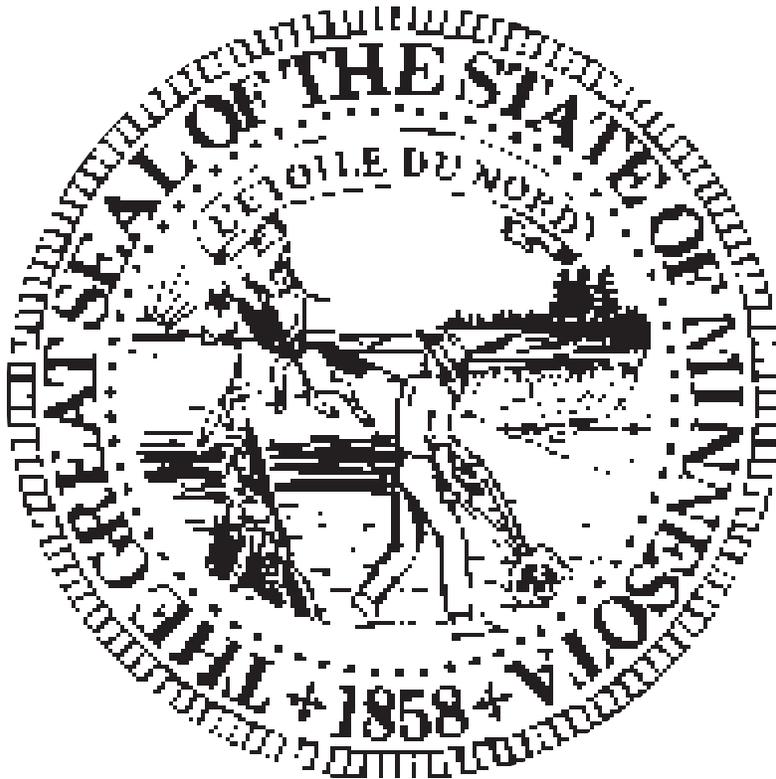


The Minnesota

# State Register

**Rules and Official Notices Edition**



Published every Monday (Tuesday when Monday is a holiday) by the  
Department of Administration – Communications Media Division

**Monday 28 July 1997**  
**Volume 22, Number 4**  
**Pages 71-128**

# 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.

### Printing Schedule and Submission Deadlines

Vol. 22 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 28 July	Monday 14 July	Monday 21 July
# 5	Monday 4 August	Monday 21 July	Monday 28 July
# 6	Monday 11 August	Monday 28 July	Monday 4 August
# 7	Monday 18 August	Monday 4 August	Monday 11 August

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Publication Number: 326630. (ISSN 0146-7751)

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### FOR LEGISLATIVE NEWS

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

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

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

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety 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 most current edition of 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 issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

**Volume 22, issues #1-4**

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

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

## Rules to be Adopted After a Hearing

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

## Rules to be Adopted Without a Hearing

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

## Minnesota Pollution Control Agency

### Air Quality Division

### Proposed Permanent Rules Relating to Air Quality; Standards of Performance for Stationary Sources

#### Notice of Intent to Adopt a Rule Without a Public Hearing

**Proposed Amendments to Rules Governing Standards of Performance for Opacity and Performance Tests, *Minnesota Rules* chapters 7011 and 7017.**

**Introduction.** The Minnesota Pollution Control Agency (MPCA) intends to adopt rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* § 14.22 to 14.28 and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

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

Stuart Arkley  
Air Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194  
(612) 296-7774  
1-800-657-3843 (MN Toll Free)  
FAX: (612) 297-7709

**Subject of Rule and Statutory Authority.** The MPCA is proposing rule amendments to its Performance Test Rules to address concerns expressed by the U.S. Environmental Protection Agency (EPA) in order that the rule may be incorporated into Minnesota's State Implementation Plan (SIP). The rule must be incorporated into the SIP in order to make it federally enforceable and consistent with the needs of the Title V permitting program. In addition, the MPCA is amending the opacity standards which allow for "excursions," or a higher opacity than the base standard for a limited number of minutes in an hour. The intent of this update is to reconcile the standards (which were in effect before the currently adopted opacity test method, Method 9, was promulgated) with the averaging procedures employed in the opacity test method. The intent is not to make any opacity standard more stringent, or more

**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

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lenient, but to simplify the way in which compliance is determined. Once the rule is adopted the MPCA will submit it to the EPA as a SIP revision.

The statutory authority to adopt the rule is *Minnesota Statutes* § 116.07, subd. 4. A copy of the proposed rule is published immediately after this notice.

**Comments.** You have until 4:30 p.m. on August 27, 1997, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

**Request for Rule 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 27, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

**Request to Have MPCA Board Make Decision on Rule.** You have the right to submit a request to the MPCA Commissioner or an MPCA Board member to have the MPCA Board make the decision on whether to adopt the proposed rule. Your request must be in writing, must state to whom it is directed, and must be received by the MPCA contact person by 4:30 p.m. on August 27, 1997. Under *Minnesota Statutes* § 116.02, the MPCA Board will only make the decision on the rule if the MPCA Commissioner grants your request or if an MPCA Board member makes a timely request that the decision be made by the MPCA Board.

**Withdrawal of Requests for Rule Hearing.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for a hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes* §§ 14.131 to 14.20.

**Rule Modifications.** The proposed rule may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the MPCA, and the adopted rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the MPCA contact person. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule.

**Consideration of Economic Factors.** *Minnesota Statutes* § 116.07, subd. 6 requires the MPCA to give due consideration to economic factors in exercising its powers. This rulemaking is expected to have minimal overall negative economic impact.

The MPCA believes that the update of the opacity standards creates an equivalent data reduction procedure rather than a more stringent one. Opacity test failures by Method 9 have not been a common occurrence and the frequency is not expected to change as a result of this rulemaking. A total of twelve failures have occurred between 1993 and 1996 and none of the sources have failed when retested. About half of the twelve sources involved were subject to excursion type limits under current rules. The cost of a Method 9 opacity test or retest is estimated at \$200 - \$500, which is about 10% of the cost of conducting a test for particulate matter and is usually a small proportion of the cost of a testing program when other pollutants are involved. Cost savings are likely for the owners and operators of continuous opacity monitoring systems as, by eliminating one-minute averaging, it will become easier to program opacity data reduction or to visually determine compliance from opacity monitoring records.

The proposed revisions to the performance test rule are primarily changes that incorporate new methods, incorporate existing policy on performance tests, clarify the meaning of the rules and ensure consistency with other state and federal regulations. The MPCA believes that the updated rules will be more flexible and easier to comply with and therefore should provide a modest economic benefit to affected parties.

Additional information regarding the MPCA's consideration of economic factors is discussed in greater detail in Sections V and VI, Items B, C and E in the SONAR.

**Impact on Farming Operations.** *Minnesota Statutes* § 14.111 requires that if an agency adopts or repeals rules that affect farming operations, the agency must provide a copy of the proposed rule change to the Commissioner of Agriculture, no later than 30 days prior to publication of the proposed rule in the *State Register*. The proposed rules do not affect farming operations.

**Review by the Commissioner of Transportation.** *Minnesota Statutes* § 174.05 requires the MPCA to inform the

Commissioner of Transportation of all rulemakings that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. The requirements of *Minnesota Statutes* § 174.05 are not applicable.

**Adoption and Review of Rule.** If no hearing is required and if the decision is not required to be made by the MPCA Board, the MPCA Commissioner may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rule is submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rule, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

Peter A. Larson  
Commissioner

#### **7011.0010 APPLICABILITY OF STANDARDS OF PERFORMANCE.**

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

**Subp. 4. Opacity standards.** The opacity standards in an applicable requirement apply at all times except during periods of start-up, shutdown, and malfunction, and as otherwise provided in an applicable requirement or compliance document as defined in parts 7007.0100 and 7017.2005. The exemption for periods of start-up, shutdown, and malfunction applies only if:

A. at all times, including periods of start-up, shutdown, or malfunction, the owner or operator, to the extent practicable, maintains and operates the affected emission facility and air pollution control equipment in a manner consistent with good air pollution practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used shall be based on, among other information, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source;

B. the owner or operator complies with parts 7019.1000 and 7019.2000 in the event of a shutdown, breakdown, or malfunction; and

C. the applicable requirement or compliance document does not state that the opacity standard applies during such conditions.

**Subp. 5. Transition to new opacity averaging method.** All permits issued before the effective date of this rule are amended to reflect the amendments to this chapter adopted on the effective date of this rule that are related to opacity averaging and excursions.

#### **7011.0105 VISIBLE EMISSION RESTRICTIONS FOR EXISTING FACILITIES.**

No owner or operator of an existing emission facility to which parts 7011.0100 to 7011.0115 are applicable shall cause to be discharged into the atmosphere from the facility any gases which exhibit greater than 20 percent opacity; ~~except that a maximum of 40 percent opacity shall be permissible for four minutes in any 60-minute period.~~

#### **7011.0510 STANDARDS OF PERFORMANCE FOR EXISTING INDIRECT HEATING EQUIPMENT.**

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

**Subp. 2. Opacity.** No owner or operator of indirect heating equipment shall cause to be discharged into the atmosphere from said equipment any gases which exhibit greater than 20 percent opacity; ~~except that a maximum of 60 percent opacity shall be permissible for four minutes in any 60-minute period and that a maximum of 40 percent opacity shall be permissible for four additional minutes in any 60-minute period; for one six-minute period per hour of not more than 27 percent opacity. An exceedance of this opacity standard occurs whenever any one-hour period contains two or more six-minute periods during which the average opacity exceeds 20 percent or whenever any one-hour period contains one or more six-minute periods during which the average opacity exceeds 27 percent.~~

#### **7011.0515 STANDARDS OF PERFORMANCE FOR NEW INDIRECT HEATING EQUIPMENT.**

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

**Subp. 2. Opacity.** No owner or operator of new indirect heating equipment of ~~greater than 250 million Btu per hour rated heat input~~ shall cause to be discharged into the atmosphere from said equipment any gases which exhibit greater than 20 percent opacity; ~~except that a maximum of 40 percent opacity shall be permissible for not more than two minutes in any 60-minute period; for one six-minute period per hour of not more than 27 percent opacity. An exceedance of this opacity standard occurs whenever~~

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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any one-hour period contains two or more six-minute periods during which the average opacity exceeds 20 percent or whenever any one-hour period contains one or more six-minute periods during which the average opacity exceeds 27 percent.

No owner or operator of new indirect heating equipment of 250 million Btu per hour or less rated heat input shall cause to be discharged into the atmosphere from said equipment any gases which exhibit greater than 20 percent opacity; except that a maximum of 60 percent opacity shall be permissible for four minutes in any 60-minute period and that a maximum of 40 percent opacity shall be permissible for four additional minutes in any 60-minute period.

### **7011.0610 STANDARDS OF PERFORMANCE FOR FOSSIL-FUEL-BURNING DIRECT HEATING EQUIPMENT.**

Subpart 1. **Particulate limitations.** Particulate limitations:

A. No owner or operator of any direct heating equipment shall cause to be discharged into the atmosphere from the direct heating equipment any gases which:

(1) contain particulate matter in excess of the limits allowed by parts 7011.0700 to 7011.0735; or

(2) exhibit greater than 20 percent opacity; ~~except that a maximum of 60 percent opacity shall be permissible for four minutes in any 60-minute period and that a maximum of 40 percent opacity shall be permissible for four additional minutes in any 60-minute period.~~

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

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

### **7011.0710 STANDARDS OF PERFORMANCE FOR PRE-1969 INDUSTRIAL PROCESS EQUIPMENT.**

Subpart 1. **Prohibited discharge of gases.** No owner or operator of any industrial process equipment which was in operation before July 9, 1969, shall cause to be discharged into the atmosphere from the industrial process equipment any gases which:

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

B. exhibit greater than 20 percent opacity; ~~except that a maximum of 60 percent opacity shall be permissible for four minutes in any 60-minute period and a maximum of 40 percent opacity shall be permissible for four additional minutes in any 60-minute period.~~

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

### **7011.0805 STANDARDS OF PERFORMANCE FOR EXISTING PORTLAND CEMENT PLANTS.**

No owner or operator of an existing portland cement plant shall cause or allow the discharge into the atmosphere of any gases which:

A. contain particulate matter in excess of the limits established by parts 7011.0700 to 7011.0735; or

B. exhibit greater than 20 percent opacity; ~~except that a maximum of 40 percent opacity shall be permissible for not more than four minutes in any 30-minute period and a maximum of 60 percent opacity shall be permissible for not more than four minutes in any 60-minute period.~~

The requirements of this part are applicable to the kiln, the clinker cooler, the raw mill system, the raw mill dryer, raw material storage, the finish mill system, clinker storage, finished product storage, conveyor transfer points, and bagging and bulk loading and unloading systems.

### **7011.1305 STANDARDS OF PERFORMANCE FOR EXISTING SEWAGE SLUDGE INCINERATORS.**

No owner or operator of an existing sewage sludge incinerator shall cause to be discharged into the atmosphere from the sewage sludge incinerator any gases which:

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

C. contain particulate matter in excess of 0.1 ~~gr/dscf~~ ~~gr/dscf~~ corrected to 12 percent CO<sub>2</sub> if the incinerator has a burning capacity of greater than 2,000 pounds per hour.

No owner or operator of an existing sewage sludge incinerator shall cause to be discharged into the atmosphere from the incinerator any gases which exhibit greater than 20 percent opacity; ~~except that a maximum of 40 percent opacity shall be permissible for four minutes in any 60-minute period.~~

No owner or operator of an existing sewage sludge incinerator shall operate such incinerator unless such incinerator utilizes auxiliary fuel burners that maintain a minimum temperature of 1,200 degrees Fahrenheit for a minimum retention time of 0.3 second or other method of odor control as approved by the commissioner.

**7011.1405 STANDARDS OF PERFORMANCE FOR EXISTING AFFECTED FACILITIES AT PETROLEUM REFINERIES.**

Subpart 1. **Fluid catalytic cracking unit catalyst regenerator and incinerator-waste heat boiler.** No owner or operator of an existing fluid catalytic cracking unit catalyst regenerator or its incinerator-waste heat boiler at a petroleum refinery shall cause to be discharged into the atmosphere from such regenerator or its incinerator-waste heat boiler any gases which:

A. contain particulate matter in excess of 10.0 lb/1000 lb (10.0 kg/1000 kg) of coke burn-off in the catalyst regenerator; or

B. exhibit greater than 30 percent opacity, except that 30 percent opacity may be exceeded for ~~three minutes~~ one six-minute period in any ~~60-minute one-hour period~~ and except that this opacity standard shall not apply during periods of soot blowing. An exceedance of this opacity standard occurs whenever any one-hour period contains two or more six-minute periods during which the average opacity exceeds 30 percent.

If auxiliary liquid or solid fossil fuels are burned in the fluid catalytic cracking unit incinerator-waste heat boiler, particulate matter in excess of that permitted by item A may be emitted provided that the incremental rate of particulate emissions shall not exceed 0.4 pounds per million Btu (0.72 grams per million cal) of heat input attributable to such liquid or solid fossil fuel.

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

Subp. 3. **Indirect heating equipment.** No owner or operator of existing indirect heating equipment at a petroleum refinery shall cause to be discharged into the atmosphere from such equipment any gases which:

A. contain particulate matter in excess of 0.4 pounds per million Btu (0.72 grams per million cal) heat input; or

B. exhibit greater than 20 percent opacity, except ~~that a maximum of 60 percent opacity shall be permissible for four minutes in any 60-minute period and that a maximum of 40 percent opacity shall be permissible for four additional minutes in any 60-minute period.~~ for one six-minute period per hour of not more than 27 percent opacity. An exceedance of this opacity standard occurs whenever any one-hour period contains two or more six-minute periods during which the average opacity exceeds 20 percent or whenever any one-hour period contains one or more six-minute periods during which the average opacity exceeds 27 percent.

**7011.1410 STANDARDS OF PERFORMANCE FOR NEW AFFECTED FACILITIES AT PETROLEUM REFINERIES.**

Subpart 1. **Fluid catalytic cracking unit catalyst regenerator and incinerator-waste heat boiler.** No owner or operator of a new fluid catalytic cracking unit catalyst regenerator or its incinerator-waste heat boiler at a petroleum refinery shall cause to be discharged into the atmosphere from such regenerator or incinerator-waste heat boiler any gases which:

A. contain particulate matter in excess of 1.0 lb/1000 lb (1.0 kg/1000 kg) of coke burn-off in the catalyst regenerator; or

B. exhibit greater than 30 percent opacity, except that 30 percent opacity may be exceeded for ~~three minutes~~ one six-minute period in any ~~60-minute one-hour period.~~ An exceedance of this opacity standard occurs whenever any one-hour period contains two or more six-minute periods during which the average opacity exceeds 30 percent.

If auxiliary liquid or solid fossil fuels are burned in the fluid catalytic cracking unit incinerator-waste heat boiler, particulate matter in excess of that permitted by item A may be emitted provided that the incremental rate of particulate emissions shall not exceed 0.1 pound per million Btu of heat input attributable to such liquid or solid fossil fuel.

No owner or operator of a new fluid catalytic cracking unit catalyst regenerator at a petroleum refinery shall cause to be discharged into the atmosphere from such regenerator any gases which contain carbon monoxide in excess of 0.050 percent by volume.

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

Subp. 3. **Indirect heating equipment.** Indirect heating equipment:

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

B. No owner or operator of new indirect heating equipment at a petroleum refinery shall cause to be discharged into the atmosphere from such equipment any gases which:

(1) contain particulate matter in excess of 0.4 pounds per million Btu (0.72 grams per million cal) heat input; or

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(2) exhibit greater than 20 percent opacity, except ~~that a maximum of 60 percent opacity shall be permissible for four minutes in any 60 minute period and that a maximum of 40 percent opacity shall be permissible for four additional minutes in any 60 minute period.~~ for one six-minute period per hour of not more than 27 percent opacity. An exceedance of this opacity standard occurs whenever any one-hour period contains two or more six-minute periods during which the average opacity exceeds 20 percent or whenever any one-hour period contains one or more six-minute periods during which the average opacity exceeds 27 percent.

C. The owner or operator of a new steam generating unit of more than 250 million Btu per hour (63 million cal per hour) heat input at a petroleum refinery shall comply with the following requirements:

[For text of subitem (1), see M.R.]

(2) No gases shall be discharged which exhibit greater than 20 percent opacity, except ~~that a maximum of 40 percent opacity shall be permissible for two minutes in any hour.~~ for one six-minute period per hour of not more than 27 percent opacity. An exceedance of this opacity standard occurs whenever any one-hour period contains two or more six-minute periods during which the average opacity exceeds 20 percent or whenever any one-hour period contains one or more six-minute periods during which the average opacity exceeds 27 percent.

[For text of subitem (3), see M.R.]

### 7017.2001 APPLICABILITY.

Subpart 1. **Applicability.** For the purpose of conducting a performance ~~tests test~~ as required by ~~a compliance document, federal regulation, or Minnesota rule or statute~~ an applicable requirement or compliance document or as a data submittal engineering test, parts 7017.2001 to 7017.2060 apply unless more stringent requirements or equivalent procedures are mandated by ~~a~~ an applicable requirement or compliance document; federal regulation, or Minnesota rule or statute applicable to the emission facility. However, for the purpose of conducting a data submittal engineering test, part 7017.2025 does not apply and the operating conditions for the test shall be defined in the test plan. If the commissioner determines that a data submittal engineering test was not conducted at appropriate operating conditions for the type of data submittal, the commissioner shall declare the results invalid for their intended purpose unless the results can be adjusted and made representative using a scaling factor or engineering judgment or, in the case of a permit application, the permit contains an operating limit based on the tested conditions.

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

### 7017.2005 DEFINITIONS.

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

Subp. 1a. **Applicable requirement.** “Applicable requirement” has the meaning given in part 7007.0100, subpart 7.

Subp. 2. **Compliance document.** “Compliance document” means a permit, stipulation agreement, administrative penalty order, administrative order, compliance agreement, schedule of compliance, consent order, consent decree, or variance issued by the agency or EPA to control air pollution.

Subp. 2a. **Data submittal engineering test.** “Data submittal engineering test” means a performance test that is conducted voluntarily by the owner or operator of the emission facility for the purpose of submitting the results to support a permit application, emission inventory submittal, or any other type of data submittal. This does not include voluntary retests conducted following a failure to demonstrate compliance or performance tests conducted voluntarily in order to relax an operating limit in accordance with part 7017.2025, subpart 3b.

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

Subp. 5. **Test plan.** “Test plan” means the document which describes the objectives of a performance test, how the emissions unit will be operated during the performance test, how operating conditions will be monitored and recorded, which test methods will be used, and any other specific requirements of the applicable requirement or compliance document; federal regulation, or Minnesota rule or statute.

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

Subp. 8. **Worst case conditions.** “Worst case conditions” means the mode of operation of an emissions unit, including the air pollution control equipment, that is allowed under the applicable requirement or compliance document; federal regulation, or Minnesota rule or statute and which is known, through performance test data or mass balance calculation, to give the highest emission rate for an air pollutant within the allowed range of operating conditions. The type of operating conditions included in this definition shall be limited to the process or operating rate and any operational parameters that are regulated by the applicable requirement or compliance document; federal regulation, or Minnesota rule or statute.

**7017.2015 INCORPORATION OF FEDERAL TESTING REQUIREMENTS BY REFERENCE.**

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

Subp. 4. **Document submission.** All requests, reports, applications, submittals, and other communications to the administrator pursuant to subparts 2 and 3 must be submitted to the person identified in part 7017.2018, except that for those sections identified in this part as not delegated to the commissioner, the request, report, application, or submittal must be submitted to the EPA administrator.

**7017.2018 SUBMITTALS.**

All notifications, applications, or submittals required under parts ~~7017.2020~~ 7017.2015 to 7017.2060 shall be sent to the Supervisor, Compliance Determination Unit, Compliance and Enforcement Section, Air Quality Division, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota ~~55155-3898~~ 55155-4194.

The performance test report required by part 7017.2035, subpart 2, shall be submitted as a bound, paper copy with the signed certification statements required by part 7017.2040. However, as an alternative to the microfiche copy of the performance test report, the commissioner shall accept the submittal in a format such as computer disk or CD-ROM, provided that the commissioner has given prior approval for the use of the alternative format in order that compatibility between the software and hardware configurations of the agency and the owner or operator of the emission facility can be assured. Similarly, performance test notifications and test plans shall be accepted in the type of format referenced above or by electronic mail subject to the commissioner's prior approval as described above.

**7017.2020 PERFORMANCE TESTS GENERAL REQUIREMENTS.**

Subpart 1. **Testing required.** The owner or operator of an emission facility shall arrange to conduct a performance test to determine the characteristics and amount of emissions of air pollutants from any emission facility at the times required by an applicable requirement or compliance document, federal regulation, or Minnesota rule or statute and at additional times if the commissioner requests a performance test in order to:

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

B. determine compliance with ~~a~~ an applicable requirement or compliance document, federal regulation, or Minnesota rule or statute;

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

E. determine the compliance status of an emission facility following a modification to the emission facility that the commissioner determines could cause an increase in the amount of emissions of any air pollutant from that facility; ~~or~~

F. determine the relative accuracy of a continuous emissions monitoring system; or

G. quantify the emissions from an emission facility where the commissioner has determined a possible environmental or public health concern.

EPA may request a performance test under this part for the reasons listed in items A to ~~F~~. ~~When EPA requires a performance test under this subpart, and EPA directly administers the performance test, EPA will G and may make the decisions that the commissioner makes under parts 7017.2001 to 7017.2060 and any other Minnesota rule or statute for that performance test. EPA's authority to require performance testing under its own regulations or under the Clean Air Act is not affected by this part.~~

Subp. 2. **Testing company.** The performance test shall be conducted by a testing company unless a compliance document allows the owner or operator to conduct the performance test or to contract with an alternative entity that does not meet the criteria of the definition of testing company, or unless the agency, EPA, or any authorized employee or agent of the agency or EPA is conducting the performance test.

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

Subp. 4. **Verification of test results.** The results of a performance test are not final until a complete report, as defined in part 7017.2035, subpart 3, is submitted and the commissioner gives written verification of the compliance status of the emission facility. Upon verification of the test results, the duration of the compliance status that the performance test determines for the emission facility begins with the date of the performance test. Nothing in this subpart prevents the use of any evidence to establish the exist-

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tence of a violation before the date of the performance test, or excuses noncompliance between the date of the performance test and the commissioner's written verification of it.

Subp. 5. **Test runs.** ~~Test runs and data reduction for opacity shall be conducted in accordance with part 7017.2060, subparts 5 and 6. Test runs for all other pollutants shall conform with this part.~~ Each performance test shall consist of at least three separate test runs using the applicable test method; ~~with the exception of opacity determinations and performance tests conducted for the purpose of completing a relative accuracy test on a continuous emissions monitoring system. One test run shall be required for opacity determinations.~~ ~~Relative accuracy tests shall be conducted in accordance with the applicable compliance document, federal regulation, or Minnesota rule or statute.~~ However, the commissioner shall require more test runs to be conducted if the applicable requirement or compliance document, ~~federal regulation, or Minnesota rule or statute~~ requires additional test runs or determination of emissions at more than one process or operating condition.

The arithmetic mean of the test runs is the result of the performance test; ~~with the exception of opacity readings which are subject to part 7017.2060, subparts 5 and 6.~~ In the event that a sample is accidentally lost or conditions occur in which one of three test runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the control of the owner or operator and the testing company, compliance may, upon the commissioner's approval, be determined using the arithmetic mean of the two remaining test runs. The owner or operator shall document in the test report all reasons for excluding a test run or failing to conduct a test run.

Subp. 6. **Evidence of noncompliance.** The results of a performance test that have been rejected or deemed incomplete or indeterminate by the commissioner due to failure to comply with parts 7017.2001 to 7017.2060 and performance tests which are not subject to parts 7017.2001 to 7017.2060 may still be used in establishing violations pursuant to part 7017.0100 if they represent credible evidence of such violations. This includes, but is not limited to, results of tests:

- A. that were started but abandoned before completing all the required test runs;
- B. submitted without the required notification or test plan;
- C. that are incomplete due to lack of emission facility operating data in the test report; and
- D. conducted under unrepresentative operating conditions or conditions that deviated from the test plan.

### 7017.2025 OPERATIONAL REQUIREMENTS AND LIMITATIONS.

Subpart 1. **Scope.** This part specifies criteria that the commissioner will use to determine which operating parameters, if any, will be subject to limitations based upon the mode of operation during a performance test. Operations during periods of start-up, shutdown, and malfunction shall not constitute representative conditions of performance tests unless otherwise specified in an applicable ~~requirement or compliance document, federal regulation, or Minnesota rule or statute.~~

Subp. 2. **Operating conditions for performance testing.** The performance test shall be conducted at worst case conditions for each air pollutant that is required to be tested unless:

- A. the applicable ~~requirement or compliance document, federal regulation, or Minnesota rule or statute~~ specifies alternative operating conditions for performance testing;

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

Subp. 3. **Compliance demonstrated at tested conditions.** Upon the commissioner's written notice that the emission facility has demonstrated compliance under the conditions of the performance test, the owner or operator of the emission facility shall operate the affected emissions unit as specified in item A, B, C, or D, unless another performance test is conducted at alternative conditions and the commissioner gives written notification that the performance test demonstrated compliance at those conditions; This subpart does not apply to performance test runs for pollutants for which the owner or operator maintains a continuous emission monitor or continuous opacity monitor that meets the requirements of part 7017.1000.

A. If the owner or operator did not conduct the performance test at worst case conditions as required, or elected to conduct the performance test under alternative conditions under subpart 2, item C, the affected emissions unit shall not be operated at a process rate, operating rate, or regulated operating condition that is closer to the worst case conditions than the actual conditions of the performance test; The owner or operator of the emission facility shall maintain at the emission facility adequate records to demonstrate continuous compliance with these operating condition limitations.

B. If the owner or operator conducted the performance test under the conditions specified in subpart 2, item A, the owner or operator shall comply with any operational limitations imposed by the applicable ~~requirement or compliance document, federal regulation, or Minnesota rule or statute;~~

C. If the owner or operator conducted the performance test at the maximum achievable process or operating rate under subpart 2, item B, the emissions unit may not be operated at a higher process or operating rate than was recorded during the performance test; ~~or,~~

D. If the owner or operator conducted the performance test at worst case conditions, no new operating limits are imposed by this part but the owner or operator shall comply with any applicable requirement or compliance document, federal regulation, or Minnesota rule or statute. When the worst case testing condition is defined in terms of an operating rate for the affected emissions units, no new operating rate limit may be imposed by this part if the performance test was conducted at 90 percent or greater of the defined worst case condition.

If the owner or operator conducted the performance test under subpart 2, item D, no operational limitations will be imposed. However, if the performance test was conducted at less than 50 percent of rated capacity, the commissioner will reject the results of the performance test.

**Subp. 3a. Compliance with new operating limits.** If a new operating limit is imposed pursuant to subpart 3, it shall be implemented according to items A to C, unless otherwise defined in an applicable requirement or compliance document.

A. For operating rate limits, the new limit shall be expressed as an eight-hour block average calculated by totaling total throughput, input, or output as applicable during the eight-hour period and dividing by the total operating time during the eight-hour period. Periods of downtime of 15 or more minutes shall not be counted as operating time. The commissioner may shorten the averaging time or modify the calculation method in cases where the operating mode of the affected emissions unit is not continuous or consistent and in cases where the results of the performance test were greater than 80 percent of the applicable limits.

B. For operating rate limits imposed following a performance test where the results were less than or equal to 80 percent of the value of the applicable emission limits for all of the air pollutants that were required to be tested, the new limit shall be set at 110 percent of the tested rate except as otherwise provided in this item. The tested rate is the average of the operating rates recorded during the required number of test runs. The commissioner may set the new operating limit at 100 percent, or less, of the tested rate if the new limit would otherwise conflict with an existing operating limit or the description of the emission unit in the applicable air emission permit or if engineering judgment indicates that increasing the allowable operating rate would cause a likely violation of an emission limit.

C. For new operating limits other than operating rate limits, the averaging time and any extension of the range of values shall be defined in the test plan based upon the type of emissions unit or air pollution control equipment affected, the parameter being monitored, the accuracy of the monitoring equipment, the frequency and method of monitoring, and any specific requirements defined in an applicable requirement or compliance document.

**Subp. 3b. Relaxation of operating limits by retesting.** The owner or operator of the emission facility may conduct a retest at alternate operating conditions in order to relax an operating limit set pursuant to subpart 3. The retest shall be subject to parts 7017.2001 to 7017.2060 and must include all of the pollutants initially tested, except that a retest is not required for pollutants where compliance can be demonstrated using a continuous emission monitor or continuous opacity monitor that meets the requirements of part 7017.1000. The owner or operator must submit the test results to the commissioner and identify what the new operating conditions will be and how compliance with those new conditions will be monitored. The owner or operator shall comply with any relaxed conditions established under this subpart.

**Subp. 4. Failure to demonstrate compliance.**

A. Upon the commissioner's written notice that the emission facility has failed to demonstrate compliance with an applicable emission limit, the owner or operator of the emission facility, unless an alternative schedule is given in an applicable requirement or compliance document, federal regulation, or Minnesota rule or statute, shall:

~~A.~~ (1) conduct a retest within 30 days of receipt of the commissioner's written notice;

~~B.~~ (2) submit to the commissioner written notice of testing, submit a test plan for the retest, and schedule a pretest meeting at least 21 days in advance of the date of the retest. The pretest meeting shall be held at least seven ~~working~~ days prior to the date of the retest, except that a shorter period shall be allowed if the commissioner has approved a test notification of less than 30 days; and

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~~C.~~ (3) submit a complete report of the results of the retest and a microfiche version of the report to the commissioner according to the requirements of part 7017.2035; ~~and.~~

~~D B.~~ The owner or operator may receive an extension to the schedule in ~~items item A to C~~ if one of the following special circumstances ~~apply~~ applies:

(1) seasonal or temporary shutdown of the affected emissions units;

(2) malfunction or breakdown of the affected emissions units, unless the commissioner determines that a retest under such conditions is warranted in order to determine the effect of the malfunction or breakdown on emissions or where such conditions are representative of past operation of the emissions units;

(3) weather conditions that prevent using the applicable test methods or prevent operation of the affected emission units at the required operating conditions;

(4) any other conditions beyond the control of the owner or operator that prevent using the applicable test methods or prevent operation of the affected emissions units at the required operating conditions; ~~or~~

(5) any other condition beyond the control of the owner or operator that prevents completion of a retest within the required schedule; or

(6) the owner or operator accepts that the retest would not demonstrate compliance and submits a compliance plan to the commissioner on or before the deadline for conducting the retest and the commissioner gives written approval of the compliance plan.

~~C.~~ Any request for an extension of the time schedule shall be submitted to the commissioner in writing by the owner or operator prior to the date by which retesting is required. The request shall specify the reason why the extension is needed, include an alternative retest schedule, and include a detailed summary of the measures the owner or operator will take to bring the affected emission unit into compliance. The commissioner shall grant the request for extension if the commissioner finds that one or more of the special conditions in item ~~D B~~ apply. If the commissioner grants an extension, the owner or operator shall implement the alternative retest schedule and compliance measures. ~~The compliance plan may also include a detailed summary of additional measures the owner or operator will implement if the owner or operator fails the retest.~~ A requested extension shall not be effective unless the commissioner has given written approval of the extension. The commissioner shall not extend a retest date more than 30 days after the start-up, completion of maintenance, seasonal weather change, or other improvement in conditions occurs under item ~~D B~~ subitems (1) to (4). The commissioner shall not extend a retest date under item ~~D B~~, subitem (5), for more than 30 days.

Subp. 5. **Failure of retest.** If a retest has been conducted under subpart 4 and the commissioner provides written notice to the owner or operator of the emission facility that the retest provides a second demonstration of noncompliance with an applicable emission limit, the owner or operator shall shut down the affected emissions units: ~~The owner or operator may not operate the emissions units~~ unless items A to C of this subpart apply.

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

Subp. 6. **Agency tests.** Upon request of the agency or the commissioner, the owner or operator of an emission facility shall allow the agency or EPA, or any authorized employee or agent of the agency or EPA, to enter upon the premises of the owner or operator for the purposes of conducting performance tests. The owner or operator shall provide performance testing facilities that enable the agency or its employees or agents to conduct performance tests, including:

- A. sampling ports adequate for the applicable test methods;
- B. safe sampling platforms;
- C. safe access to sampling platforms; and
- D. utilities for sampling and testing equipment.

~~The agency or EPA, or authorized employee or agent of the agency or EPA shall provide all other equipment and personnel necessary to conduct the performance test methods.~~ The owner or operator shall operate the emission facility at worst case conditions or other conditions as requested by the commissioner or EPA, and shall provide assistance in process monitoring and process material sampling as requested.

**7017.2030 PERFORMANCE TEST PRETEST REQUIREMENTS.**

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

Subp. 2. **Submission and approval of test plan.** The owner or operator of the emission facility shall submit to the commissioner a test plan with or in advance of the test notification required under subpart 1 or in response to the commissioner's request for supplemental permit application information. If the proposed test plan does not contain sufficient or accurate enough detail to ensure that the performance test meets the requirements of the applicable requirement or compliance document, ~~federal regulation, or Minnesota rule or statute~~, the commissioner shall ask for an updated test plan to be submitted or shall write a test plan in place of the submitted document.

The commissioner shall give written approval of the test plan when the commissioner determines that it meets the requirements of parts 7017.2001 to 7017.2060. Written approval means any signed letter, note, or facsimile transmission which states that a given test plan may be used during a specific performance test. The commissioner shall reject the results of a performance test if it was conducted without written approval of the test plan or if no test plan was submitted.

Subp. 3. **Format and content of test plan.** The test plan shall be submitted in the following format and include, as a minimum, the following elements:

A. Part I. General information:

- (1) name and address of emission facility;
- (2) name, title, ~~and~~ telephone number, and facsimile number of contact person at emission facility;
- (3) permit number or name of other applicable compliance document;
- (4) reason for testing;
- (5) schematic drawing of stack and sample ports;
- (6) location of plant; and
- (7) name, contact person, ~~and~~ telephone number, and facsimile number for testing company contracted to conduct the test.

B. Part II. Testing requirements:

- (1) list of the emission units, as identified in the applicable requirement or compliance document, and pollutants to be tested, the emission limit for each pollutant, and the applicable rule or regulation for each emission limit; and
- (2) description of procedure for fuel sampling and analysis, where applicable.

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

D. Part IV. Test methods:

[For text of subitems (1) and (2), see M.R.]

- (3) reference to any applicable requirement or compliance document; ~~federal regulation, or Minnesota rule or statute~~ requiring use of specific methods or procedures;

[For text of subitems (4) and (5), see M.R.]

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

Subp. 4. **Pretest meeting.** The owner or operator of the emission facility shall contact the supervisor of the compliance determination unit to schedule a pretest meeting to be held ~~at the MPCA office in St. Paul~~ between authorized employees of the agency and the owner or operator of the emission facility, with optional representation by the testing company. The pretest meeting shall be held at least seven ~~working~~ days prior to the performance test date except that a shorter period shall be allowed if the commissioner has approved a test notification of less than 30 days. If the commissioner determines that an in-person meeting is not necessary, the pretest meeting will be conducted by telephone conference call unless the owner or operator of the emission facility requests an in-person meeting. ~~The commissioner will reject a test if the owner or operator of the emission facility refused to participate in a pretest meeting.~~

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### 7017.2035 PERFORMANCE TEST REPORTING REQUIREMENTS.

Subpart 1. **Submittal of performance test results.** The owner or operator of the emission facility shall submit a test report and any additional information required by the applicable requirement, compliance document, or test plan, federal regulation, or Minnesota rule or statute. A report shall be submitted for any performance test that was required pursuant to part 7017.2020, subpart 1, whether or not the test data indicates compliance with the applicable emission limits or operating conditions and whether or not the test was completed according to the approved test plan.

Subp. 2. **Submittal schedule.** The performance test report shall be postmarked or received within 45 days following completion of the performance test unless an alternate schedule is given in the applicable compliance document. The owner or operator of the emission facility may request in the test plan that the submittal deadline be extended by up to 15 days if the complexity of the test schedule or the laboratory analysis is such that submittal within 45 days is impractical.

The owner or operator of the emission facility shall provide to the commissioner a microfiche copy of the performance test report to be postmarked or received within 60 days of the deadline for submittal of the test report. The complete permit file number, complete emission facility name, and exact date of testing shall be provided. ~~A cover letter which certifies that the microfiche is an exact and complete copy of the original test report shall be submitted with the microfiche copy.~~

Subp. 3. **Complete report.** The report shall include the following elements:

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

E. Operating parameters: readings of discrete data from monitoring instruments must be recorded at least every 15 minutes or other reasonable time interval as approved by the commissioner during the test and strip charts from continuous monitors must be included in the test report.

[For text of subitems (1) to (4), see M.R.]

F. Maintenance: description, including dates, of all maintenance and operational inspections, including major cleaning operations and replacement, repair, or modification of functional components of process or control equipment done in the month prior to the test.

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

H. Appendix:

[For text of subitems (1) to (5), see M.R.]

(6) calibration procedures and results, including Pitot tube, nozzle, meter box, thermometer, and barometer calibrations;  
~~and~~

(7) project participants and titles; and

(8) a copy of the most recent version of the test plan and a copy of the commissioner's written approval of the test plan.

I. Additional information:

(1) any other special requirement of the test method, test plan, applicable requirement, or compliance document, federal regulation, or Minnesota rule or statute, and

(2) any other information necessary to evaluate compliance with parts 7017.2020 and 7017.2025 as requested by the commissioner.

### 7017.2045 QUALITY ASSURANCE REQUIREMENTS.

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

Subp. 3. **Quality assurance.** Any performance test shall meet the minimum requirements for quality assurance, performance standards, and specifications as stated in the reference method or in the alternative or equivalent method. The provisions in items A and B also apply.

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

B. Only employees of the testing company may operate source sampling equipment or otherwise be a part of the emission sampling or analysis of air pollutants from the emission facility during a performance test. The owner or operator or employees of the emission facility may not assist in any sampling or any analysis of samples unless authorized within an approved test plan.

Any request to deviate from the requirements of this subpart shall be submitted at least seven working days before the performance test. The commissioner shall reject the results of ~~all each test runs run~~ where deviations from quality assurance or methodology or test plan requirements exceeded those allowed under subpart 4.

Subp. 4. **Deviation from quality assurance, test method, or test plan.** The commissioner shall reject the results of a performance test if there was a deviation from the quality assurance requirements of this part, from the test method, or from the approved test plan unless:

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

D. the deviation was from the operating conditions required of the emissions unit and was within the range of operating conditions allowed by the applicable requirement or compliance document, ~~federal regulation, or Minnesota rule or statute~~ such that the compliance status of the emission facility can be determined under the test conditions. In this case, the conditions of part 7017.2025 apply.

Subp. 5. **Precision of test methods.** The inherent precision, level of confidence, and bias of any test method approved by the commissioner for use during a performance test shall not be a factor in determining the compliance status of an emission facility. However, the commissioner shall reject any test runs that were not conducted with acceptable accuracy within the limits of the test method and the sampling conditions or if the detection limit of the test method was higher than the applicable emission standard.

If the commissioner determines that the test results are valid under the quality assurance requirements of the method and that the performance test was conducted in accordance with parts 7017.2001 to 7017.7060 and the applicable requirement or compliance document, ~~federal regulation, Minnesota rule or statute~~, and the test result exceeds the applicable emission limit by any amount, the owner or operator is in violation of that emission limit.

Subp. 6. **Adjustments for detection limit.** The commissioner shall require that the sample volume to be collected be increased above the minimum amount specified in ~~a~~ an applicable requirement or compliance document, ~~federal regulation, or Minnesota rule or statute~~, if necessary to ensure that the amount or concentration of the pollutant collected is greater than the detection limit given by the analytical procedure employed upon the field samples. If the commissioner requires this, the minimum sample volume shall be determined by the following equation:

$$V = A \times \frac{100}{B} \times \frac{100}{C} \times \frac{1}{D}$$

- Where: V = minimum sample volume to be collected (dscm)
- A = the analytical detection limit in g
- B = percent of the sample required per analytical run
- C = sample recovery (%)
- D = stack emission limit or expected emission rate (g/dscm)

In cases where a performance test for a pollutant yields a result that is less than the detection limit of the method as utilized, the results shall be calculated and reported as less than or equal to that detection limit.

**7017.2050 PERFORMANCE TEST METHODS.**

Subpart 1. **Test methods.** Unless a different method is given in an applicable requirement or compliance document, ~~federal regulation, or Minnesota rule or statute~~, the owner or operator of an emission facility shall conduct performance tests using the methods in ~~Code of Federal Regulations, title 40, part 60, appendix A; part 61, appendix B; and part 51, appendix M; incorporated by reference in part 7017.2010~~ and following the requirements in part 7017.2060, unless an alternative or equivalent method is approved or required by the commissioner in accordance with subpart 2.

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

**7017.2060 PERFORMANCE TEST PROCEDURES.**

Subpart 1. **Applicability.** For the purpose of using the methods referenced in part 7017.2050, the requirements in this part apply unless otherwise stated in the applicable requirement or compliance document, ~~federal regulation, or Minnesota rule or statute~~.

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

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## Proposed Rules

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### Subp. 4. PM-10 determination.

A. ~~For~~ Method 201 or 201A, shall be used unless the commissioner has approved an alternate or equivalent method. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume will be 32 dscf (0.9 dscm).

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

D. ~~Condensibles may be determined, with approval of the commissioner, by the procedure given in part 7011.0725 if technical limitations make Method 202 impractical or if it can be demonstrated to the commissioner through mass balance calculations or previous performance test results that inorganic condensibles account for less than five percent of the total particulate matter.~~

~~E.~~ The determination of condensible particulate matter may be waived if it can be demonstrated to the commissioner through mass balance calculations or previous performance test results that the emissions unit is not a source of condensible particulate matter emissions.

Subp. 5. **Opacity determination by Method 9.** Opacity observations shall be performed by a certified observer and in accordance with the requirements of Method 9. In addition, the requirements of subpart 6 and the following items shall apply:

A. The commissioner may reject the opacity results if the commissioner cannot determine the compliance status of the emission facility due to error, bias, or insufficient documentation during the performance test. The ~~quality assurance~~ recommendations of Method 9 and EPA document EPA-600/4-77-027b, Addition Section 3.12 (Feb. 1984), as amended, entitled "Quality Assurance Handbook for Air Pollution Measurement Systems: Volume III. Stationary Source Specific Methods," which is incorporated by reference, shall be used in determining the ~~criteria~~ for acceptability of opacity results. This document is available at the state law library and is not subject to frequent change.

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

D. ~~The opacity standards set forth in a regulation shall apply at all times except during periods of start-up, shutdown, malfunction, and as otherwise provided in the applicable compliance document, federal regulation, or Minnesota rule or statute.~~

~~E.~~ Data reduction shall be performed in accordance with ~~the process in~~ Paragraph 2.5 of Method 9 and subpart 6. A violation of the standard will be recorded if a six-minute average, which means the arithmetic mean of any set of 24 consecutive observations at 15-second intervals, exceeds the applicable standard, unless the standard is contained in a Minnesota rule or statute that allows an excursion above the standard for a specified number of minutes within a specified time period and the excursion opacity limit is not exceeded. A violation of the standard will be expressed as the number of nonoverlapping six-minute averages exceeding the standard within a one-hour time period and the amount that each six-minute average exceeds that standard.

Subp. 6. **Additional Opacity data reduction procedures.** The following items describe data reduction procedures that are not included in Method 9. Item A applies only to reduction of data from continuous emission monitoring systems. Item B applies and shall be used for reduction of data for Method 9, an equivalent or alternative method, or a continuous emission monitoring system, when an applicable Minnesota rule or statute allows an excursion above the opacity standard for a specified number of minutes within a specified time.

A. For continuous emission monitoring systems, compliance shall be determined on the basis of a six-minute average. A six-minute average is the arithmetic mean of six consecutive one-minute averages and a one-minute average is the arithmetic mean of the number of readings required to be taken in each minute. A violation of the standard shall be recorded if any six-minute average exceeds the standard, unless item B is applied and the applicable excursion opacity limit is not exceeded. The violation shall be recorded as the number of nonoverlapping six-minute averages exceeding the standard and the amount by which each six-minute average exceeds the standard.

B. Excursion opacity limits apply only if an exceedance of the standard is recorded when the applicable data reduction process is used. In determining compliance with the excursion limits, the data shall be reduced to one-minute averages. A one-minute average is the arithmetic mean of the number of readings required to be taken in one minute. Each data point may be used only once in calculating the one-minute averages but the data points used to determine exceedance of the standard may be used in calculating one-minute averages.

(1) If only one excursion limitation is specified, count the number of nonoverlapping one-minute averages above the applicable standard. Compare the total number of minutes above the opacity limit to the time allowed in the excursion. A violation will be recorded if any one-minute average is greater than the excursion opacity limit or if the number of minutes above the standard exceeds the time allowed.

(2) If two excursions above a standard are allowed, count, starting with the one-minute average with the highest numerical value and continuing in descending order, the number of nonoverlapping one-minute averages whose value exceeds the lower excursion opacity limit. If this number of minutes is less than the time period of the higher excursion limit, include the highest of the one-minute averages that are below the lower excursion opacity limit until the number of minutes counted is equal to the time period of the higher excursion opacity limit. Finally, count the number of remaining one-minute averages that are above the opacity

standard. A violation will be recorded if any one-minute average is greater than the higher excursion opacity limit, if the number of one-minute averages greater than the lower excursion opacity limit exceeds the time period of the higher excursion opacity limit, or if the total number of one-minute averages above the applicable standard exceeds the total time period of the excursion opacity limits.

(3) Violation of an opacity standard with excursion limits shall be expressed as the exceedance of the opacity standard according to the applicable six-minute average data reduction process plus the total number of nonoverlapping minutes that are independent of the six-minute average and which exceed the opacity excursion limit during a period of consecutive readings in the applicable time period. For the purpose of this part, "excursion" means an opacity higher than the base standard that is allowed for a limited number of minutes within a time period. Compliance with opacity limits shall be determined from all data points collected in an averaging period and according to items A and B.

A. For opacity standards which allow excursions based on six-minute periods, an exceedance of the standard has occurred if, having taken the allowable excursion into account, any six-minute average exceeds the standard. The exceedance shall be expressed as the value of the highest six-minute average and the number of nonoverlapping six-minute averages that exceed the standard within the period of the test run.

B. For opacity standards that do not allow excursions, an exceedance of the standard has occurred if any six-minute average exceeds the standard. The exceedance shall be expressed as the value of the highest six-minute average and the number of nonoverlapping six-minute averages that exceed the standard within the period of the test run.

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

**EFFECTIVE DATE.** For emission points that are monitored by a continuous opacity monitoring system meeting the requirements of part 7017.1000, the amendments to parts 7011.0010, 7011.0105, 7011.0510, 7011.0515, 7011.0610, 7011.0710, 7011.0805, 7011.1305, 7011.1405, and 7011.1410 apply at the start of the first full quarterly reporting period beginning 30 days after the effective date of the amendments.

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## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *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 a 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.

### Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

### Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

## Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design

### Adopted Permanent Rules Relating to Geoscientists

The rules proposed and published at *State Register*, Volume 21, Number 36, pages 1234-1244, March 3, 1997 (21 SR 1234), are adopted with the following modifications:

#### 1800.0200 CLASSES OF ~~REGISTRANTS AND LICENSEES~~.

B. Class 2: those ~~registered or~~ licensed by comity under the provisions of the law.

C. Class 3: those ~~registered or~~ licensed following examination, either oral or written, or both.

#### 1800.0300 IN-TRAINING CLASSIFICATIONS.

There shall be a classification of engineer-in-training, a classification of land surveyor-in-training, ~~a classification of landscape architect-in-training~~, a classification of geologist-in-training, and a classification of soil scientist-in-training. For examination of engineer-in-training see parts 1800.2500 to 1800.3000, for land surveyor-in-training see parts 1800.3500 to 1800.3800, ~~for examination of landscape architect-in-training see parts 1800.1500 to 1800.1900~~, for examination of geologist-in-training see parts 1800.3910 to 1800.3930, and for soil scientist-in-training see parts 1800.3910 to 1800.3930.

#### 1800.0400 APPLICATION FOR ~~REGISTRATION AND LICENSURE AND CERTIFICATION~~.

Subpart 1. **Forms and filing.** Applications for licensure or certification shall be under oath and made on forms prescribed and furnished by the board and shall be filed with the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design and accompanied by payment of the examination fee as specified in part 1800.0500, ~~subparts 5 and 6~~ subpart 1. Applications for certified interior designers shall be filed following passage of the applicant's National Council for Interior Design Qualification (NCIDQ) examination or meeting the requirements outlined in ~~parts part~~ part 1800.0800 ~~and or~~ 1800.2100, subpart 5.

Subp. 1a. **Information required.** The applicant shall submit to the board, ~~on in~~ in the form provided ~~by the board~~, information relative to:

E. for engineer, ~~landscape architect~~, land surveyor, geologist, and soil scientist applicants, whether the Fundamentals of Engineering (FE), Fundamentals of Land Surveying (FLS), ~~landscape architect-in-training~~, geologist-in-training, or soil scientist-in-training examination has been successfully completed; and

Subp. 3. **In-training application.** Applications for examination as engineer-in-training, land surveyor-in-training, ~~landscape architect-in-training~~, geologist-in-training, and soil scientist-in-training shall be made under oath and on forms prescribed and furnished by the board and shall be filed with the executive secretary of the board at least 60 days before the date set for the fundamentals examination accompanied by the examination fee as specified in part 1800.0500, subpart ~~5~~ 1.

#### 1800.0500 FEES.

Subpart 1. **Requirements.** Application for examination for certification as engineer-in-training, land surveyor-in-training, geologist-in-training, soil scientist-in-training, ~~landscape architect-in-training~~, or certified interior designer or for licensure, including renewal of licensure, as an architect, a professional engineer, land surveyor, landscape architect, professional geologist, or profes-

sional soil scientist shall be accompanied by a fee in the amount established by the national testing agency. Information concerning the current examination fees charged by national testing agencies may be obtained by contacting the board offices. An application for examination as an architect does not require accompanying fees. The actual fee for examination as an architect shall be paid to the national testing agency in a manner it prescribes. The fee for examination for certification as engineer-in-training, land surveyor-in-training, geologist-in-training, soil scientist-in-training, or certified interior designer shall be paid upon approval by the board. A new application for ~~registration examination~~, in such instances, may be filed at any time after the lapse of six months next succeeding the date of the previous rejection. A reexamination application shall be submitted each time the applicant applies to take the examination except as provided in subpart 2.

Subp. 2. **Refunds; validity of application.** Examination ~~or registration, licensure, or certification~~ fees shall not be refunded except for those circumstances when an applicant does not meet required qualifications. In those circumstances, the board shall retain a \$20 administrative fee. An applicant who fails to appear for examination, cancels, or fails to cooperate with requests for submission of written correspondence or documentation to the board relevant to the application within three years shall submit a new application with a new examination, licensure, or certification fee.

Subp. 4. **Delayed renewal fee.** A renewal fee is a delayed renewal fee within the meaning of *Minnesota Statutes*, section 326.10, subdivision 5, if it is not postmarked on or before June 30 of the year specified in subpart 3. The delayed renewal fee is \$30 for the first three months of the lapsed period and \$60 for months four to 24. A licensee who was originally licensed by examination by the board and who permits the license to lapse for more than two years must retake the appropriate professional licensing examination unless exempted by the board. The delayed renewal fee is computed from July 1 of any even-numbered year and is in addition to the renewal fee provided in subpart 3.

Subp. 7. **Additional fees.** In addition to all other fees for examination ~~or registration, licensure, or certification~~, as provided in this part or *Minnesota Statutes*, section 326.10, subdivision 1, the following schedule of fees is applicable:

A. for each application for ~~registration~~ licensure by comity under *Minnesota Statutes*, section 326.10, subdivision 1, paragraph (a), clause (2), applicable to any person registered in another state or territory of the United States, or in any province of Canada, or in any foreign country, a fee of \$100;

B. for reissuance of a revoked, lost, destroyed, duplicated, or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, ~~landscape architect-in-training~~, geologist-in-training, soil scientist-in-training, or certified interior designer, \$25;

C. for certified copies or reproduction of any document required to be supplied on behalf of any applicant for ~~registration or licensure~~ in another state, the cost of reproducing the document, will be ten cents per sheet;

F. for each application for ~~registration~~ licensure within a geoscience discipline by submission of records under *Minnesota Statutes*, section 326.10, subdivision 1, paragraph (b), a fee of \$100; and

**1800.0800 PROOF OF QUALIFICATION TO PRACTICE.**

An applicant shall submit evidence to the board indicating that the applicant is qualified to practice in the profession or field of major practice, in which the applicant seeks licensure or certification. The burden of proof is upon the applicant who should make every effort to present qualifications fully and clearly. Qualifications shall be established by one or more of the following methods:

G. for ~~registration~~ licensure by comity as an architect, engineer, or landscape architect under *Minnesota Statutes*, section 326.10, subdivision 1, paragraph (a), clause (2), and experience as the board may require together with evidence of current ~~registration licensure~~ and proof of good standing;

H. for ~~registration~~ licensure by comity as a land surveyor, an applicant shall be subject to *Minnesota Statutes*, section 326.10, subdivision 1, paragraph (a), clause (2). In addition, the applicant shall be required to take examinations that the board deems necessary to determine qualifications, but in any event the applicant shall be required to take a written orientation examination of not less than four hours duration;

**1800.1100 PROCEDURES.**

Subp. 2. **Admission for licensing examination.** Applicants shall submit to the board a completed application and an appropriate fee as described in part 1800.0500, subpart ~~5~~ 1, for admission to the licensing examination. The application shall be submitted on a form provided by the board and shall include a detailed listing of all architecturally related experience gained according to part 1800.1000. Experience listing shall include the name and mailing address of the applicant's supervising licensed architect or other

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## Adopted Rules

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supervisor for each period of employment and a final transcript of grades showing the date of award of any degree earned except in circumstances referenced in subpart 1. The application shall be submitted to the board by February 1 for the June examination and by August 1 for the December examination. The application shall include one signed copy of Board Rules of Professional Conduct and a fee as specified in part 1800.0500, subpart ~~5, item A~~ 1. Upon approval of the board, the applicant shall be notified in writing.

### 1800.2200 PROCEDURES.

Subp. 3. **Application for certification.** Applicants shall submit to the board a completed application according to part 1800.0400 and the appropriate fee as described in part 1800.0500, subpart ~~5~~ 1. The application shall be submitted on a form provided by the board and shall include a detailed listing of all interior design related experience gained as provided in part 1800.2100. The list of experience shall include the name and mailing address of the applicant's supervising interior designer or other supervisors for each period of employment.

### 1800.2900 PROCEDURES.

Subp. 2. **Request for professional examination.** An applicant shall submit an application for admission to the principles and practice of engineering examination explained in part 1800.2700, subpart 2, postmarked not later than 60 days prior to the first day of the date set for the professional examination and accompanied by payment of the fee specified in part 1800.0500, subpart ~~5, item B, subitem (2)~~ 1. The application shall be made on a form provided by the board and shall include a detailed listing of engineering experience gained. The experience listing shall include the name and mailing address of the applicant's supervisor for each period of employment. The board shall provide the applicant an employment reference form which shall be signed and certified. This form shall be submitted to the board by the employer. A final official transcript of grades showing the date of award of the degree earned shall accompany the completed form, unless previously submitted. Upon approval of the application by the board, the applicant will be so notified in writing. The applicant shall submit one signed copy of Board Rules of Professional Conduct prior to receipt of the certificate and license.

### 1800.3905 GEOSCIENCE PRACTICE.

~~Upon receipt of a complaint by the board, to the satisfaction of the board,~~ a professional geologist or professional soil scientist who certifies and signs reports or other documents may be required to establish, that the work was performed according to recognized and acceptable geoscientific standards and practice. As a means of defining acceptable professional conduct, licensed professional geologists and licensed professional soil scientists shall adhere to the provisions of chapter 1805, Rules of Professional Conduct.

### 1800.3910 EDUCATION AND EXPERIENCE.

Subp. 2. **Admission to written fundamentals examination.** To qualify for admission to the written fundamentals examination, the applicant shall present evidence of the following:

A. graduation or being within 30 semester or 45 quarter credits of graduation from a geoscience curriculum approved by the board for the geoscience discipline the applicant is seeking licensure in; and

Subp. 3. **Admission to written professional examination.** To qualify for admission to the written professional examination, the applicant shall present evidence of meeting the educational and qualifying experience requirements in items A and B.

Subp. 7. **Grandparenting.** The board shall, with reference to applications for registration licensure received within one year after the effective date of this part, issue a certificate of licensure as a professional geologist or professional soil scientist, without examination, to any applicant submitting evidence to the board of:

### 1800.3920 WRITTEN EXAMINATION.

Subp. 2. **Fundamentals examination.** An applicant shall be admitted to the fundamentals examination, if, by the date of the examination, the applicant has completed the education requirements in part 1800.3910, subpart 2; ~~or is within 30 semester or 45 quarter credits of obtaining a geoscience degree in the geoscience discipline the applicant is seeking licensure in.~~ The applicant shall submit an official transcript from the college or university the applicant is attending or has attended. An applicant taking the fundamentals examination in the geoscience discipline the applicant is seeking licensure in shall be notified of the score in writing, provided the applicant has met the criteria in this subpart. An applicant failing this examination shall retake the entire examination. A description of the scope of the fundamentals examinations for each geoscience discipline is provided in subpart 4.

A final official transcript showing the degree and the date awarded shall be submitted to the board before the in-training certificate in the geoscience discipline the applicant is seeking licensure in is released to the applicant. The passing of this examination and providing proof of the degree and the award date gives the applicant the in-training status in the geoscience discipline the applicant is seeking licensure in as defined in *Minnesota Statutes*, section 326.10, subdivision 7, paragraph (4). The applicant shall not again be required to take this examination. The applicant shall take and pass the fundamentals examination in the geoscience discipline the applicant is seeking licensure in before being permitted to take the professional examination.

Subp. 3. **Professional examination.** An applicant shall be admitted to the professional examination, if, by the date of the examination, the applicant has passed the fundamentals examination in the geoscience discipline the applicant is seeking licensure in and

meets the education and experience requirements in part 1800.3910, subpart 3. The applicant shall submit verification of completion of the experience requirements in part 1800.3910, subpart 3, to the board before the applicant is qualified for admission to the professional examination. The professional examination covering the principles and practice of geoscience in the geoscience discipline the applicant is seeking licensure in is required as described in ~~this~~ subpart 4. A person failing the professional examination shall retake the entire professional examination. A description of the scope of the professional examinations for each geoscience discipline is provided in subpart 4.

**Subp. 4. Scope and description of examinations.**

A. The scope and description of the geology examinations are as described in subitems (1) and (2).

(1) The fundamentals of geology examination shall be administered at a time and place designated by the board to those applicants determined by the board to meet the requirements of part 1800.3910, ~~subpart~~ ~~subparts~~ 2 and 4, for admission to the examination. The passing of this examination gives the applicant the status of geologist-in-training. An official transcript of grades showing the date of award of the degree earned shall be submitted to the board before the applicant may be certified as geologist-in-training.

(2) The professional geologist examination shall be administered at a time and place designated by the board to those applicants determined by the board to meet the requirements of part 1800.3910, ~~subpart~~ ~~subparts~~ 3 and 4, for admission to the examination. The passing of the examination gives the applicant the status of registered professional geologist.

The professional geologist examination covers the principles and practice of geology. The examination shall include questions embracing the knowledge of professional practice and applied geology as acquired in connection with research, planning, and completion of geological work during the required period of geological experience. The professional examination is given to determine the degree of proficiency of the applicant in professional practice. This examination shall include questions designed to test whether the applicant has learned to apply the knowledge and understanding of the basic and geoscientific sciences gained through education, training, and experience to the solutions of geological problems.

**1800.4000 CERTIFICATES OF RECORD.**

The board shall issue to each applicant who successfully completes the fundamentals of engineering examination, fundamentals of land surveying examination, fundamentals of geology examination, or fundamentals of soil science examination, a certificate indicating that the applicant's name has been recorded as engineer-in-training, land surveyor-in-training, geologist-in-training, or soil scientist-in-training, in the office of the board. ~~The board shall, upon written application, issue to each applicant who holds a degree from a landscape architectural curriculum approved by the board a certificate indicating that the applicant's name has been recorded as a landscape architect-in-training in the office of the board.~~ The certificates of record as engineer-in-training, land surveyor-in-training, ~~landscape architect-in-training~~, geologist-in-training, or soil scientist-in-training ~~is~~ are permanent, subject only to discipline for cause in the manner provided by law or rule.

**1800.4100 CERTIFICATE OF LICENSURE ~~AND REGISTRATION OR CERTIFICATION.~~**

Subp. 5. **Licensure as professional geologist.** The board shall issue to each applicant who has successfully completed the requirements in part 1800.3910 for geologists, and has successfully completed the professional practice examination for geologists, a certificate of licensure giving the licensee authority to practice geology as defined by *Minnesota Statutes*, section 326.02, subdivision 3a. This certificate shall be in effect for a period ending ~~March + June 30~~ March + June 30 of the even-numbered year of the biennium in which the certificate is issued, after which date the certificate will expire unless renewed. Applicants who are licensed by comity from other states or by submission of records, having met the Minnesota licensure requirements, shall be issued certificates of licensure in the same manner as provided in this part.

Subp. 6. **Licensure as professional soil scientist.** The board shall issue to each applicant who has successfully completed the requirements in part 1800.3910 for soil scientists, and has successfully completed the professional practice examination for soil scientists, a certificate of licensure giving the licensee authority to practice soil science as defined by *Minnesota Statutes*, section 326.02, subdivision 3a. This certificate shall be in effect for a period ending ~~March + June 30~~ March + June 30 of the even-numbered year of the biennium in which the certificate is issued, after which date the certificate will expire unless renewed. Applicants who are licensed by comity from other states or by submission of records, having met the Minnesota licensure requirements, shall be issued certificates of licensure in the same manner as provided in this part.

**1800.4200 CERTIFICATION AND SIGNATURE ON PLANS.**

Subp. 4. **Language.** The following wording shall be incorporated in the certification:

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
--

## Adopted Rules

---

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly ~~Registered~~ Licensed Architect under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_

Date \_\_\_\_\_ Reg. No. \_\_\_\_\_

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly ~~Registered~~ Licensed Professional Engineer under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_

Date \_\_\_\_\_ Reg. No. \_\_\_\_\_

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly ~~Registered~~ Licensed Land Surveyor under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_

Date \_\_\_\_\_ Reg. No. \_\_\_\_\_

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Certified Interior Designer under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_

Date \_\_\_\_\_ Reg. No. \_\_\_\_\_

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly ~~Registered~~ Licensed Landscape Architect under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_

Date \_\_\_\_\_ Reg. No. \_\_\_\_\_

I hereby certify that this plan, document, or report was prepared by me or under my direct supervision and that I am a duly ~~Registered~~ Licensed Professional Geologist under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_

Date \_\_\_\_\_ Reg. No. \_\_\_\_\_

I hereby certify that this plan, document, or report was prepared by me or under my direct supervision and that I am a duly ~~Registered~~ Licensed Professional Soil Scientist under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_ Reg. No. \_\_\_\_\_

### 1800.4300 SEAL.

Each ~~registrant person~~ may, upon licensure, also obtain a seal of a design approved by the board bearing the licensee's name and the legend, ~~registered licensed~~ architect, ~~registered licensed~~ professional engineer, ~~registered licensed~~ land surveyor, ~~registered licensed~~ professional landscape architect, ~~registered licensed~~ professional geologist, or ~~registered licensed~~ professional soil scientist. Plans, specifications, plats, reports, and other documents prepared by a licensee may be stamped with the seal during the life of a licensee's certificate if the certificate remains unrevoked, has not expired, or has not been suspended. The stamped seal may be used on documents in addition to the signed and dated certificate required under part 1800.4200.

### 1805.0100 PROFESSIONAL CONDUCT.

Subpart 1. **Purpose.** This rule of professional conduct is adopted for the purpose of implementing the laws and rules governing the practice of architecture, engineering, land surveying ~~and~~, landscape architecture, and geoscience including *Minnesota Statutes*, section 326.11.

### 1805.1500 REGISTRATION.

No corporation, partnership, or other firm engaged in the practice of architecture, engineering, land surveying, ~~or~~ landscape architecture, or geoscience, or two or more of these professions, shall contract with or accept employment for professional services of an architectural, engineering, land surveying, ~~or~~ landscape architectural, or geoscience character as defined in *Minnesota Statutes*, sections 326.02 to 326.15 unless a member or employee of the corporation, partnership, or other firm in responsible charge of the work is registered and licensed under the provisions of *Minnesota Statutes*, sections 326.02 to 326.15 to practice the profession called for by the employment.

**REPEALER.** *Minnesota Rules*, part 1800.0500, subparts 5 and 6, are repealed.





**2820.1510 FORM NO. 17-M: INDIVIDUAL(S) TO CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.**

Subpart 1. Recommended form. The recommended form for a limited warranty deed, individual(s) to a corporation, partnership, or limited liability company, is contained in subpart 2.

Subp. 2. Contents.

**LIMITED WARRANTY DEED** Form No. 17-M Minnesota Uniform Conveyance Blanks (1/2007)

Individual or Corporation, Partnership or Limited Liability Company

No delinquent taxes and transfer interest; Certificate of Real Estate Value ( ) filed ( ) not required. Certificate of Real Estate Value No. \_\_\_\_\_

(Date) \_\_\_\_\_

County Auditor \_\_\_\_\_

by: \_\_\_\_\_ Deputy \_\_\_\_\_

DEED TAX DUE: \$ \_\_\_\_\_

Date: \_\_\_\_\_

(reserved for recording data)

FOR VALUABLE CONSIDERATION, \_\_\_\_\_, Grantor, hereby conveys and quitclaims to \_\_\_\_\_, Grantee, a \_\_\_\_\_ under the laws of \_\_\_\_\_ County, Minnesota, described as follows:

together with all hereditaments and appurtenances.

This Deed conveys after-acquired title. Grantor warrants that Grantor has not done or suffered anything to encumber the property, EXCEPT: \_\_\_\_\_

Check box if applicable:

- The Seller certifies that the seller does not know of any walls on the described real property.
- A wall disclosure certificate accompanies this document.
- I am familiar with the property described in this instrument and I certify that the status and number of walls on the described real property have not changed since the last previously filed wall disclosure certificate.

Affix Deed Tax Stamp Here

STATE OF MINNESOTA }  
COUNTY OF \_\_\_\_\_ }

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_

NOTARIAL PUBLIC OR REAL OR OTHER TITLE OR BAYED

THIS INSTRUMENT WAS DRAFTED BY (NAME & ADDRESS):

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check here if part or all of the land is Registered (Taxable)

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantor):

**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.

**Exempt Rules**

**2820.1560 FORM NO. 18-M: EXCEPT ASSESSMENTS, INDIVIDUAL(S) TO CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.**

Subpart 1. Recommended form. The recommended form for a limited warranty deed, except assessments, individual(s) to a corporation, partnership, or limited liability company, is contained in subpart 2.

Subp. 2. Contents.

**LIMITED WARRANTY DEED Except Assessments** **Form No. 18-M** **Minnesota Uniform Conveyancing Blanks (1/18/97)**

Individual or Corporation, Partnership or Limited Liability Company

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required.  
 Certificate of Real Estate Value No. \_\_\_\_\_  
 \_\_\_\_\_  
 (Date)  
 \_\_\_\_\_  
 County Auditor  
 by: \_\_\_\_\_  
 Deputy

(reserved for recording data)

DEED TAX DUE: \$ \_\_\_\_\_  
 Date: \_\_\_\_\_

FOR VALUABLE CONSIDERATION, \_\_\_\_\_, Grantor,  
 hereby conveys and quitclaims to \_\_\_\_\_, Grantee,  
 a \_\_\_\_\_ under the laws of \_\_\_\_\_,  
 real property in \_\_\_\_\_ County, Minnesota, described as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

together with all hereditaments and appurtenances.

This Deed conveys after-acquired title. Grantor warrants that Grantor has not done or suffered anything to encumber the property, EXCEPT the lien of all unpaid special assessments and interest thereon; and

\_\_\_\_\_

Check box if applicable:  
 The Seller certifies that the seller does not know of any wells on the described real property.  
 A well disclosure certificate accompanies this document.  
 I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Affix Deed Tax Stamp Here

STATE OF MINNESOTA }  
 COUNTY OF \_\_\_\_\_ } ss.

This instrument was acknowledged before me on \_\_\_\_\_  
 by \_\_\_\_\_

NOTARIAL STAMP OR SEAL OR OTHER TITLE OR MARK

THIS INSTRUMENT WAS DELIVERED BY HEARS & ACHER

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check here if part or all of the land is Registered (Survey)

The statements for the real property described in this instrument should be sent to the State Survey and address of Change:





**2820.1710 FORM NO. 21-M: CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY TO INDIVIDUAL(S).**

Subpart 1. Recommended form. The recommended form for a limited warranty deed, corporation, partnership, or limited liability company to individual(s), is contained in subpart 2.

Subp. 2. Contents.

**Form No. 21-M** Minnesota Uniform Conveyance Blanks (1/14/87)

**LIMITED LIABILITY COMPANY, CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY TO INDIVIDUAL(S)**

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required.  
 Certificate of Real Estate Value No. \_\_\_\_\_  
 \_\_\_\_\_  
 (Date)  
 \_\_\_\_\_  
 County Auditor  
 by: \_\_\_\_\_  
 Deputy

(reserved for recording data)

DEED TAX DUE: \$ \_\_\_\_\_

Date: \_\_\_\_\_

FOR VALUABLE CONSIDERATION, \_\_\_\_\_, a \_\_\_\_\_ under the laws of \_\_\_\_\_, Grantor, hereby conveys and quitclaims to \_\_\_\_\_, Grantee, real property in \_\_\_\_\_ County, Minnesota, described as follows:

together with all hereditaments and appurtenances.

This Deed conveys after-acquired title. Grantor warrants that Grantor has not done or suffered anything to encumber the property, EXCEPT: \_\_\_\_\_

Check box if applicable:

- The Seller certifies that the seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document.
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Affix Deed Tax Stamp Here

By \_\_\_\_\_  
 Its \_\_\_\_\_  
 By \_\_\_\_\_  
 Its \_\_\_\_\_

STATE OF MINNESOTA }  
 COUNTY OF \_\_\_\_\_ } ss.

This instrument was acknowledged before me on \_\_\_\_\_  
 by \_\_\_\_\_ and \_\_\_\_\_  
 the \_\_\_\_\_ and \_\_\_\_\_  
 of \_\_\_\_\_, a \_\_\_\_\_  
 under the laws of \_\_\_\_\_, on behalf of the \_\_\_\_\_

NOTARIAL STAMP OR SEAL FOR OTHER TITLE OR NAME

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check here if part or all of the land is Encumbered (Foreman)

Tax Statements for the real property described in this instrument should be sent to (Indicate name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY SPANIS & ASSOCIATES

**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.



**2820.1810 FORM NO. 23-M: CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY TO CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.**

Subpart 1. Recommended form. The recommended form for a limited warranty deed, corporation, partnership, or limited liability company to a corporation, partnership, or limited liability company, is contained in subpart 2.

Subp. 2. Contents.

**MINNESOTA TRANSFER TAX DEED** Form No. 23-M Minnesota Uniform Gifts/Gifts to Minors Act (1/26/97)

Corporation, Partnership or Limited Liability Company to Corporation, Partnership or Limited Liability Company

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required. Certificate of Real Estate Value No. \_\_\_\_\_

(Date)

County Auditor

by: \_\_\_\_\_ Deputy

**DEED TAX DUE:** \$ \_\_\_\_\_

Date: \_\_\_\_\_

**FOR VALUABLE CONSIDERATION,** \_\_\_\_\_ under the laws of \_\_\_\_\_, Grantor, hereby conveys and quietens to \_\_\_\_\_, Grantee, a \_\_\_\_\_ under the laws of \_\_\_\_\_, real property in \_\_\_\_\_ County, Minnesota, described as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ together with all hereditaments and appurtenances.

This Deed conveys after-acquired title. Grantor warrants that Grantor has not done or suffered anything to encumber the property, EXCEPT: \_\_\_\_\_

Check box if applicable:

The Seller certifies that the seller does not know of any wells on the described real property.

A well disclosure certificate accompanies this instrument.

I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Affix Deed Tax Stamp Here

By \_\_\_\_\_  
Hs \_\_\_\_\_

By \_\_\_\_\_  
Hs \_\_\_\_\_

**STATE OF MINNESOTA** }  
**COUNTY OF \_\_\_\_\_** }-M

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_ and \_\_\_\_\_ the \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ under the laws of \_\_\_\_\_, on behalf of the \_\_\_\_\_.

NOTARIAL STAMP OR SEAL OR OTHER TITLE OR NAME

NOTARIAL STAMP OR SEAL OR OTHER TITLE OR NAME

THE INSTRUMENT WAS PREPARED BY OTHER THAN A JUDICIAL OFFICER

Check here if part or all of the land is Enclosed (Terrace)

The statements for the real property described in this instrument should be sent to the state address of Grantor:

**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.









# Exempt Rules

## 2820.2210 FORM NO. 28-M: INDIVIDUAL(S) TO CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.

Subpart 1. Recommended form. The recommended form for a quitclaim deed, individual(s) to a corporation, partnership, or limited liability company, is contained in subpart 2.

Subp. 2. Contents.

<p><b>UNRECORDED</b></p> <p><small>Individual or Corporation, Partnership or Limited Liability Company</small></p> <p>No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required.          Certificate of Real Estate Value No. _____          _____          (Date)</p> <p style="text-align: right;">County Auditor</p> <p>by: _____          _____          Deputy</p>	<p style="text-align: right;">Form No. 28-M</p> <p style="text-align: right;"><small>Minnesota Uniform Conveyance Blanks (1/15/97)</small></p> <div style="border: 1px solid black; height: 150px; width: 100%;"></div> <p style="text-align: center;">(reserved for recording data)</p>
<p><b>DEED TAX DUE: \$</b> _____</p> <p><b>Date:</b> _____</p>	
<p><b>FOR VALUABLE CONSIDERATION,</b> _____, Grantor(s), hereby convey(s) and quitclaim(s) to _____, Grantee, a _____ under the laws of _____, real property in _____ County, Minnesota, described as follows:</p>	
<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>together with all hereditaments and appurtenances.</p> <p>Check box if applicable:  <input type="checkbox"/> The Seller certifies that the seller does not know of any wells on the described real property.  <input type="checkbox"/> A well disclosure certificate accompanies this document.  <input type="checkbox"/> I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.</p>	
<p>Affix Deed Tax Stamp Here</p>	
<p><b>STATE OF MINNESOTA</b> }  <b>COUNTY OF</b> _____ } ss.</p>	
<p>This instrument was acknowledged before me on _____ by _____, Grantor(s).</p>	
<p style="text-align: center;"><small>NOTARIAL STAMP OR SEAL FOR OTHER TITLE OR BASIS</small></p> <div style="border: 1px solid black; height: 50px; width: 100%;"></div> <p style="text-align: center;"><small>THIS INSTRUMENT WAS DRAFTED BY QALME &amp; ASSOCIATES</small></p> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>	<p style="text-align: center;"><small>SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL</small></p> <p>Check here if part or all of the land is Registered (Torrrens) <input type="checkbox"/></p> <p><small>Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):</small></p>







**Exempt Rules**

**2820.2610 FORM NO. 32-M: CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY TO JOINT TENANTS.**

Subpart 1. Recommended form. The recommended form for a quitclaim deed, corporation, partnership, or limited liability company to joint tenants, is contained in subpart 2.

Subp. 2. Contents.

REPEALER. *Minnesota Rules*, parts 2820.1400; 2820.1450; 2820.1500; 2820.1550; 2820.1600; 2820.1650; 2820.1700; 2820.1750; 2820.1800; 2820.1850; 2820.1900; 2820.1950; 2820.2100; 2820.2200; 2820.2300; 2820.2400; 2820.2500; and 2820.2600, are repealed.

Corporation, Partnership or Limited Liability Company as Joint Tenants

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required.  
Certificate of Real Estate Value No. \_\_\_\_\_  
\_\_\_\_\_  
(Date)  
\_\_\_\_\_  
County Auditor  
by: \_\_\_\_\_  
Deputy

(reserved for recording data)

DEED TAX DUE: \$ \_\_\_\_\_  
Date: \_\_\_\_\_

FOR VALUABLE CONSIDERATION, \_\_\_\_\_, a \_\_\_\_\_ under the laws of \_\_\_\_\_, Grantor, hereby conveys and quitclaims to \_\_\_\_\_, Grantee, as joint tenants, real property in \_\_\_\_\_ County, Minnesota, described as follows:

together with all hereditaments and appurtenances.

- Check box if applicable:
- The Seller certifies that the seller does not know of any wells on the described real property.
  - A well disclosure certificate accompanies this document.
  - I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Affix Deed Tax Stamp Here

By \_\_\_\_\_  
Its \_\_\_\_\_  
By \_\_\_\_\_  
Its \_\_\_\_\_

STATE OF MINNESOTA }  
COUNTY OF \_\_\_\_\_ }

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ under the laws of \_\_\_\_\_, on behalf of the \_\_\_\_\_

NOTARIAL STAMP OR SEAL OR OTHER TITLE OR SIGNATURE

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check here if part or all of the land is Registered (Taverna)

The statements for the real property described in this instrument should be sent to the state name and address of Grantee(s)

THIS INSTRUMENT WAS RECEIVED BY GRANTOR & ACCEPTOR

# Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these Expedited emergency rules detail the agency's rulemaking authority.

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules; Camp Ripley Archery Hunt Quotas; 1997 Elk Season Quotas and Dates

**NOTICE IS HEREBY GIVEN** that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.091; 97A.401, subdivision 4; 97B.305; 97B.311; and 97B.515.

Dated: 18 July 1997

Rodney W. Sando  
Commissioner of Natural Resources

By

Gail Lewellan, Assistant Commissioner of  
Human Resources and Legal Affairs

#### **6232.0900 CAMP RIPLEY ARCHERY HUNT.**

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

Subp. 3. Antlerless deer and legal bucks. In 1997, Camp Ripley is open for the taking of antlerless deer and legal bucks. Not more than 1,750 permits will be issued for each two-day hunting period, provided the total number of permits issued for both hunting periods does not exceed 3,000.

#### **6232.4300 SEASONS AND DATES FOR TAKING ELK.**

Subpart 1. Taking elk. Elk may be taken by a licensed hunter using a legal firearm or a legal bow and arrow during seasons authorized by the commissioner.

Subp. 2. Season dates. Elk may be taken by licensed hunters within the following seasons:

- A. season A: September 13 to 21;
- B. season B: September 27 to October 5;
- C. season C: September 27 to October 5; and
- D. season D: October 18 to 26.

Subp. 3. Alternate seasons. If the commissioner determines that elk harvest during seasons A to D is insufficient to meet management objectives, up to three parties will be authorized to purchase licenses to take elk during the following alternate seasons:

- A. alternate season 1: November 22 to 30; and
- B. alternate season 2: December 6 to 14.

Subp. 4. Quotas. The number of available licenses for the 1997 elk hunting seasons is six, which are distributed as follows:

- A. season A: two licenses valid for legal antlered bull elk;
- B. season B: one license valid for legal antlered bull elk with no branches exceeding one inch in length;
- C. season C: one license valid for legal antlerless elk; and
- D. season D: two licenses valid for legal antlerless elk.

## Emergency Rules

Subp. 5. **Alternate season quotas.** The number of available licenses for the 1997 elk hunting alternate seasons is up to six, which are distributed as follows:

A. alternate season 1: up to three licenses valid for legal antlerless or antlered bull elk; and

B. alternate season 2: up to three licenses valid for legal antlerless or antlered bull elk.

Subp. 6. **Open area.** Licenses are valid for taking elk in the area described in maps provided to licensees prior to the hunt.

**EFFECTIVE PERIOD.** Minnesota Rules, parts 6232.0900, subpart 3, and 6232.4300, subparts 2 to 6, expire December 31, 1997. After the emergency amendments to Minnesota Rules, parts 6232.0900 and 6232.4300, expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule.

## Environmental Protection —

### Videos & Training Material

#### Transport Packaging: Reducing Waste & Saving Money — Video **New!**

Video shows how business can eliminate waste and increase profits with reusable and source-reduced transport packaging. Includes *Reusable Transport Packaging Directory*. (color, 12 minutes, 1997) Stock No. 4-22 \$9.50

#### Source Reduction: How to Implement a Source Reduction Program — Video **New!**

Video and resource manual *Source Reduction* Now demonstrates how to set up a source reduction program in a commercial, industrial or institutional organization. (color, 12 minutes, 1997) Stock No. 4-21 \$9.50

#### Motor Vehicle Salvage Facility Environmental Compliance Manual & Video

Durable manual and color video *Salvage Yards & the Environment: The Next Generation*, AND 3 work-site posters. Convenient tabs guide you through general operating procedures, draining, dismantling & storage practices, waste handling, storage and disposal practices, PLUS a quick reference table for handling hazardous waste. 220pp. with VHS. (PCA, 1994) Stock No. 10-9 \$35.00

#### Hazardous Waste: Identification & Evaluation — Video

Find out how to determine if a waste is hazardous, and what basic steps to take to evaluate wastes. Fact sheets on F-listed wastes are included with video. (color, 8.5 minutes, 1995) Stock No. 4-7 \$16.00

#### Blue Ribbon Task Force Report

Findings and recommendations of task force examining the funding of Minnesota's water quality programs. 78pp. (PCA, 1995) Stock No. 10-5 \$19.95

#### Common Automotive Wastes — Video

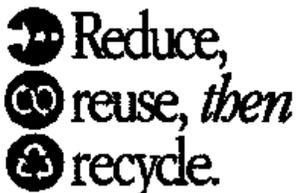
Video covers eight sections on hazardous wastes most commonly found in vehicle maintenance and collision-repair operations (antifreeze, lead acid batteries, sludges and residues, parts washer solvents & cleaners, towels, wipes and sorbents, used oil and paint-related wastes). Includes management options for each plus a 'Used Oil' fact sheet. (color, 17.5 minutes, 1995) Stock No. 4-8 \$10.00

#### Hazardous Waste Storage — Video

Learn how to choose the right container, close and mark it correctly, plus proper care when moving it off-site. Also includes handy storage poster and fact sheet on labeling and storing hazardous waste correctly. (color, 12.5 minutes, 1994) Stock No. 4-6 \$10.00

#### MPCA Point-Source Final Report **New!**

Phase 2 of *Blue Ribbon Task Force Report* features improvement initiative. 142pp. (PCA, 1996) Stock No. 10-1 \$10.95



Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and mat-

## Department of Health

### Notice of Public Hearing to Solicit Input on the Operations of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and the Commodity Supplemental Food Program

The Minnesota Department of Health will be holding a public hearing to allow interested parties to provide input concerning the operations of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and the Commodity Supplemental Food Program (CSFP). The public hearing will be held from 9:00 a.m. to noon on Thursday, August 7, 1997 in the Chesley Room at the Minnesota Department of Health offices located at 717 Delaware Street Southeast in Minneapolis.

The public input is being solicited in connection with the preparation of an annual State Plan for the operation of the WIC and CSFP Programs. This annual State Plan is required to be submitted to the United States Department of Agriculture, the primary funding entity for the WIC and CSFP Programs. Interested parties may provide input on any aspect of the operations of the WIC or CSFP Programs, including: program eligibility requirements, certification procedures, local agency operations, food delivery system, specific foods available, caseload and budget issues, and quality of services.

A copy of the current fiscal year State Plan is available for inspection at the Minnesota Department of Health library located at 717 Delaware Street SE in Minneapolis. Alternative arrangements for the review of this document can be made by contacting Rick Chiat at (612) 623-5747. Questions regarding this notice or the public solicitation process may also be directed to this same number.

## Department of Human Services

### Request for Comments on Planned Amendments to Training Requirements in Rules Governing Licensure of Child Care Centers (informally known as DHS Rule 3) and Licensure of Family Day Care Homes (informally known as DHS Rule 2)

**Subject of Rule.** The Department of Human Services requests comments on its planned amendments to training requirements for child care center staff and providers of family day care. The department is developing amendments that will address such points as how many hours of cultural dynamics training will be required, how to determine training content that produces the outcomes specified in statute, what timelines to establish for providers to meet the requirements, and who should be required to receive the training.

The affected rule part for family day care providers is part 9502.0385, Day Care Training. The affected rule part for child care centers is part 9503.0035, Orientation, First Aid, and In-Service Training.

**Persons Affected.** The rules amendments will affect most directly those staff members of child care centers and providers and other adult caregivers in family day care homes who are required to be trained. Children in day care will also be affected. An advisory committee representing providers, provider associations, counties, licensors, parents, resource and referral agencies, education agencies and others has been working with developing both the training programs and the requirements for completing them.

**Statutory Authority.** *Minnesota Statutes*, section 245A.14, subdivision 7 requires the commissioner of human services to amend current rules relating to the training of licensed child care center staff and licensed providers of family and group family child care and staff to require cultural dynamics training. The commissioner of Family, Children, and Learning, who oversees the State of Minnesota Cultural Dynamics Education Project, will work with the commissioner of human services on the amendments.

**Public Comment.** Interested persons or groups may submit comments or information on this planned amendment in writing or orally until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules. The department has not yet completed a draft of the planned revisions but anticipates that a draft will be available by late August, 1997. Written or oral comments, questions, requests to receive a free copy of the draft amendments to the rule, and requests for more information on this planned amendment should be addressed to:

Alice Weck

## Official Notices

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Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816  
Phone: 612-297-4302

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

David S. Doth  
Commissioner

## Department of Labor and Industry

### Labor Standards Division

#### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective July 28, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** Air Handling Units Remediation-Anoka/Hennepin Technical College-Anoka.

**Big Stone:** Ortonville Public School Additions & Remodeling-Ortonville; Graceville Community Building-Graceville.

**Blue Earth:** Central Station Fire Alarm System Upgrade-MSU-Mankato; 1997 Asbestos Abatement Project-Good Thunder Elementary-Maple River Public School-Good Thunder.

**Chisago:** Reroofing-Rush City Recreation Center-Rush City.

**Dakota:** Boiler Replacement/Structural Modifications-Hastings Vets-Hastings.

**Hennepin:** 1997 Roof Replacement-Supercomputer Building-Minneapolis; Green Concourse Insulation Removal-MSP International Airport-Minneapolis/St. Paul; Green Concourse Moving Walk/Equipment-MSP International Airport-Minneapolis/St. Paul; Storm Damage Abatement-Hiawatha Elementary School-Minneapolis; Storm Damage Abatement-Edison High School-Minneapolis; Storm Damage Abatement-Jefferson Elementary School-Minneapolis; Building Maintenance & Repair-Hennepin County-Minneapolis.

**Kandiyohi:** Steel Storage Building-DNR-New London.

**Koochiching:** Fire Alarm System Replacement-Rainy River Community College-International Falls.

**Lesueur:** Re-Roofing-Waterville Fisheries Headquarters-Waterville.

**Norman:** Ada/Borup High School-Phase I-Ada; New Bus Garage-Ada/Borup High School District-Ada.

**Ramsey:** State Office Building-Capitol Complex-St. Paul; Island Lake Elementary School Addition Portable Replacement-Shoreview; PA/ Telephone & Miscellaneous Needs-St. Casimir School-St. Paul; Portable Classroom Relocation-St. Paul; Repair of AASF Flood Damage-Holman Field/Downtown Airport-St. Paul; Transportation Building Life Safety Improvements-St. Paul.

**Rice:** Lighting Project-Minnesota Academy for the Blind/Minnesota Academy for the Deaf-Faribault; Fire Alarm System Upgrade-Minnesota Academy for the Deaf & Blind-Faribault.

**St. Louis:** St. Louis County Public Works-Salt Storage Building-Cook; St. Louis County Public Works-Salt Storage Building-Brookston/Floodwood; Accessible Entrance Installation-ISD #696-Ely; Main Stream Line Replacement-Community College-Hibbing.

**Stearns:** Rubber Floor Installation-National Hockey Center-St. Cloud; Dust Collector Relocation-Sartell High School-Sartell.

**Steele:** Owatonna Jr. High School-Additions & Renovations-Owatonna.

**Washington:** Roof Replacement-Multiple Building-Minnesota Correctional Facility-Bayport; 1997 Lunch Room Mechanical Modifications-Castle Elementary School-Oakdale.

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 Transportation**

### **Telework Stations Available in Operational Test**

The Minnesota Department of Transportation (Mn/DOT) is making a limited number of workstations available for new users for its telework center, located at 237 SW 2nd Avenue in Cambridge, MN. This offering is part of the telework center operational test. Any proposal to use the telework center must advance the purpose of the test, which is to investigate the potential for advanced telecommunications technologies to reduce vehicle miles traveled on trunk highways. Mn/DOT will only consider proposals that:

- (1) will use telecommunications technology to substitute for vehicle travel;
- (2) will provide employment for people who live in or near Cambridge, and would otherwise commute to the Twin Cities metropolitan area;
- (3) are both economically viable and environmentally benevolent; and
- (4) provide for the collection and dissemination of data regarding any reduction in vehicle miles traveled and/or trips generated.

Telework Center workstations are available for use over a consecutive 9 month period which must end by June 30, 1998. The workstations are equipped with Micron MP150 computers with Windows NT or 3.11 operating systems and T-1 communication capability. Office furniture is also included.

Interested individuals or organizations may contact Jackie McCann, Telework Center Administrator, at 612/689-7143 for questions or to arrange a visit. Proposals should be sent to Ms. McCann at 237 SW 2nd Avenue, Cambridge, MN 55008. Mn/DOT reserves the right to reject all proposals.

## **United State Department of Agriculture**

### **Natural Resources Conservation Services (NRCS)**

#### **Request for Comments on Conservation Practice Standards**

The USDA Natural Resources Conservation Service (NRCS) is requesting comments on the proposed revision and development of the following conservation practice standards:

1. Wildlife Upland Habitat Management (revised)
2. Stream Habitat Improvement (new)

Interested individuals or groups may submit comments or information on these practice standards in writing until 4:30 p.m. on August 29, 1997.

Written comments, questions, requests to receive a draft of the practice standards, and requests for more information should be addressed to: Mark Oja, Biologist, USDA-NRCS, 375 Jackson St., Suite 600, St. Paul, MN 55101, or by calling (612) 602-7868.

# State Grants and Loans

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Children, Families and Learning

### Notice of Available Funding for a Statewide Citizenship Promotion Program

#### Purpose

Under *Minnesota Laws 1997*, Chapter 162, Article 2, Sections 29-31, a statewide citizenship promotion program is established to assist legal immigrants eligible to apply for United States citizenship. The program must consist of workshops designed to assist with citizenship application procedures, citizenship and English for citizenship classes, video citizenship instruction, and public education and information.

#### Eligible Applicants

The commissioner of the Department of Children, Families and Learning shall award grants to public or nonprofit organizations to operate the citizenship promotion program. The organizations may include community-based ethnic or religious groups, school districts, post-secondary institutions, community action agencies, family services collaboratives, workforce development centers, and advocacy groups.

To be eligible to receive a grant, an organization must:

- (1) have documented experience in programs specifically designed for immigrant and refugee populations;
- (2) provide access to legal counseling;
- (3) provide bilingual teaching for preliterate, vulnerable populations and for those eligible for waiver of the English requirements;
- (4) have facilities accessible to physically handicapped learners;
- (5) ensure that no more than five percent of grant funds will be used for administration; and
- (6) have a system for fiscal accounting and reporting.

There will be \$975,000 statewide for grant programs. The Request for Proposals (RFP) will be available after **July 28, 1997**. Copies of the RFP may be obtained by writing, calling or faxing Annette Hughley, 550 Cedar St., St Paul, MN 55101 Phone: (612) 296-7965 FAX: (612) 297-5695.

## Department of Human Services

### Mental Health Division

### Notice of Availability of Funds for Development and Delivery of Self-help and Peer Educational Support Models

The Department of Human Services (DHS), Mental Health Division announces the availability of funding for the development and delivery of self-help and peer educational support models designed to assist adult consumers of mental health services in addressing issues identified by primary consumers. A portion of this funding will be used to develop and implement a quality services evaluation and satisfaction project.

Up to \$125,000 per year for a two year period will be made available from the Federal Community Mental Health Services Block Grant Funds to qualified agencies (public or non profit private) that demonstrate the ability to develop and implement self-help and peer educational support groups models that can be replicated statewide. Funding will be available for the period of January 1, 1998 through December 31, 1999.

Applications are due by 4:30 p.m. on September 5, 1997. Notification of approved proposals will be completed by November 1, 1997. All applicants will be notified of the final funding decision by November 15, 1997. Interested parties should contact Joyce Jorgenson, Director, Office of Consumer Affairs (612) 296-6045 at DHS for application instructions.

## Department of Public Safety

### Minnesota Auto Theft Prevention Program

#### Grant Availability for Reduction of Motor Vehicle Theft

The Minnesota Auto Theft Prevention Program Board announces the availability of grant money to be used in the reduction of motor vehicle theft by funding programs which aid in the identification of critical issues, education and awareness and investigation and prosecution. Applications will be accepted from State, County, Local Police, Governmental Agencies, Prosecutors, Judiciary, Businesses, and Community and Neighborhood Organizations. The moneys granted must be dedicated to the area of auto theft. This is the second round of auto theft grants. These grant proposals will be due by December 31, 1997. Grant proposal forms and information may be obtained by contacting Dennis Roske at the Auto Theft Prevention Office at (612/405-6153 or 405-6155).

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## 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, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

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## Department of Agriculture

### Notice of Request for Proposals for Evaluation of Minnesota's Agricultural Land Preservation Programs

The Minnesota Department of Agriculture is seeking proposals from qualified firms and individuals to evaluate the effectiveness of Minnesota's agricultural land preservation programs and make recommendations to improve their effectiveness.

The Request for Proposal is available by contacting Becky Balk, Agriculture Marketing and Development Division, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107-2094. Telephone: (612) 215-0369. Email: Becky.Balk@state.mn.us. TDD: MN Relay—Twin Cities Metro 297-5353; Greater Minnesota 1-800-627-3529.

Estimated cost of project should not exceed \$50,000. Proposals must be received no later than 4:00 p.m. on Tuesday, September 2, 1997. Details concerning submission requirements are included in the Request for Proposal.

## Department of Agriculture

### Agronomy and Plant Protection Division

#### Notice of Request for Proposal for Noxious Weed Free Certification of Forage and Mulch

The Minnesota Department of Agriculture requests proposals from individuals or organizations interested in providing voluntary noxious weed free certification of forage and mulch to state residents. Proposals must be submitted to the department by August 21, 1997. To obtain the request for proposal information and a list of the criteria that must be met, please write Charles Dale, Minnesota Department of Agriculture, Seed and Noxious Weed Unit, 90 West Plato Boulevard, St. Paul, Minnesota 55107 or call (612) 296-6123.

## Professional, Technical & Consulting Contracts

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### Department of Agriculture

#### Notice of Request for Proposals for Consultant Services to Conduct Five Cost of Public Service Studies, and Prepare a Written Guidance and Analysis Tool

The Minnesota Department of Agriculture is seeking proposals from qualified firms and individuals for consultant services for two related projects to:

1. Conduct five cost of public service studies which compare the cost\revenue relationship of growth that could be easily served by existing infrastructure and services with growth in rural areas that lack established infrastructure or services.
2. Prepare a written guidance (handbook, manual, or guide) and analysis tool (worksheets, spreadsheets, computer program, or other relatively east-to-use product) that will enable local governments to analyze the cost\revenue relationships of growth at a relatively low cost and without special expertise.

Proposers may submit proposals on each of the projects separately, or may submit a combined proposal for both projects. Proposals combining the two projects will receive five percent additional points in the evaluation.

The Request for Proposal is available by contacting Becky Balk, Agriculture Marketing and Development Division, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107-2094. Telephone: (612) 215-0369. Email: Becky.Balk@state.mn.us. TDD: MN Relay—Twin Cities Metro 297-5353; Greater Minnesota 1-800-627-3529.

Estimated cost of project should not exceed \$165,000. Proposals must be received no later than 4:00 p.m. on Tuesday, September 2, 1997. Details concerning submission requirements are included in the Request for Proposal.

## Minnesota State Colleges and Universities

### Notice of Request for Proposals for Courier Service

The Minnesota State Colleges and Universities (MnSCU) is requesting proposals from qualified vendors to provide courier service to 56 locations throughout Minnesota from downtown St. Paul MnSCU System Office. Service to include 15 daily (round trip same day) and 41 next day delivery and pick-up of tubs or pouches. Contract will be awarded for a two year period with two optional annual extensions. Estimated cost not to exceed \$69,600 per year.

In accordance with the provisions of *Minnesota Statutes*, Section 363.073, for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will be rejected unless it includes one of the following:

1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human rights; or
2. A letter from Human Rights certifying that your firm has a current certificate of compliance; or
3. A notarized letter certifying that your firm has not had more than 20 full-time employees at any time during the previous 12 months.

For further information contact:

Mary Fields  
Minnesota State Colleges and Universities  
Lower Level Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
Telephone: (612) 282-2548

Proposals must be submitted to Mary Fields at the above address and must be received not later than 4:00 PM on August 4, 1997. Late proposals will not be accepted.

The Minnesota State Colleges and Universities reserve the right to reject any and all bids, or any part of any bid, and to waive minor defects or technicalities.

## Department of Human Services

### Continuing Care for People with Disabilities

#### Notice of Availability of Contract for Independent Actuary to Review Diagnostic-Based Risk Assessment Models and Their Suitability for Use for Risk-Adjusted Ratesetting for People with Disabilities

**NOTICE IS HEREBY GIVEN** that the Department of Human Services (DHS) is seeking applications for professional services from recognized experts in actuarial science and managed care ratesetting. Qualified firms will assist DHS in the following matters:

1. Development of capitation rates for managed care organizations which will enroll people with disabilities;
2. Risk adjustment mechanisms based on diagnostic and other information;
3. General purchasing strategies;
4. Forecasting the fiscal impact of proposed inclusion of long term care services in care delivery models managed by counties; and
5. Medicare capitation for persons with disabilities.

The deadline for submitting a written response to this solicitation is 3:00 p.m. on September 8, 1997. The first year of the contract will run from September, 1997 through December, 1998, with an option to renew for two additional years. It is anticipated that evaluation of the written responses and selection of a contractor will be completed by September 19, 1997.

Interested parties can request a complete copy of the Request for Proposals, as well as additional supporting materials, from:

Troy Mangan  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3853  
Phone: (612) 297-5885

## Department of Human Services

### Notice of Request for Proposals for Alternative Payment for Nursing Facility Services

*1995 Laws of Minnesota*, Chapter 207, Article 7, Section 32 (hereinafter *Minnesota Statutes* Section 256B.434) authorized the Commissioner of the Department of Human Services to establish a contractual alternative payment system as an alternative way to pay for nursing facility services under the Medical Assistance (MA) program. In order to implement this legislation, the Department established the "Nursing Home Contract Project." The purpose of the Project is to explore a contract-based reimbursement system as an alternative to the current cost-based system for reimbursement of nursing facility services under *Minnesota Statutes* Section 256B.431.

The *1997 Laws of Minnesota* amended *Minnesota Statutes* Section 256B.434. Effective July 1, 1997, the Commissioner is required to issue a request for proposals (RFPs) from nursing homes to provide services on a contract basis at least twice annually. The Commissioner may select the number of proposals that can be adequately supported with state resources but will not contract with more than 50 facilities as part of this RFP.

The purpose of this RFP is to solicit proposals from eligible nursing facilities to enter into contracts with the Department to provide nursing facility services to MA recipients. Facilities selected to participate in this project will be eligible to contract with the Department for up to four years.

Requests for copies of the complete RFP, "Alternative Payment for Nursing Facility Services," should be directed to Maren Valley at 612/296-2666. The original and five (5) copies of the proposal in response to the RFP must be submitted to the Nursing Home Contract Project, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3836, no later than 4:00 p.m. on Friday, September 5, 1997.

The State of Minnesota reserves the right to reject any and all proposals submitted.

Department of Natural Resources

Office of Planning

**Notice of Availability of Request for Proposals for Mediation Services to Address Flood Damage Reduction and Watershed Management Issues in the Red River of the North Basin**

The Minnesota Department of Natural Resources, a state agency, and the Red River Watershed Management Board, a board authorized by state legislation with nine member watershed districts, desire to use a mediation process to seek agreement on issues related to watershed management and flood damage reduction within the watershed of the Red River of the North in northwestern Minnesota. The department and the board need the assistance of a professional, neutral mediator(s) with experience in public policy environmental disputes to conduct an assessment of the appropriateness of mediation to address the parties' primary issues and, if warranted and agreeable to the parties, to facilitate the discussions of those issues by the parties in order to maximize the potential for a productive outcome.

**NOTICE IS HEREBY GIVEN** that the Department of Natural Resources and the Red River Watershed Management Board are requesting proposals for professional mediation services to assist the department and the board in addressing issues regarding flood damage reduction and watershed management in the Red River of the North basin in northwestern Minnesota.

In particular, the department and the board expect the mediator(s) to conduct a two-phase process, with the second phase contingent on the results of the first. The phase one objective is to assess the potential for mediation to be successful before the parties commit further time and funds to the process. If the phase one assessment reveals the potential for a productive outcome, then phase two would begin. Phase two will include the convening and facilitation of the mediation process. It should be noted that the department and the board may choose to write a separate contract for each phase, may choose not to begin phase two after phase one is completed, or may choose to begin phase two with a different mediator(s) than conducted phase one. Furthermore, this request for proposals 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.

The Minnesota State Legislature has appropriated funds to support the mediation process and has included the requirements in that appropriation that additional parties to the mediation be selected in an equal number by the department and the board and that expenditure of any funds requires the consent of all the parties. The contract for mediation services will be administered by the department in accordance with state contracting procedures.

Call or write for the full Request for Proposals (RFP) which will be sent free of charge to interested vendors. The full RFP contains detailed information about the requirements for proposal content. For more information or to obtain a copy of the RFP contact:

Donald Buckhout  
Department of Natural Resources  
Office of Planning  
500 Lafayette Road  
St. Paul, Minnesota 55155-4010  
(612) 296-8212

This is the only person designated to answer questions regarding this request for proposals.

Proposals from interested parties must be submitted to the department and the board by 4:00 p.m. on Friday, August 29, 1997.

Dated: 28 July 1997

Donald Buckhout  
Office of Planning  
Department of Natural Resources

## Department of Transportation

### Office of Freight, Railroads, and Waterways

#### Notice of Request for Consultants to Assist in Conducting a Study to Determine Feasibility of Using Freight Railroad Corridors for Potential Commuter Rail Service in the Twin Cities Area

The Minnesota Department of Transportation (Mn/DOT) Office of Freight, Railroads, and Waterways is seeking consultants to assist the Department in conducting a study to determine the feasibility of utilizing freight railroad corridors for potential commuter rail service in the Twin Cities metropolitan area. The primary goal of this study is to determine if commuter rail can provide a viable transportation option for the Twin Cities metropolitan area.

This contract opportunity will run from September 1997 to February 1999 and has a total value of (not to exceed) \$900,000. The study will be conducted in two phases with reports to the Legislature required on January 15, 1998, and a final report on February 1, 1999. This study is required by the Minnesota 1997 Legislative Session Laws, Chapter 159, S.F.No. 1881, Article 2, Section 51 (Commuter Rail Service Study.)

Work is proposed to start after September 1, 1997.

This project has an anticipated Targeted Group Business (TGB) goal at 10%.

A written request (whether via mail, fax, or in person) is required to receive the Request for Proposal (RFP) packet. Clearly indicate that your request is for the "Commuter Rail Service Study." RFP packets can be obtained from the Mn/DOT Office of Freight, Railroads and Waterways Office Director:

Mr. Al Vogel  
Mail Stop 470, Kelly Inn Annex  
395 John Ireland Blvd.  
St. Paul, MN 55155-1899  
Phone: (612) 296-1613 Fax: (612) 297-1887

**NOTE:** The Office of Freight, Railroads and Waterways is located in the Best Western Kelly Inn, Suite 925, 161 St. Anthony, St. Paul, MN.

Requests for Proposals will be available by mail from this office from July 28, 1997, through August 6, 1997. After August 6, 1997, the Request for Proposal must be picked up in person.

No time extensions will be granted.

Proposals must be received at the above address no later than 3:00 P.M. on August 21, 1997. **No Proposals will be accepted after 3:00 P.M. on August 21, 1997.**

In compliance with *Minnesota Statutes* § 16B.167 the availability of the contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

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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## City of Saint Paul

### Request for Proposals to Develop a Public Relations Program for Saint Paul Animal Control (RFP-19039-3)

The City of Saint Paul through the Office of License, Inspections and Environmental Protection (LIEP) is seeking proposals from interested parties to develop a program that will educate the public regarding responsible pet ownership, improve Animal Control's image and increase the number of dogs licensed within the City of Saint Paul. Anticipated start date of the program would be January 1, 1998.

The program, at a minimum should include ways to educate the public on why there are animal control programs, the reason for animal control laws and the advantages of dog licenses. The contract holder would be responsible for developing ways to use public relations to inform residents of the services provided; develop ways to improve community relations and promote professional Animal Control staff, formulate programs to be presented to school and citizen groups, used as newspaper articles or television programs.

Timeline for the proposal process is as follows. Deadline for proposal submission: September 3, 1997; selection by September 7; project commencement October 1, 1997 with program implementation on January 1, 1998.

If you are interested in the above proposal, please contact the Contract and Analysis Division, Room 280, City Hall/Court House, 15 West Kellogg Blvd., Saint Paul, MN 55102, (612-266-8900) and request RFP-19039-3.

If you have questions, please contact Susan Feuerherm, Value Analyst II, 612-266-8908.

## Metropolitan Council

### Public Notice for Statement of Qualifications and Request for Proposals for Design/Build/Operate (DBO) or Design/Build/Own/Operate (DBOO) for the Blue Lake/Seneca WWTP Final Stabilization Facilities MCES Project Number 910220

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council (Council) is soliciting qualifications from Project Delivery Teams (PDT) for final solids stabilization facilities at the Blue Lake WWTP through a Design/Build/Operate (DBO) or Design/Build/Own/Operate (DBOO) delivery process. The Council will also consider PDT qualifications for final solids stabilization facilities for the Seneca WWTP using the DBO or DBOO delivery processes in conjunction with facilities for the Blue Lake WWTP.

Interested PDT will be required to submit Statement Of Qualifications. All qualified PDT will be requested to submit a proposal(s). Proposals will be evaluated based on 20-year life cycle cost data, technical merit, risk, and other factors in the best interest of the Council.

The proposed final processing technology(ies) must produce biosolids from the raw dewatered sewage solids generated at the Blue Lake WWTP or the Blue Lake/Seneca WWTP and meet the Class A pathogen reduction and vector attraction reduction requirements of 40 CFR Part 503. Only those final solids processing technology vendors previously qualified by the Council for the final solids stabilization facilities may be used.

The project design year is 2020. PDT shall complete land acquisition and obtain all permits, approvals and licenses to begin construction within 180 days of Notice To Proceed. Substantial Completion of all facilities shall be within 960 days of Notice To Proceed.

PDT proposing facilities using the DBO delivery process shall provide solids processing services through separate design/build

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## Non-State Public Bids, Contracts & Grants

and operations contracts. The initial operational term of the operations contract will be 5 years and may, at the sole option of the Council, be extended for up to three successive 5-year terms, for a total of 20 years.

PDT proposing facilities using the DBOO delivery process shall provide solids processing services to the Council through a service contract. The initial operational term of the service contract shall be 20 years.

The Blue Lake WWTP, located in Shakopee, MN, has an average flow of 27 mgd, provides secondary treatment using a conventional activated sludge process with nitrification, and produces approximately 25 dry tons per day (dtpd) of raw solids. The Council will be installing a vortex grit removal system prior to start-up of any final solids stabilization facilities. The primary solids are currently thickened through a gravity thickening process, and waste activated sludge (WAS) is thickened using a gravity belt thickener. The WAS thickening process will be replaced by new gravity belt thickeners under a separate design/build contract; that project will also add new centrifuges for dewatering solids. It is projected that dewatered solids production in the year 2020 will be 13,400 dry tons per year (dtpy).

The Seneca WWTP, located in Eagan, MN, has an average flow of 25 mgd, provides advance secondary treatment using a conventional activated sludge process with nitrification, and produces approximately 25 dtpd of raw solids. Grit removal is provided at the plant. Solids from the plant and solids imported from the Blue Lake WWTP are combined and dewatered prior to incineration or being mixing with alkaline admixture and processing. It is projected that dewatered solids production in the year 2020 will be 11,600 dtpy.

Request For Proposal documents may be obtained from the Metropolitan Council, Attn: Jan Bevins, Mears Park Centre, 230 East 5th Street, St. Paul, MN 55101 by submitting a Letter of Interest along with a non-refundable fee of \$100 per set.

Site tours of the Blue Lake WWTP and Seneca WWTP will be available on Monday, August 11, 1997 beginning at 1:00 p.m. Those interested in these site tours are to meet in the Administration Building Conference Room at the Blue Lake WWTP, 6949 Highway 101, Shakopee, MN.

A pre-Statement Of Qualification submittal conference and general informational meeting will be held on Tuesday, August 12, 1997 at 9:00 a.m. in the Council Chambers on the First Floor of the Metropolitan Council's Office, Mears Park Centre, St. Paul, MN.

The tentative schedule for selecting a PDT for this project is as follows:

Receive Letters of Interest	July 1997
Request For Proposals issued	Late July 1997
Statement Of Qualifications received	Late August 1997
Qualified PDT identified	September 1997
Pre-proposal conference	Mid September 1997
Proposals due	Late October 1997
Evaluate and rank PDT	December 1997
Negotiate final Agreement	March 1998
Notice To Proceed	April 1998

Direct inquiries to the Council's Project Manager, Bill Johnson at (612) 602-1168.

## Non-State Public Bids, Contracts & Grants

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### Metropolitan Council

#### Public Notice for Letters of Interest for Professional Services for the Permanent Agricultural Land Preservation Project

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council is soliciting qualifications for professional services for the Permanent Agricultural Land Preservation Project. The project goal is to develop recommendations for a consistent and relevant procedure to identify permanent agricultural land in the Twin Cities Metropolitan Area. This project is to be completed by December 1997. The cost of professional services shall not exceed \$15,000.

The scope of professional services includes assisting the Permanent Agricultural Land Preservation Project Task Force by conducting analyses, such as a review and assessment of various agricultural land evaluation models and criteria (LESA, etc.) to determine their sufficiency in identifying permanent agricultural land in the Metropolitan Area; developing potential options for consideration; and reporting/presenting findings to the Task Force.

The tentative schedule for selecting a consulting firm for the Permanent Agricultural Land Preservation Project is as follows:

Receive Letters of Interest	August 1997
Request For Proposals (RFP) issued	August 1997
Proposals Received	August 1997
Determine shortlist of firms from proposals received	August 1997
Interview shortlisted firms, if necessary	August 1997
Select Consultant	August 1997
Execute Contract For Services	September 1997
Notice To Proceed given	September 1997

All firms interested in being considered for this project are invited to submit a Letter of Interest asking for the Request For Proposals (RFP) package.

All inquiries are to be addressed to:

Administrative Assistant, Contracts & Documents Unit  
Metropolitan Council Wastewater Services  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
(612) 602-1132