remain (meters) (d)
Aggregate	50	3.3	0.6	1:3	3		7.2
Paved	60	3.6	1.2	1:4	3	8.2 t	7.2

(a) The designer will provide a 1.8 meter paved shoulder if the route is a popular bicycle route. If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within recovery area only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the recovery area when the ADT exceeds 400.

(c) Obstacle-free area (measured from edge of traffic lane).

Guardrail is required to be installed at all bridges where the design speed exceeds 60 kilometers per hour, and either the ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with the provisions of chapter 8818.

(d) Inventory design rating M 13.5. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

MS 18 loading or LRFD design is required for new bridges. MS 16 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or rehabilitated bridges is the sum of the lane and shoulder widths, but may not be less than nine meters.

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the recovery area, and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart may be applied only where the projected ADT is less than 300, unless the route has been designated as a natural preservation route.

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# Proposed Rules

## Subp. 3. Type III route.

Surface Type	Design Speed (km/h)	Lane Width (meters)	Shoulder Width (meters) (a)	Inslope (rise:run) (b)	Recovery Area (meters) (c)	Design Strength (metric tons)	Bridge to Remain (meters) (d)
Aggregate	50	3.6	0.9	1:4	3		7.2
Paved (e)	50	3.6	1.2	1:4	3	8.2 t	7.2
Paved	60	3.6	1.8	1:4	5	8.2 t	7.2

(a) The designer will provide a 1.8 meter paved shoulder if the route is a popular bicycle route. If the route has scenic vistas which will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within recovery area only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the recovery area when the ADT exceeds 400.

(c) Obstacle-free area (measured from edge of traffic lane).

Guardrail is required to be installed at all bridges where the design speed exceeds 60 kilometers per hour, and either the ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with the provisions of chapter 8818.

(d) Inventory design rating M 13.5. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

(e) This standard may be applied only when the project is located in a subdivided area or an area in a detailed development process, and physical restraints are present that prevent reasonable application of another level of these standards.

MS 22.5 loading or LRFD design is required for new bridges. MS 16 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or rehabilitated bridges is the sum of the lane and shoulder widths, but may not be less than 9.6 meters.

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the recovery area, and to provide for adequate snow storage when a standard ditch would negatively affect the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

### 8820.9986 MINIMUM GEOMETRIC DESIGN STANDARDS: NATURAL PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; RESURFACING.

#### TYPE I, II, OR III ROUTE

Proposed Design Strength (metric tons)

Pavement Width (meters)

Shoulder-to-Shoulder Width (meters)

6.4

6.6

7.8

Widths of bridges to remain in place must equal pavement width. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds. M 13.5 loading is required.



**8820.9995 MINIMUM BICYCLE PATH STANDARDS.****Minimum Bicycle Path Standards Off-Road Design (a)**

Minimum Surfacing Width (two-way)	2.5 meters (b)
Shoulder/Clear Zone	0.5 meters (c)
Inslope	1:2 (rise:run)
Design Speed	30 km/h (d)
Vertical Clearance	3 meters

(a) For on-road bicycle facilities, the appropriate tables in the Minnesota Bicycle Transportation Planning and Design Guidelines apply.

(b) Three meters is required for combined bicycle/pedestrian paths. 1.5 meters is required for one-way paths.

(c) The shoulder/clear zone should be carried across bridges and through underpasses. Minimum bridge or underpass width is three meters.

(d) Use a 50-kilometer per hour design speed for grades longer than 150 meters and greater than four percent, from the uphill point where the grade equals four percent to 150 meters beyond the downhill point where the grade becomes less than four percent. The maximum allowable grade is 8.3 percent.

**RENUMBERING INSTRUCTION.** In the next publication of *Minnesota Rules*, the revisor of statutes shall renumber the parts and subparts listed in column A as the parts and subparts listed in column B.

A	B
8820.0100, subpart 2b	8820.0100, subpart 2d
8820.0100, subpart 17a	8820.0100, subpart 17c
8820.0100, subpart 18	8820.0100, subpart 15b
8820.1500, subpart 10a	8820.1500, subpart 8a

**INSTRUCTION TO REVISOR.** In the next publication of *Minnesota Rules*, the revisor of statutes shall change the reference to part 8820.9985, which is found in part 8820.4060, to part 8820.9986.

**REPEALER.** *Minnesota Rules*, parts 8820.0100, subparts 4a, 9, 15a, and 19; 8820.1000, subpart 3; 8820.2900, subparts 1a and 2; 8820.3100, subparts 3, 4, 7, and 9; 8820.9910; 8820.9925; 8820.9930; 8820.9935; 8820.9940; 8820.9945; 8820.9950; 8820.9955; 8820.9965; 8820.9970; and 8820.9985, are repealed.

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## 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 Commerce

### Adopted Permanent Rules Relating to Real Estate Loans

The rules proposed and published at *State Register*, Volume 19, Number 37, pages 1896-1898, March 13, 1995 (19 SR 1896), are adopted as proposed.

## Department of Economic Security

### Adopted Permanent Rules Relating to Vocational Rehabilitation Services

The rules proposed and published at *State Register*, Volume 19, Number 34, pages 1767-1774, February 21, 1995 (19 SR 1767), are adopted with the following modifications:

Rules as Adopted

#### **3300.5060 TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL REHABILITATION SERVICES.**

Subp. 1a. **Auxiliary aids and services for effective communication.** The division must provide auxiliary aids and services for effective communication necessary to enable an applicant or eligible consumer to access division services- or participate in vocational rehabilitation services under an individualized written rehabilitation program, except that the division must not assume the responsibility of other programs or vendors, such as postsecondary training institutions, community rehabilitation programs, physicians, psychologists, and placement agencies, for providing program and service accessibility under *Code of Federal Regulations*, title 28, sections 35.149 to 35.164; and 36.301 to 36.310.

## Board of Podiatric Medicine

### Adopted Permanent Rules Relating to Miscellaneous Amendments

The rules proposed and published at *State Register*, Volume 19, Number 35, pages 1798-1802, February 27, 1995 (19 SR 1798), are adopted as proposed.

**Executive Department****Emergency Executive Order 95-4 Providing for Assistance to the Minnesota Department of Natural Resources in Northeastern Minnesota**

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

**WHEREAS**, numerous large wildfires are burning out of control in Cook, Lake, Saint Louis, and Koochiching counties in northeastern Minnesota; and

**WHEREAS**, various federal, state, and local agencies are employing rotary wing aircraft to fight the fires and these aircraft are consuming large amounts of jet aviation fuel; and

**WHEREAS**, the airport in Grand Marais does not have a facility to store and dispense the fuel required for the helicopters; and

**WHEREAS**, the Minnesota Department of Natural Resources, in coordination with the United State Forest Service and the Bureau of Indian Affairs, has requested a temporary fuel delivery and dispensing system on the site;

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

1. The Adjutant General of Minnesota order to state active duty on or about June 24, 1995, in the service of the State, such personnel and equipment of the military forces of the State as required, and for such a period of time as necessary, to assist and support the Minnesota Department of Natural Resources and other agencies in fighting the wildfires.

2. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes* 1994, Sections 192.49, subd. 1, 192.51 and 192.52.

Pursuant to *Minnesota Statutes* 1994, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes*, 1994, Section 4.035, subd. 3.

**IN TESTIMONY WHEREOF**, I have set my hand this 24th day of June, 1995.

Arne H. Carlson  
Governor

Filed According to Law:  
Joan Anderson Growe  
Secretary of State

# Commissioner's Orders

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## Department of Transportation

### Order No. 81092 Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

Whereas, the Commissioner of Transportation has made his Order No. 80000, dated March 10, 1994, which order has been amended by Orders No's. 80212, 80246, 80580, 80861, 80881, and 81000 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

**IT IS HEREBY ORDERED** that Commissioner of Transportation Order No. 80000 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

#### COUNTY ROADS

Mower County

- C.S.A.H. 1 from T.H. 56 to Sargent, MN. (12 Months)

Dated: 11 July 1995

James N. Denn  
Commissioner

Pursuant to the provisions of Minnesota Statutes §14.101, 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.

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## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C

NOTICE IS HEREBY GIVEN that a public hearing will be held on **August 16, 1995**, at **9 A.M.** in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of **approximately 111 acres of bare farmland** located in **Section 28, Alton Township, Waseca County, Minnesota** on behalf of **Richard & VonDa Britton**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$100,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 5 July 1995

Wayne Marsolf  
RFA Executive Director (acting)

## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C

NOTICE IS HEREBY GIVEN that a public hearing will be held on **August 16, 1995**, at **9 A.M.** in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of **approximately 28 dairy cows** located in **Section 16, Township 102N, R 20W, Freeborn County, Minnesota** on behalf of **Tracy & Suzann Skaar**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$18,680.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 5 July 1995

Wayne Marsolf  
RFA Executive Director (acting)

## Official Notices

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### Board of Animal Health

#### Notice of Solicitation of Outside Information or Opinions Regarding Amendments to the Rules Governing Animal Carcasses

NOTICE IS HEREBY GIVEN that the State Board of Animal Health is seeking information or opinions from sources outside the agency in preparing to propose the amendment of *Minnesota Rules* governing Animal Carcasses, parts 1719.0100 to 1719.4600. The proposed amendments will clarify, simplify and update the rendering, composting, and pet food processing rules. It will establish criteria to allow fur farmers to use carcasses as feed ingredients and will allow the composting of swine, sheep, goats, and fish. The amendment will also establish criteria to allow off-site pickup points for carcasses and will allow the transportation of carcasses by independent truckers with a permit and by owners without a permit. The adoption of the rule is authorized by *Minnesota Statutes*, section 35.03, which permits the agency to make rules to protect the health of domestic animals.

This rule affects owners of livestock, rendering plants, pet food processing plants and certain fur farms.

The Board of Animal Health is not planning to form an Advisory Task Force on this subject.

The State Board of Animal Health requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally.

Written statements should be addressed to:

Dr. Keith Friendshuh  
Minnesota Board of Animal Health  
90 W. Plato Blvd. Suite 119  
St. Paul, MN 55107

Oral statements will be received during regular business hours over the telephone at (612) 296-2942, ext. 18 and in person at the above address.

All statements of information and opinions shall be accepted until September 1, 1995. Any written material received by the State Board of Animal Health shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

The proposed rule will be published in the *State Register* and will be available at no cost to anyone requesting it in writing at the above address.

The rulemaking process as it relates to these proposed amendments should be completed by December 31, 1995.

Dated: 13 July 1995

Keith Friendshuh, DVM  
Veterinarian In Charge  
Poultry and Companion Animals

## Department of Health

### Occupational and Systems Compliance Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Amendment of Rules Governing Certification Ending Dates for EMTs, EMT-Intermediates, and EMT-Paramedics, and the Timing of EMT Refresher Courses

**Introduction.** NOTICE IS HEREBY GIVEN that the State Department of Health is seeking information or opinions from sources outside the Department in preparing to propose the amendment of *Minnesota Rules*, parts 4690.4600, subparts 4 and 6, 4690.5900, subpart 4, and 4690.7200, subparts 4 and 6 governing the certification ending dates for EMTs, EMT-Intermediates, and EMT-Paramedics, and the time frame requirements for refresher training of EMTs. The adoption of the rules is authorized by *Minnesota Statutes*, section 144.804, Subd. 1 which states: "No publicly or privately owned basic ambulance service shall be operated in the state unless its drivers and attendants possess a current emergency care course certificate authorized by rules adopted by the commissioner of health according to chapter 14."

**Subject Matter.** The Minnesota Department of Health uses examinations of the National Registry of EMT's as its initial certification exam. The current Minnesota rules require EMT certificates at all levels to expire on December 31. The National Registry

uses an expiration date of March 31. Most of the EMTs in the State continue to maintain National Registry certification beyond the initial period, but must fill out two sets of paperwork in two different time frames to recertify with the State and the National Registry. The Minnesota Department of Health believes a reduction of paperwork can occur by changing the *Minnesota Rules* to allow State certification to end at the same time as National Registry.

In addition, ambulance services have expressed the desire to have all members of their squad have the same year of certification renewal, to facilitate fewer refresher courses and reduce costs. Currently, *Minnesota Rules*, part 4690.4600, subpart 6, requires that refresher courses be taken in the second half of the certification period. Elimination of this requirement will allow the EMS Section to more adequately respond to the needs of individuals and ambulance services without a reduction in the quality of training.

**Groups And Individuals Likely To Be Affected.** EMTs, EMT-Intermediates, and EMT-Paramedics, and ambulance services are the groups and individuals most likely to be affected.

**Where, When, And How To Comment/Agency Contact Person.** The State Department of Health 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 comments may be mailed directly to Allen Erickson, Training Unit Supervisor, Minnesota Department of Health, EMS Section, P.O. Box 64975, St. Paul, MN 55164-0975, or by fax at (612) 282-3839. Comments received at this office by September 24, 1995, will be given consideration. Oral statements will be received during regular business hours over the telephone at (612) 282-3836 and in person at the above address. TDD users may call the Minnesota Department of Health at (612) 623-5522. The Minnesota Emergency Medical Services Advisory Council, Minnesota Emergency Medical Services Association, and Minnesota Ambulance Association will also be solicited for comments.

**How To Obtain Drafts Of Any Proposal.** Drafts of the proposed rule change may be obtained on or after August 16, at the EMS Section office in Suite 450 of the Metro Square Building at 121 E. 7th Place in Downtown St. Paul, or by calling (612) 282-3836.

**Deadline For Submission; Written Material Becomes Part Of Rulemaking Record.** All statements of information and opinions will be accepted until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. Any written material received by the Department will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 24 July 1995

Anne M. Barry, Commissioner  
Department of Health

## Department of Human Services

### Addendum to Public Notice Regarding Changes in the Medical Assistance (MA) Program

**NOTICE IS HEREBY GIVEN** to recipients and providers of services under the Medical Assistance (MA) Program, and to the public, of certain changes affecting the MA Program that were enacted by the 1995 Minnesota Legislature. This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205, which requires public notice of any significant proposed change in its methods and standards for payment rates for services. This notice summarizes several changes that did not appear in the original notice published in the *State Register* on June 26, 1995. All changes to the MA Program, including changes that appeared in the original notice, are expected to result in a net decrease in MA Program expenditures of \$13,276,000 for state fiscal year 1996 and a net increase of \$10,435,000 for state fiscal year 1997.

The actual text of these changes are contained in *1995 Minnesota Session Laws*, at the chapters cited below. *Minnesota Session Laws* are available at most libraries. Also, you may obtain a copy of any of the bills summarized in this notice by calling the House or Senate Index at (612) 296-6646 or (612) 296-0504.

Information related to implementation of these provisions will be sent to local human services agencies through instructional and informational bulletins and manual updates, to MA enrollees through written notice, and to health care providers through newsletters and updates to the provider manual.

-Effective August 1, 1995, an ICF/MR which meets the specified statutory criteria and is unable to obtain needed financial records shall file subsequent cost reports as provided for in rule and shall have its payment rate established pursuant to the provisions of the law. Chapter 114.

-Effective April 1, 1996, the commissioner shall increase reimbursement rates for day training and habilitation services for adults with mental retardation and related conditions under *Minnesota Statutes*, section 252.40 to 252.47, by 1.5 percent. Chapter 207, article 6, section 117.

## Official Notices

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-Effective April 1, 1996, the commissioner shall increase reimbursement rates for home and community-based waiver services for persons with mental retardation and related conditions under *Minnesota Statutes*, section 256B.501 by 1.5 percent. Chapter 207, article 6, section 117.

## Department of Human Services

### Division of Licensing

#### **Announcement: Department of Human Services Seeking Candidates Interested in Filling a Vacancy on the Anoka-Metro Regional Treatment Center Review Board**

*Minnesota Statutes*, section 253B.22, subdivision 1 directs the Commissioner of Human Services to establish a review board of three or more persons for each regional center. The review board reviews the admission and retention of patients institutionalized under *Minnesota Statutes*, chapter 253B. At least one of the members of the review board must be qualified in the diagnosis of mental illness, mental retardation, or chemical dependency.

The Department is seeking candidates interested in filling a vacancy on the Anoka-Metro Regional Treatment Center (RTC) Review Board. The candidate must be qualified in the diagnosis of mental illness, mental retardation, or chemical dependency.

The Anoka-Metro RTC Review Board meets approximately six times per year at the Anoka-Metro RTC located at 3300 4th Avenue North in Anoka, Minnesota. Review board members are paid a per diem of \$125 per day.

Candidates interested in filling the vacant position on the Anoka-Metro RTC Review Board should send a letter of interest and resume to Jim Schmidt, Department of Human Services, Division of Licensing, 444 Lafayette Road, St. Paul, Minnesota 55155-3842 no later than August 18, 1995.

## Department of Labor and Industry

### Labor Standards Division

#### **Notice of Prevailing Wage Certifications for Commercial Construction Projects**

Effective July 24, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** 6 Miles NW of Anoka Daytonport Scenic Byway Rest Area-Anoka.

**Crow Wing:** Riverside Elementary School ISD 181 (Bid Package 4) Additions and Remodeling-Brainerd.

**Dakota:** Rosemount Research Center Buildings 707J, 707JJ, 714a, Reroofing Project-Rosemount.

**Goodhue:** Kenyon Wanamingo High School Reroof-Kenyon.

**Hennepin:** New Ford Town/Rich Acres House Demolition-Richfield; Pratt Education Center Renovation-Minneapolis; Reroof Minnesota Center for Arts Education GAIA Hall-Golden Valley; 1995 Partial Reroofing at Wilder School-Minneapolis.

**Houston:** Beaver Creek Sanitation Building ADA Upgrade-Caledonia.

**Itasca:** Longyear Park Lift Station Rehabilitation-Coleraine.

**Meeker:** 1995 Reroofing East Wing Meeker County Memorial Hospital-Litchfield.

**Pope:** General Facilities Improvement Minnewaska Public Schools ISD 2149-Minnewaska.

**Ramsey:** Minnesota State Capitol Exterior Renovation-St Paul; State Capitol Office Renovation-St Paul; ADA Improvements DNR Region 6 Headquarters-St Paul; Edgerton Elementary School Additions and Remodel-Maplewood.

**St Louis:** DNR Minerals Building Accessibility Improvements-Hibbing; Water Tower Demolition-Duluth; Mechanical & Electrical Upgrades CINA Building-Aurora.

**Scott:** New Prague Elementary Reroof-New Prague.

Copies of the certified wage rate 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.

Gary W. Bastian, Commissioner

## Department of Public Safety

### State Fire Marshal

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing the *Minnesota Uniform Fire Code*

**NOTICE IS HEREBY GIVEN** that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules governing the *Minnesota Uniform Fire Code*, *Minnesota Rules*, parts 7510.3290 to 7510.3480, and the repeal of *Minnesota Rules*, parts 7510.7100 to 7510.7400, 7510.8200 to 7510.8500, 7510.9920 to 7510.9985. The amendment of the rules is authorized by *Minnesota Statutes*, section 299F.011, subdivision 1, which permits the Commissioner of Public Safety to "promulgate a uniform fire code and make amendments thereto..."

The *Minnesota Uniform Fire Code* rules establish uniform safety standards consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. The *Minnesota Uniform Fire Code* is applicable throughout the state and in all political subdivisions and municipalities therein.

The Fire Marshal Division will work with the Minnesota State Fire Chief's Association and the Fire Marshal's Association of Minnesota in the development of the rules amendment.

The State Department of Public Safety requests information and opinions concerning the subject matter of these rules. Interested person or groups may submit data or views in writing addressed to:

Jon Nisja  
State Fire Marshal Division  
444 Cedar Street, Suite 100-M  
St. Paul, Minnesota 55101-2156

All statements of information and opinions will be accepted for sixty (60) days after this notice is published in the *State Register*. Any written material received by the State Department of Public Safety will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Persons wishing to obtain drafts of any proposals should contact Jon Nisja at the State Fire Marshal Division at the above address or telephone (612) 215-0506.

Dated: 17 July 1995

Michael S. Jordan,  
Commissioner  
Department of Public Safety

## Department of Revenue

### Property Tax Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Amendment of *Minnesota Rules*, Parts 8100.0100 to 8100.0400 Governing Valuation and Assessment of Electric, Gas Distribution, and Pipeline Companies

NOTICE IS HEREBY GIVEN that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing to propose the amendment of *Minnesota Rules*, parts 8100.0100 to 8100.0400 governing the Valuation and Assessment of Electric, Gas Distribution and Pipeline Companies. These rules exist to provide for the method of setting value of the operating property of electric companies, gas distribution companies and pipelines for property tax purposes. The adoption of the rules is authorized by *Minnesota Statutes*, section 270.06, which authorizes the Commissioner of Revenue to adopt rules, and *Minnesota Statutes*, sections 273.33 and 273.37 which require the Commissioner of Revenue to value and assess certain utility property. Groups affected by these rules are the local units of government in Minnesota which receive property taxes, and the Electric, Gas Distribution and Pipeline companies paying the property tax.

The State Department of Revenue requests information and opinions concerning the subject matter of the rules. We intend to modify the rules in five areas as follows:

- a. Modify the capitalization of income to adjust the income by means of an Earnings Growth Rate.
- b. Delete deferred taxes from consideration in computing the capitalization rate.
- c. Delete *Minnesota Rule*, part 8100.0300, Subpart 7. Obsolescence allowance.
- d. Modify the weighting of the indicators of value for electric companies.
- e. Modify the allocation formula for pipeline companies.

Interested persons or groups may submit data or views in writing or orally. Written statements should be address to:

Ron Cook  
Minnesota Department of Revenue  
Property Tax Division  
Mail Station 3340  
St. Paul, MN 55146-3340

Oral Statements will be received during regular business hours over the telephone at (612) 296-0392 and in person at the above address. Draft copies of the revised rules are available from Ron Cook at the address or telephone number above.

We will not form an advisory task force regarding these rule changes. The rules are intended to be adopted in time for the 1996 assessment year.

All statements of information and opinions will be accepted until further notice is published in the *State Register* that the Department of Revenue intends to adopt or to withdraw the rule amendments. Any written material received by the department will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 24 July 1995

Alan G. Whipple  
Property Tax Division  
Department of Revenue

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.

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## Minnesota Amateur Sports Commission Grants Available for Development of Community Ice Arenas

### 1. Background

The state of Minnesota, acting through its agency - the Minnesota Amateur Sports Commission (MASC), is seeking interested communities to develop ice arenas. As per *Laws of Minnesota 1995 240A.09*, Minnesota communities will be eligible to be awarded grants for the development of new ice arenas and for the improvement of existing arenas. Grant recipients must have at least one local partner who is 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 Minnesota communities in developing ice arenas. The result of this grant shall be to establish ice arenas capable of hosting all ice sports competitions and training. The purpose of the ice centers will be to maximize the communities ability to generate economic benefits and to promote ice sports participation for females and males.

### 3. Goals

The grant contract shall accomplish the development of new ice arenas and improvement of existing ice arenas. Towards that ultimate goal, the Minnesota Amateur Sports Commission (MASC) intends to accomplish these additional goals:

- A) Encourage communities and organizations to work in partnership to develop and operate ice arenas.
- B) Where possible, to encourage communities and organizations to develop arenas with multiple sheets of ice in order to reduce both construction and operating costs.
- C) Provide increased opportunities for female ice sport participation.
- D) Encourage in kind contributions from public and private organizations to develop ice arenas.
- E) Encourage the development of ice arenas that serve community sport and non-sport needs and ensure non-hockey groups will also have adequate access to the arenas.

### 4. Tasks

Respondents are asked to complete the following tasks:

- A) Complete responses to the content section of the RFP.
- B) Respondent may submit additional information and documentation if they enhance the goals of the project.

### 5. Agency Contacts

Prospective responders who have questions regarding this RFP may call or write:

Paul D. Erickson  
Executive Director  
Minnesota Amateur Sports Commission  
1700 - 105th Avenue NE  
Blaine, MN 55449-4500  
Phone: 612-785-5632/Fax: 612-785-5699

Other department personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

## State Grants

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### 6. Deadline

All proposals must be received by the MASC no later than Monday, October 2, 1995 at 4:00 p.m.

Responders must submit (3) three 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 2.9 million dollars. Respondents will find it necessary to augment the state grant matching contributions in order to develop an ice arena or arenas.

-Grant amount for new ice arenas. Communities may apply for up to \$250,000 for each ice arena (Either standard size 85' x 200' or Olympic size).

-Grant amount for existing ice arenas. Communities applying for a renovation grant for their existing ice arena may apply for up to \$50,000. Renovation grants must be matched by non-state sources on a 1:1 ratio.

### 8. Project Completion

For 1995 grant award recipients, the project will be completed by January 1, 1997, or within (12) twelve months of when the contract officially begins.

For 1996 grant award recipients the project will be completed by January 1, 1998 or within (12) twelve months of when the contract officially begins.

### 9. Content

Responders proposal should contain the following elements, as per MASC agency application instructions: (Complete Items A through G).

A. Enter name of local governmental unit responsible for the project.

B. The primary contact person is the individual who will have direct responsibility for the day-to-day activities of the project and to whom project inquiries can be directed (e.g., Director of the Recreation and Park Department, Mayor, City Manager, County Engineer, etc.)

C. Name of project. If application is for the continuation of a previously approved, state-funded project, use the same project title as the original project. Identify the previous project number where indicated.

D. Project documentation refers to the required documents necessary for final application submission. Submit all items (1-12).

E. Federal Employer Identification Number. List the federal employer identification number assigned to your local government by the Internal Revenue Service.

F. Signature of authorized official of the responsible agency, such as Chairperson of the County Board, Mayor, or other person as authorized by resolution of governmental unit. Please date and enter legal name of application.

Submit two copies of the Final Application Form. Both copies must bear the original signature of the Mayor or Chairperson.

**Resolution of Local Applicant.** The local government applicant is required to execute a resolution which authorizes filing of the application and execution of final agreements with the Minnesota Amateur Sports Commission (MASC).

An example of the required resolution is provided. All portions must be followed exactly as shown in the example.

Submit two copies of the executed resolution with the final application. Both copies must bear the *original* signatures of the certifying individual.

**Geographic Location.** Prepare a geographic location map which clearly illustrates the location of the proposed recreation site. Include on the map the following items:

- Project name and date submitted;
- Outline of the recreation site in yellow;
- Main roads and secondary streets leading to the recreation site (clearly labeled);
- North arrow and scale.

If possible, the map should be 8 1/2 x 11 inches. A photocopy of a county highway map (for county or township projects) or a city street map (for municipal projects) may be used, providing it meets the above criteria. For large cities, the recreation site should also be shown on a district-level map.

Submit two copies of the geographic location map with the final application.

**Site Plan.** The primary purpose of the site plan is to clearly identify the proposed recreation area. The site plan will also identify any existing facilities and park acreage and any developments contemplated for the future. The following checklist is provided to assist with the preparation of the site plan. All of the appropriate checklist items must be included in the plan. Please prepare the maps neatly and legibly. Plans which do not reflect quality mapping will be returned to the local sponsor for revisions. Please follow the color codes described below.

If possible, the entire sports facility site plan should be mapped on one sheet not exceeding 24 x 36 inches.

Submit four copies of the site plan with the final application.

#### **Site Planning Checklist**

Be sure to include on the site plan all of the following items which apply:

- Outline the boundaries of all parcels of land presently owned with a red marker. Indicate the acreage of each parcel.
- Outline the boundaries of those parcels to be acquired by this application with a yellow marker. Indicate the names of owners and acreage of each parcel to be acquired.
- Indicate all existing sport and support facilities and highlight with a red marker.
- Show all adjacent county roads, city streets, highways, etc., and label with their numbers/names.
- Show city names, corporate limits, and section lines/corners.
- Indicate all lakes, rivers, streams, and wetlands and label with their appropriate names.
- Identify all environmental intrusions. Examples include overhead and underground service lines, old roads, buildings, storm sewers, railroad tracks, etc.

**Environmental Intrusions Statement.** Environmental intrusions refer to ALL man-made developments on, above, or below the sport facility. These include buildings, utility poles and lines, roads, driveways, underground intrusions, pipelines, power lines, sewer lines, railroad tracks, etc.

Show every intrusion on the site plan (#3). List and describe every intrusion. Prepare a mitigation statement for each intrusion, explaining how the effects of the intrusion will be moderated.

Submit two copies of the Environmental Intrusions Statement with the final application.

**Agreements and Arrangements.** Include a copy of any legal agreements or arrangements with other organizations or governmental agencies participating in this project. An example would be a joint powers agreement for development of maintenance/operations with a school district, sports association, foundation, etc. Submit two copies of the agreements.

**Operations and Maintenance Statement.** Briefly describe the plan for operations and maintenance of the sports site. Indicate:

- agency responsible for maintenance;
- source of maintenance funds;
- length of time arena will be open (seasonally and/or daily basis);
- demonstrate the facility will be maintained at National Governing Body (NGB) or Olympic standards.

Submit two copies of the Operations/Maintenance Statement with the final application.

**Note:** Government project sponsors are prohibited from converting any portion of the project to non-public or non-sport uses or transferring ownership of the property without the approval of the Minnesota Amateur Sports Commission. Government sponsors may contract or lease operations to a non-public entity, but ultimate ownership and operational responsibility must remain with the original public sponsor.

## State Grants

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**Letter of County Concurrence.** If the applicant is a municipality or township, they must obtain a letter of support for their project from their respective county; e.g., from the county administrator, park director, planning director, or county board of commissioners. The letter from the county should include the following:

- the county has reviewed the project;
- the county finds the project to be in accordance with the goals of the county outdoor recreation plan; and
- the county fully supports all efforts of the local applicant.

To assist the county with their review, the local applicant should provide the county with the following project materials:

- geographic location map (#2); and
- site plan (#3)

To assist the county, you may want to provide them with a draft letter for their use. This should be done at the outset of the final application phase (immediately) to avoid a delay in the processing of the application for approval.

If the applicant is a county, a letter of concurrence is not required; simply state "does not apply."

Submit two copies of the County letter with the final application.

**Comprehensive Plan.** The local government applicant is required to demonstrate that the proposed sport facility is consistent with the local comprehensive plan. The applicant should demonstrate in writing how the proposed sport facility does not duplicate any existing facility in the area. In addition, it should be demonstrated that the proposed sport facility will be a complement to the existing infrastructure of facilities in the community. The Minnesota Amateur Sports Commission is also interested in knowing how the proposed facility fits with the current park and recreation plans. The applicant should demonstrate and estimate the frequency and type of uses by local, state, regional and national participants.

Submit two copies of comprehensive plan.

**Local Financial Commitment.** The local government applicant is required to provide either documentation of funds raised or to demonstrate how it intends to raise the local financial commitment. A written plan should be submitted on how the community intends to raise the funds, their timetable for raising the funds, and please include evidence of past fundraising efforts in the community that is of similar size and dimension.

If the community intends to use a local bond issue over local government funds, please indicate the date of intended bond issue vote or government board vote.

Submit two copies of local match plan.

**Economic Impact Analysis.** The local government applicant is required to demonstrate the economic impact implications of the proposed sport facility. As the goal of the Minnesota Amateur Sports Commission is to bring a new net economic impact to Minnesota, this economic impact study should concentrate on the numbers of out-of-state visitors who would travel to the site to participate in sporting events at the proposed facility. The applicant should outline a typical annual schedule of events with corresponding economic impact.

Submit two copies of economic impact analysis.

**Budget.** The local government applicant is required to submit a complete capital budget and operating budget for the proposed project.

Submit two copies of the budgets.

**Resolution of Local Application (sample).**

Required form of resolution of application authorizing filing of application and execution of agreement to construct sport facilities under the provision of the State Capital Bonding Fund.

WHEREAS, the Minnesota Amateur Sports Commission (MASC), via the State Capital Bonding Fund, provides for capital funds to assist political subdivisions of the state of Minnesota for the development of sport facilities, and

WHEREAS, the \_\_\_\_ (city/county/state agency) \_\_\_\_\_ desires to construct and develop a \_\_\_\_ (name of project) \_\_\_\_\_ for the sports of \_\_\_\_ (list of sports affected) \_\_\_\_\_.

NOW, THEREFORE BE IT RESOLVED BY THE \_\_\_\_ (city council/county board/state board) \_\_\_\_\_ of the \_\_\_\_ (city/county/state agency) \_\_\_\_\_:

1) Estimates that the total cost of developing said facility shall be \$\_\_\_\_\_ and \_\_\_\_ (city/county/state agency) \_\_\_\_\_ is requesting \$\_\_\_\_\_ from the Mighty Ducks Capital Bonding Fund and will assume responsibility for a match requirement of \$\_\_\_\_\_.

2) \_\_\_\_ (city/county/state agency) \_\_\_\_\_ agrees to own, assume 100 percent operation costs for said sport facility, and will operate said facility for its intended purpose for the functional life of the facility which is estimated to be \_\_\_\_ years.

3) \_\_\_\_ (city council/county board/state board) \_\_\_\_\_ agrees to enter into necessary and required agreements with the Minnesota Amateur Sports Commission for the specific purpose of constructing a sport facility and long-term program direction.

4) That an application be made to the State of Minnesota, Minnesota Amateur Sports Commission, to be included in the Minnesota Amateur Sports Commission's (Governor's) Capital Budget request for an amount presently estimated to be \$\_\_\_\_ (fill in amount) \_\_\_\_\_.

5) That the \_\_\_\_ (authorized representative) \_\_\_\_\_ and/or \_\_\_\_ (city/county/state agency) \_\_\_\_\_ is authorized and directed to execute said application and serve as the official liaison with the Minnesota Amateur Sports Commission.

**CERTIFICATION**

I hereby certify that the foregoing resolution is a true and correct copy of the resolution presented to and adopted by the \_\_\_\_\_ at a duly authorized meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, as shown by the minutes of said meeting in my possession.

\_\_\_\_\_ (signature/title of authorized official) \_\_\_\_\_

**Minnesota Amateur Sports Commission Facility Bonding Application.**

A. Local unit of Government responsible for project: \_\_\_\_\_

B. Primary contact person for the project:

Name \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_ Zip \_\_\_\_\_

County \_\_\_\_\_ Phone: H ( ) \_\_\_\_\_ W ( ) \_\_\_\_\_

C. Name of Project: \_\_\_\_\_

D. Type of Application: (check one)

\_\_\_\_ New Arena Grant      \_\_\_\_ Existing Arena Grant

E. Project Documentation (refer to checklist)

The documents submitted in support of this application should be considered part of this application.

1. Resolution of Local Applicant
2. Geographic Location Map
3. Site Plan and Checklist
4. Environmental Intrusions Statement
5. Agreements and Arrangements
6. Operation and Maintenance
7. Letter of County Concurrence
8. Comprehensive Plan (social benefit)

# State Grants

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9. Local Financial Commitment

10. Economic Impact Analysis

11. Budget (or cost breakdown) - capital and operating

F. Federal Employer Identification Number: \_\_\_\_\_

G. Execution:

IN WITNESS THEREOF, the applicant has caused this application to be executed on \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Legal Name of Applicant )                      By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title, Mayor or Chairperson)

## Endorsement

Signature of person authorized to sign on behalf of the local unit. I hereby certify that the unit of local government identified hereby is willing and able to undertake the project described in this application.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Title)

Mail to: Mail one copy of the completed application form with all required applications to: Minnesota Amateur Sports Commission, 1700 - 105th Avenue NE, Blaine, MN 55449-4500.

In addition, the MASC will be available for telephone consultation for all responders.

In consideration of respondent's ability to identify the necessary resources in order to meet project completion deadline, each applicant should indicate which year it would be ready to receive a grant and consequently construct an arena.

- 1995 Grant for construction in calendar year 1996
- 1996 Grant for construction in calendar year 1997
- 1997 Grant for construction in calendar year 1998\*
- 1998 Grant for construction in calendar year 1999\*

\*Not yet appropriated by the MN legislature.

## 10. Evaluation Criteria

The MASC Board will make final determinations for grant awards. The MASC will prioritize the grant awards on the following basis:

### New Arenas

#### 1. Demonstrated Ability of Applicant to Perform

- Proof of committed resources necessary to develop and construct a new ice arena (including the proposed state grant)
- An established site plan and preliminary architectural plans.
- Owner and Operating Agreements established.
- Proof that the land for site is committed or secured.
- An established time table for construction to meet MASC project deadlines.
- Proof of operating plan for financial viability.

#### 2. Demonstration of Partnerships

-Documentation that respondent has formed public and private partnerships to develop and operate a new ice arena(s) that may include cities, counties, school districts and private groups.

#### 3. Demonstrated Need for New Ice Arenas

-Demonstrate that an adequate participation base exists or can be developed within one hour drive from arena.



**Existing Arenas:**

-Allowable renovation projects preferred by the MASC include but are not limited to:

- \*additional locker room, especially for female users
- \*energy conservation measures and air quality improvement
- \*code, health and safety issues
- \*ice plant repair and replacement

-Ability to match state grant on at least a 1:1 ratio.

-Definition: **existing arena** - any current arena with artificial ice that has conducted ice sport activity before January 1, 1996 shall be considered an existing arena for the purpose of this grant proposal. All proposals following review, will be judged on the following factors:

- A. Expressed understanding of proposal objectives and goals.
- B. Quality of response to evaluation criteria.
- C. Budget and cost detail and quality of financial commitments (#10).
- D. Ability to meet legislative requirements (#11).

**11. Legislative Requirements**

Respondent should note the specific statutory requirements.

*Minnesota Statutes* Section 240A.09, 1995, the ice arena enabling legislation, was amended to include additional criteria and priorities. The legislation, as amended, directs the commission;

\* to give priority to proposals submitted by more than one local government. In the metro area priority is also given to proposals that involve the construction of at least 2 ice sheets in a single facility,

\* to accept proposals that have matching contributions including in-kind contributions (land, parking) and provide equal time for female groups,

\* to the extent possible, award at least 50% of the grants to projects in Greater Minnesota, and

\* to use at least 10% of the grant funds for ice centers designed for sports other than hockey.

**12. State Contract Rules**

Normal state 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 Rental of a Four Bedroom Home

The Department of Administration on behalf of the Department of Human Services desires proposals for providing an existing or newly constructed four (4) bedroom handicapped accessible home in or near Cambridge, Minnesota, for lease by the State to provide residential quarters for developmentally disabled persons.

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

### Information Policy Office and Materials Management Division

#### Request for Proposal: Professional Services to Independently Assess Agency Information Resource Management and Agency Project Development Process and Deliverables

NOTICE IS HEREBY GIVEN that the State of Minnesota, acting through the Department of Administration, Information Policy Office (IPO) and Materials Management Division (MMD), seek the services of qualified consultants to provide independent evaluations/risk assessments of major state information resource projects and systems.

The primary objective of this RFP is to acquire professional services to independently assess agency IRM and agency project development processes and deliverables. These external, independent evaluations/assessments will result in objective, unbiased opinions on the management, development and implementation of agency IRM projects. The external, independent evaluations will identify findings, formulate conclusions and make recommendations for general improvements or for mitigation of risks. Additionally, provisions and recommendations for on-going follow up evaluations will occur. The evaluations must be conducted from both agency-wide and project perspectives by individuals with no vested interest or affiliation with the agency or project.

For further information, or to obtain a copy of the Request for Proposal, contact:

Bernadette Vogel  
Department of Administration  
Materials Management  
112 State Administration Bldg.  
50 Sherburne Avenue  
St. Paul, MN 55155  
612/296-3778  
Fax: 612/297-3996

This is the only person designated to answer questions regarding this request for proposal.

Deadline for proposal submission is 3:00 p.m. on August 23, 1995.

Dated: 17 July 1995

Greg Peterson  
Information Policy Office  
Department of Administration

## Department of Finance

### Accounts Receivable Project

#### Notice of Request for Information and Comments from Interested Parties Concerning Contracts to Provide Private Collection Agency Services to the State of Minnesota

NOTICE IS HEREBY GIVEN that the Minnesota Department of Finance is seeking information or opinions from interested sources outside the agency as it prepares to issue a Request for Proposal soliciting proposals from private collection agencies interested in providing collection services to the State of Minnesota. Affected parties include resident and non-resident private collection firms. Comments received pursuant to this request for information will be considered in drafting a final Request for Proposal.

To receive a discussion draft of the Request for Proposal, please contact:

Margaret Jenniges  
Minnesota Department of Finance  
400 Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
(612) 296-5187; TTY/TDD (612) 297-5353

Interested persons or groups may submit their data or views on the discussion draft in writing or orally. Written comments must be received by Margaret Jenniges at the above address no later than August 3, 1995. Oral statements will be received at an informational meeting to be held for all interested parties on Tuesday, August 8th, 1995, at 9:00 a.m., in Hearing Room 400 South, Fourth Floor, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota. For reservations, please call the Department of Finance receptionist by 12:00 p.m., August 3, 1995, at (612) 296-5900 TTY/TDD (612) 297-5353.

Date: 17 July 1995

Rosalie Greeman, Asst Commr  
Accounting Division  
Department of Finance

## Higher Education Coordinating Board

### Higher Education Services Offices

#### Request for Proposals for Communications Assistance

The Higher Education Services Office (HESO) is requesting proposals from qualified communications consultants for assistance in the planning and implementation of its parent information project. The project informs parents about the academic and financial planning needed for education beyond high school. Proposals must be submitted no later than August 15, 1995.

The Request For Proposal (RFP) does not obligate the HESO to complete this project and the HESO does reserve the right to cancel the solicitation if it is considered to be in its best interest.

The total cost of this proposal is estimated to be \$20,000 per year for fiscal year 1996 and fiscal year 1997.

Copies of the RFP are available from:

Communications  
Higher Education Services Office  
400 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-9678

## Professional, Technical & Consulting Contracts

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### Higher Education Coordinating Board

#### Higher Education Services Office

#### Request for Proposals for Graphic Arts and Design Services

The Higher Education Services Office (HESO) is requesting proposals from qualified graphic designers for consulting services to provide assistance for Fiscal Year 1996 and 1997. Proposals must be submitted no later than August 15, 1995. The Request for Proposal (RFP) does not obligate the HESO to complete this project, and the HESO reserves the right to cancel the solicitation if it is considered to be in its best interest.

It is estimated that the total cost of this proposal will not exceed \$47,000 during the fiscal year 1996-97 biennium.

Copies of the RFP are available from:

Communications  
Higher Education Services Office  
400 Capital Square Building  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-9678

### Minnesota Higher Education Services Office

#### Request for Proposal for a Servicer of the Student Loan Programs Administered by the Minnesota Higher Education Services Office, Previously Known as the Minnesota Higher Education Coordinating Board

The Minnesota Higher Education Services Office (MHESO) has legislatively mandated responsibility in the area of post-secondary education. This project focuses on the servicing of the student loan programs administered by the MHESO. This project will provide for the servicing of student loans originated and administered by the MHESO. The contract emanating from this proposal will be for five and one half fiscal years, with the potential for annual renewal for another five fiscal years.

This request for proposal does not obligate the MHESO to complete this project and the MHESO reserves the right to cancel the solicitation if it is considered to be in its best interest.

It is estimated that the total cost of this proposal will be approximately \$3,000,000 per fiscal year.

For further information and formal RFP documents, contact Administrative Services, Higher Education Services Office, Suite 400, Capital Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, (612) 296-9696.

The deadline for receipt of proposals is 4:00 PM, Thursday, November 30, 1995.

### Department of Public Safety

#### Office of Traffic Safety

#### Request for Proposals for Research with Targeted Communities Regarding Traffic Safety

The Minnesota Department of Public Safety is seeking proposals to plan, conduct, and evaluate focus groups in targeted communities. For this research targeted communities are defined as communities in which people of color make up a significant population—specifically African-American and Native American. Details are contained in a Request for Proposals which may be obtained by calling or writing:

Barry Shaul  
Office of Traffic Safety  
Department of Public Safety  
444 Cedar Street  
Suite 100-B, Town Square  
St. Paul, MN 55101-2156  
(612) 296-6794

The estimated cost of the contract is \$20,000.00. The Department will retain an option to renew the contract for two additional one-year periods. Final date for submitting proposals is August 25th, 1995, by 4:00 PM.

## **Minnesota Department of Transportation**

### **Transportation Research and Investment Management Division**

#### **Notice of Availability of the TRANSMART Request for Proposal for Public-Private Agreements to Develop Toll Facilities in Minnesota**

The Minnesota Department of Transportation is requesting proposals from the private sector for the design/development, financing, and operation of toll facilities, in accordance with *Minnesota Statutes*, Sections 160.84 through 160.92. This legislation establishes a framework for Mn/DOT and other Minnesota road authorities to enter into agreements with private entities to develop and operate a range of eligible transportation improvements. The legislation authorizes many modes of ownership or operation. Ownership may be with or without reversion of title; operation may be under lease, management contract or toll concession; and may involve Build-Operate-Transfer or Build-Transfer-Operate arrangements.

The legislation permits private operators to assemble funds from any available source and allows toll revenues to be applied to repayment of indebtedness incurred with a reasonable rate of return on investment. The legislation allows variable toll rates, based on time of day, vehicle characteristics and other factors that enhance the people carrying capacity of the transportation facility to meet other transportation goals.

A proposed toll facility must meet the Department's standards for design and construction for facilities of the same functional classification. Agreements must provide for maintenance, snow removal and police services which should meet or exceed the Department's standards. Agreements must recognize that facilities will be subject to regular Department inspection. The legislation requires that private operators must obtain the same environmental, navigational, design and safety approvals as the Department would have to obtain if it were developing and operating the facility.

The Commissioner must approve all development agreements with private operators. The legislation grants (in addition to their rights generally applicable under Section 161 of the *Minnesota Statutes*) the governing bodies of counties or municipalities through which each project is proposed to pass the power to veto a project within 30 days of Commissioner approval of the project for negotiations. Thus, it is important for proposers to acquaint themselves with local needs desires and goals and to give special attention to the steps required to garner and maintain local support.

#### **Eligible Toll Facilities**

Although the Department has not identified any specific facility for which it desires a proposal from the private sector, the Department will make available project information which proposers may desire in order to evaluate potential projects.

To be responsive to this RFP, a project must involve facilities which fall within the Commissioner's jurisdiction as a road authority and which fall within the legislation's definition of a "toll facility."

*Minnesota Statutes* Sections 160.84, Subd. 8 and 161.20 (1994) designate the Commissioner as the road authority for all trunk highways and appurtenant improvements. The legislation defines the term "toll facility" to include a wide range of transportation improvements within the State, including:

"... a bridge, causeway, or tunnel, and its structures; a road, street, or highway; an appurtenant building, structure, or other improvement; land lying within the applicable rights-of-way; and other appurtenant rights and hereditaments that together comprise a project for which a road authority or private operator is authorized to develop, finance, design, operate, and impose tolls under ... [the legislation]."

#### **Proposal Contents and Deadlines**

The Department will permit, but not require, a proposer to submit its proposal in two parts: an Initial Proposal and a Community Support Proposal. The submission of the Initial Proposal by the applicable due date, time, and appropriate fee is required of all proposers. If a proposer does not wish to submit a separate Community Support Proposal, it must submit with its Initial Proposal the materials otherwise required to be submitted with the Community Support Proposal. If a proposer elects to submit its proposal in two parts, it must submit both the Initial and Community Support Proposals in accordance with the requirements set forth in the Request for Proposal.

A fee of \$10,000 will be required for submission of an Initial Proposal whose contents include capital improvements valued up to \$10,000,000. A fee of \$20,000 will be required for proposals which include capital improvements valued over \$10,000,000.

An additional fee of \$20,000 will be required if a project is selected for negotiations by the Commissioner.

Initial Proposals, along with the appropriate fees, will be due in the Office of Alternative Transportation Financing at the

## Professional, Technical & Consulting Contracts

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Minnesota Department of Transportation by November 22, 1995. Community Support Proposals will be due in the Office of Alternative Transportation Financing on March 1, 1996.

### How to Obtain the RFP

To obtain a copy of the Toll Transportation Facilities Request For Proposal, send a written request or fax a request to:

Adeel Lari, Director  
Office of Alternative Transportation Financing  
Minnesota Department of Transportation  
Room 211, Mail Stop 440  
395 John Ireland Blvd.  
St. Paul, Minnesota 55155  
Fax (612) 296-3019

Requests for RFP's will be received until September 15, 1995.

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 in responding to this notice shall be borne by the responder. Mn/DOT will host a pre-proposal conference for potential proposers in the first week of September.

## Department of Transportation

### Engineering Services Division

#### Notice of Availability of Contract for Highway Related Technical Activity

The Minnesota Department of Transportation (Mn/DOT) is soliciting expressions of interest and statements of qualifications for asbestos detection and abatement.

This program seeks individuals and/or firms for work order agreements (T-Contracts) for asbestos assessment, abatement planning, air monitoring, and abatement.

Mn/DOT anticipates about three individuals/firms for on-call work assignments (within three day notice). Program is for a three year duration.

Interested parties may receive a Request for Qualification and Interest Statements (RFQI), detailing requirements by written request to:

Linda Moline, Associate Agreements Administrator  
Consultant Services Unit  
Minnesota Department of Transportation  
395 John Ireland Blvd., Mail Stop 680  
St. Paul, MN 55155  
or fax request to: (612) 282-5127.

Those consultants who wish to be considered for this project, must furnish the following information:

**Affirmative Action.** Indicate if your firm is certified by the Department of Human Rights for Affirmative Action as stated in *Minnesota Statute* 363.073. Any questions, call (612) 296-5683. **Send:**

- A copy of your firm's current Certificate of Compliance issued by the Commissioner of Human Rights or;
- A letter from Human Rights certifying that your firm has or has applied for a current Certification of Compliance or;
- A notarized letter certifying that your firm has not had more than twenty full-time employees at any time during the previous twelve months.

Indicate if your firm is certified by the Department of Transportation as a Disadvantaged Business Enterprise (DBE). Any questions, call the EEO Contract Management at (612) 297-1376. Indicate if your firm is certified by the Department of Administration as a Small Targeted Business, *Minnesota Statute* 16B.19. Any questions, call (612) 296-2600.

Provide company name, business address, the contact person's name, telephone number, fax number, Federal tax I.D. number, and Minnesota tax I.D. number (if applicable).

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## Professional, Technical & Consulting Contracts

Interested individuals/firms may send five copies of expression of interest statement and qualifications to:

Mr. Gabriel S. Bodoczy, P.E.  
Consultant Services Unit  
Minnesota Department of Transportation  
395 John Ireland Boulevard, Room 320, Mail Stop 680  
St. Paul, Minnesota 55155  
Attention: Linda Moline

Qualification and Interest Statements must be received at the above address no later than 2:00 P.M. on **Thursday, August 17, 1995**. No time extensions will be granted.

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 in responding to this notice shall be borne by the responder.

## Department of Transportation

### Engineering Services Division

### Notice of Availability of Contract for Highway Related Technical Activity

The Minnesota Department of Transportation (Mn/DOT) is soliciting expressions of interest and statements of qualifications for Marketing Research and Communication Services.

This program seeks individuals and/or firms to be put on a prequalified list for consideration for contracts as projects are identified over the next three years. Individuals/firms may be qualified in one or several of the following areas:

**Market Research** - planning, collection, analysis of data, and communication of results relevant to marketing decision making.

**Public Relations** - Design and implementation of programs that convey messages to customers.

**Advertising/Promotion Media buys** (print space and air time) developing concepts, positioning strategies to give the message.

**Marketing** - Activities that effect the transfer of goods or services from seller to buyer including product development, definition and implementation of the message and market needs targeting.

**Mailing and distribution** - Maintenance of segmented data bases, list management, direct mailing and distribution services.

Interested parties may receive a Request for Qualification and Interest Statements (RFQI), detailing requirements by written request to :

Linda Moline, Associate Agreements Administrator  
Consultant Services Unit  
Minnesota Department of Transportation  
395 John Ireland Blvd., Mail Stop 680  
St. Paul, MN 55155  
or fax request to: (612) 282-5127

Those consultants who wish to be considered for this project must furnish the following information:

**Affirmative Action.** Indicate if your firm is certified by the Department of Human Rights for Affirmative Action as stated in *Minnesota Statute 363.073*. Any questions, call (612) 296-5683. Send:

- A copy of your firm's current Certificate of Compliance issued by the Commissioner of Human Rights or;
- A letter from Human Rights certifying that your firm has or has applied for a current Certification of Compliance or;
- A notarized letter certifying that your firm has not had more than twenty full-time employees at any time during the previous twelve months.

Indicate if your firm is certified by the Department of Transportation as a Disadvantaged Business Enterprise (DBE). Any questions, call the EEO Contract Management Office at (612) 297-1376.

Indicate if your firm is certified by the Department of Administration as a Small Targeted Business, *Minnesota Statute 16B.19*. Any questions, call (612) 296-2600.

## Non-State Public Bids, Contracts & Grants

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Provide company name, business address, the contact person's name, telephone number, fax number, Federal tax I.D. number, and Minnesota tax I.D. number (if applicable).

Interested individuals/firms may send eight copies of expression of interest statement and qualifications to:

Mr. Gabriel S. Bodoczy, P.E.  
Consultant Services Unit  
Minnesota Department of Transportation  
395 John Ireland Boulevard, Room 320, Mail Stop 680  
St. Paul, Minnesota 55155  
Attention: Linda Moline

Qualification and Interest Statements must be received at the above address no later than 2:00 P.M. on **Monday, August 21, 1995**. No time extensions will be granted.

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 in responding to this notice shall be borne by the responder.

## Non-State Public Bids, Contracts & Grants

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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.

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## Institute for Child and Adolescent Sexual Health

### Proposal Sought for Executive Director Institute for Child and Adolescent Sexual Health

Non profit corporation dedicated to promoting the sexual well-being of children, adolescents and families and to prevent sexual violence. Management, development and execution of programs, fundraising, establishing relationships with public bodies, media, contributors, affiliates and clients, and writing and basic computer usage required. Advanced education and/or experience in the fields of human sexuality and sexual violence preferred. Full or part time negotiable. Competitive salary and benefits. Apply by 07/31/95 to Personnel Committee, 1300 South Second Street, Suite 180, Minneapolis, Minnesota 55454. We are an equal opportunity employer.



## Minnesota Manufacturer's Directory 1994

Lists companies alphabetically, by community, and by type of product manufactured. Each listing includes name, address, phone number, sales volume, market products, area sales, marketing and purchasing data. Also includes FAX numbers, data processing managers and chief engineers, when available. 853pp.

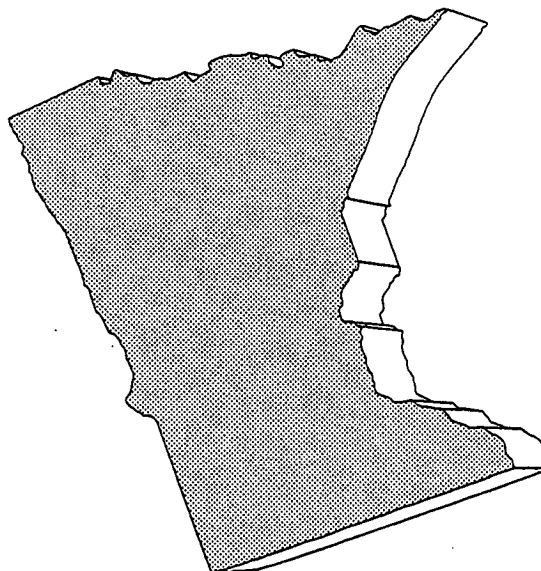
(K&G Publishing, 1994) Stock No. 40-2 \$95.00

**Revised!**

## Directory of Residential Building Contractors

Complete listing of residential contractors in Minnesota. Alphabetically organized by business name, directory provides contact person, address and license type--individual, partnership, corporation, builder, remodeling business, specialty or transitional. 215pp. (Commerce, 1993) Stock No. 99-39 Call for current edition price.

**New!**



## Mailing List Service

In addition to the directories listed at below, our Mailing Lists Service offers listings in a variety of formats for over 100 categories of licensed professionals and permit-holders. Lists are available on cheshire labels, pressure-sensitive labels, IBM compatible diskettes, and print-out. Lists can be sorted by zip code to meet your target market.

Here are a few examples of the lists available:

Physicians	Deer Hunters
Nurses	Accountants
Snowmobile Owners	Real Estate Agents
Boat Owners	Insurance Agents

## Call for a FREE Mailing List Catalog

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