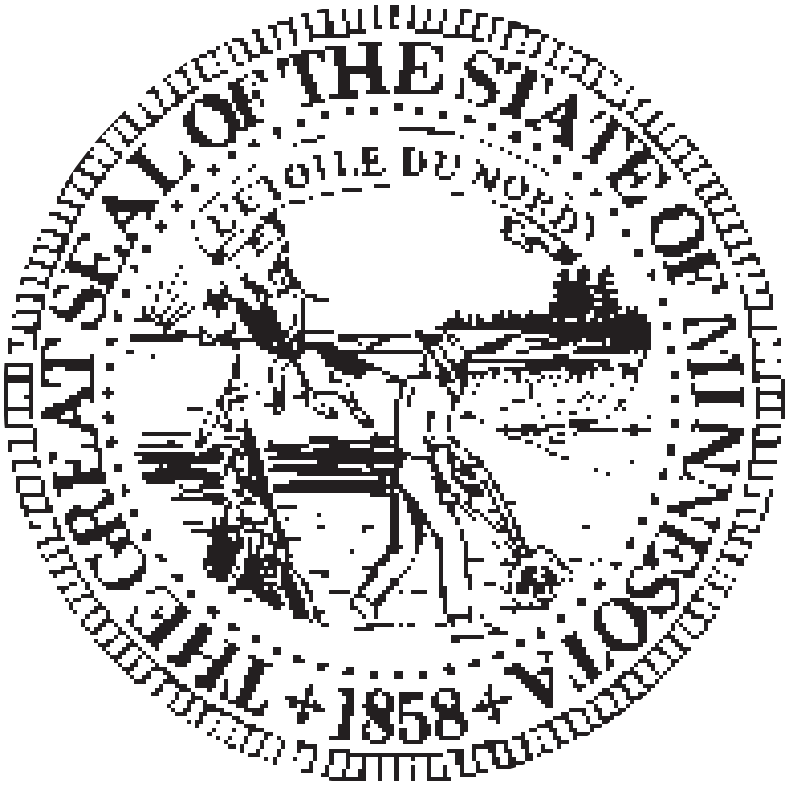
The Minnesota

State Register

Rules and Official Notices Edition



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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
# 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
# 8	Monday 25 August	Monday 11 August	Monday 18 August

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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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Commodity, Service and Construction contracts are published in a bulletin, the ***State Register Contracts Supplement,*** published Tuesday, Wednesday and Friday. Award results are available from the Materials Management Helpline 612/296-2600.

Professional, Technical and Consulting contract awards are published monthly in an ***Awards Report.***

Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. 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: isues #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 #1-5

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*.

Department of Health

Proposed Permanent Rules Relating to Wellhead Protection

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Rules Governing Wellhead Protection, *Minnesota Rules*, part 4717.7000 and parts 4720.5100 to 4720.5590

Introduction. The Department of Health intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 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 rules and may also submit a written request that a hearing be held on the rules.

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

Art Persons
Minnesota Department of Health
Southeastern District Office
Campus Center Building
2116 Campus Drive Southeast
Rochester, Minnesota 55904-4744
ph. (507) 285-7289
FAX (507) 285-7445

TTY users may call the Department at (612) 623-5522.

Subject of Rules and Statutory Authority. The proposed rules are about wellhead protection as a method of preventing well contamination by managing potential contaminant sources in all or a portion of the area which contributes water to a public water supply well. The statutory authority to adopt the rules is *Minnesota Statutes*, section 103I.101, subdivision 5. A copy of the proposed rules is published in the *State Register*.

The purpose of Minnesota's wellhead protection program is to prevent contaminants which may have adverse effects on human health from entering public water supply wells. Wellhead protection is a health-based approach to environmental protection of the

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state's public water supply wells relying on groundwater. The proposed rules will protect all users of public water wells from health effects related to disease organisms and chemical contaminants.

The components of the wellhead protection rule as proposed include the:

1) schedule implementing wellhead protection measures,
2) components of a wellhead protection plan,
3) procedure for wellhead protection plan development and review,
4) list of data elements to be used to develop a wellhead protection plan, and
5) general requirements and criteria for reporting data, identifying the area that contributes water to a public water supply well, assessing the vulnerability of the well, and reviewing and approving a plan.

The proposed rules require all public water suppliers to:

1) maintain the isolation distances defined in the state Well Code for newly installed potential sources of contamination, and
2) monitor and implement strategies to manage potential sources of contamination within 200 feet of a public water supply well.

In addition to the above requirements, the rules propose that owners of community and nontransient noncommunity wells must prepare a wellhead protection plan identifying the:

1) area that contributes water to a public water supply well,
2) vulnerability of the well and this area to contamination,
3) potential sources of contamination within this area,
4) strategies for managing the potential sources of contamination within the area contributing water to the public water supply well, and
5) plan to provide an alternate supply of water in the case that the public water supply well should be contaminated.

A clear benefit of a wellhead protection plan is the emphasis on the prevention of drinking water contamination versus the remediation of a contaminated drinking water supply.

Comments. You have until 4:30 p.m. on Thursday, September 4, 1997, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules 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 rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on September 4, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency 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 rules.

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

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

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect 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 agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules 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 rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Anne M. Barry
Commissioner of Health

4717.7000 VARIANCE REQUEST.

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

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

M. general requirements for construction of surface water and groundwater under the direct influence of surface water treatment facilities, parts 4720.3920 to 4720.3965;

N. water haulers, parts 4720.4000 to 4720.4600;

O. wellhead protection, parts 4720.5200 to 4720.5570;

~~N.~~ P. wells and borings, parts 4725.0100 to 4725.7450;

~~O.~~ Q. explorers and exploratory borings, parts 4727.0100 to 4727.1300; and

~~P.~~ R. ionizing radiation, parts 4730.0100 to 4730.3605, except parts 4730.0400 and 4730.0600.

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

4720.5100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4720.5100 to 4720.5590 have the meanings given them in *Minnesota Statutes*, section 103I.005 and in this part.

Subp. 2. **Angle of ambient groundwater flow.** "Angle of ambient groundwater flow" means the direction of groundwater flow through an aquifer undisturbed by pumping or human-caused activities. The angle of ambient groundwater flow is expressed in degrees, ranging from 0 to 360 degrees, and is measured in a clockwise direction from geographical north, not magnetic north.

Subp. 3. **Aquifer.** "Aquifer" has the meaning given in part 4725.0100, subpart 21.

Subp. 4. **Aquifer test plan**. "Aquifer test plan" means the document containing the plan by which the aquifer transmissivity value will be calculated for a public water supply well, as required under part 4720.5540.

Subp. 5. **Casing.** "Casing" has the meaning given in part 4725.0100, subpart 22.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of health.

Subp. 7. **Community water supply.** "Community water supply" has the meaning given to "community water system" in *Code of Federal Regulations*, title 40, section 141.2 (1992 and as subsequently amended).

Subp. 8. **Confined aquifer.** "Confined aquifer" has the meaning given in part 7045.0020, subpart 10.

Subp. 9. **Confining layer**. "Confining layer" has the meaning given in part 4725.0100, subpart 24a.

Subp. 10. **Contamination.** "Contamination" has the meaning given in part 4725.0100, subpart 34.

Subp. 11. **Contingency strategy.** "Contingency strategy" means the part of a wellhead protection plan that describes an organized, planned, and coordinated course of action that identifies the location and provision of an alternate drinking water supply if the public water supply is disrupted by mechanical failure or contamination.

Subp. 12. **Department.** "Department" means the Minnesota Department of Health.

Subp. 13. **Drinking water supply management area.** "Drinking water supply management area" means the surface and subsurface area surrounding a public water supply well, including the wellhead protection area, that must be managed by the entity identified in a wellhead protection plan. The boundaries of the drinking water supply management area are:

A. center lines of highways, streets, roads, or railroad rights-of-way;

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B. section, half-section, quarter-section, quarter-quarter-section, or other fractional section lines of the United States public land survey;

C. property or fence lines;

D. the center of public drainage systems;

E. public utility service lines; or

F. political boundaries.

Subp. 14. **Drinking water supply management area vulnerability.** "Drinking water supply management area vulnerability" means an assessment of the likelihood for a potential contaminant source within the drinking water supply management area to contaminate a public water supply well based on:

A. the aquifer's inherent geologic sensitivity; and

B. the chemical and isotopic composition of the groundwater.

Subp. 15. **Flow boundaries.** "Flow boundaries" means hydrologic or geologic boundaries, including:

A. the physical limits of an aquifer;

B. lakes, rivers, streams, drainage ditches, or other surface hydrologic features;

C. areas of contrasting geologic materials; or

D. the pumping influence of other wells.

Subp. 16. **Geographic reference point.** "Geographic reference point" means a location on the earth's surface that is referenced in:

A. latitude and longitude;

B. a universal transverse mercator projection;

C. the public land survey system; or

D. the state plane coordinate system.

Subp. 17. **Groundwater.** "Groundwater" has the meaning given in *Minnesota Statutes*, section 115.01, subdivision 6.

Subp. 18. **Hydraulic gradient**. "Hydraulic gradient" means the slope of the water table or potentiometric surface.

Subp. 19. **Inner wellhead management zone.** "Inner wellhead management zone" means the land within a 200-foot radius of a public water supply well.

Subp. 20. **Isolation distance.** "Isolation distance" means the distance from a contamination source as described in parts 4725.4450 and 4725.5850.

Subp. 21. **Local unit of government.** "Local unit of government" has the meaning given in part 8405.0110, subpart 5.

Subp. 22. **Municipal public water supply well.** "Municipal public water supply well" means a public water supply well owned, managed, or operated by a municipality as defined in *Minnesota Statutes*, section 103B.305, subdivision 6.

Subp. 23. **Noncommunity water supply.** "Noncommunity water supply" has the meaning given to "noncommunity water system" in *Code of Federal Regulations*, title 40, section 141.2 (1992 and as subsequently amended).

Subp. 24. **Nontransient noncommunity water supply.** "Nontransient noncommunity water supply" has the meaning given to "nontransient noncommunity water system" in *Code of Federal Regulations*, title 40, section 141.2 (1992 and as subsequently amended).

Subp. 25. **Official controls.** "Official controls" has the meaning given in part 8405.0110, subpart 7.

Subp. 26. **Potential contaminant source**. "Potential contaminant source" means any human-related activity that presents a risk to groundwater quality.

Subp. 27. **Public water supplier or supplier**. "Public water supplier" or "supplier" has the meaning given to "supplier of water" in *Code of Federal Regulations*, title 40, section 141.2 (1992 and as subsequently amended).

Subp. 28. **Public water supply or supply**. "Public water supply" or "supply" has the meaning given to "public water system" in *Code of Federal Regulations*, title 40, section 141.2 (1992 and as subsequently amended).

Subp. 29. **Public water supply well**. "Public water supply well" means a well as defined in *Minnesota Statutes*, section 103I.005, subdivision 21, that serves a public water supply and is not a dewatering well or a monitoring well serving a public water supply.

Subp. 30. **Pumping discharge rate**. "Pumping discharge rate"means the volume of water discharged by a well per unit of time.

Subp. 31. **Pumping test**. "Pumping test" means a test, as described in parts 4720.5520 and 4720.5530, that is used to determine the aquifer transmissivity.

Subp. 32. **Related land resources**. "Related land resources"has the meaning given in *Minnesota Statutes*, section 103B.305, subdivision 8.

Subp. 33. **Remaining portion of the wellhead protection plan.** "Remaining portion of the wellhead protection plan" means that portion of the wellhead protection plan that remains to be completed after the public water supplier has fulfilled the requirements of parts 4720.5320 and 4720.5330.

Subp. 34. **Specific capacity test.** "Specific capacity test"means the productivity of a well obtained by dividing the gallons of water pumped per unit time by the number of feet the water level in the well is lowered due to its pumping.

Subp. 35. **State identifier.** "State identifier" means the unique number assigned by the department to a well or the number assigned by a state agency responsible for a potential source of contamination.

Subp. 36. **Time of travel**. "Time of travel" means the amount of time over which groundwater will move through a portion of an aquifer and the overlying geologic materials to recharge a well in use.

Subp. 37. **Transient noncommunity water supply**. "Transient noncommunity water supply" means a public water supply that is not a community water supply or a nontransient noncommunity water supply.

Subp. 38. **Transmissivity**. "Transmissivity" means the product of the average hydraulic conductivity and the saturated thickness of the aquifer. Hydraulic conductivity means the volume of water that will move through a porous medium in unit time under a unit hydraulic gradient through a unit area measured at right angles to groundwater flow.

Subp. 39. **Unconfined aquifer**. "Unconfined aquifer" has the meaning given in part 6115.0630, subpart 17.

Subp. 40. **Watershed district**. "Watershed district" means a district established under *Minnesota Statutes*, chapter 103D.

Subp. 41. **Watershed management organization**. "Watershed management organization" has the meaning given in *Minnesota Statutes*, section 103B.205, subdivision 13.

Subp. 42. **Well vulnerability**. "Well vulnerability" means an assessment of the likelihood of contamination entering a public water supply well based on the criteria specified in part 4720.5550, subpart 2.

Subp. 43. **Wellhead protection**. "Wellhead protection" means a method of preventing well contamination by effectively managing potential contaminant sources in all or a portion of the well's recharge area.

Subp. 44. **Wellhead protection measure**. "Wellhead protection measure" means a method adopted and implemented by a public water supplier to prevent contamination of a public water supply, and approved by the department under parts 4720.5110 to 4720.5590.

Subp. 45. **Wellhead protection plan or plan**. "Wellhead protection plan" or "plan" means a document that provides for the protection of a public water supply, is submitted to the department, is implemented by the public water supplier, and complies with:

A. the wellhead protection elements specified in the 1986 amendments to the federal Safe Drinking Water Act, *United States Code*, title 42, chapter 6A, subchapter XII, part C, section 300h-7 (1986 and as subsequently amended); and

B. parts 4720.5200 to 4720.5290.

4720.5110 APPLICABILITY.

Subpart 1. **Inner wellhead management zone.** A public water supplier must:

A. maintain the isolation distances for new contaminant sources specified in parts 4725.4450 and 4725.5850 for potential contamination sources located around the public water supply well following the schedule specified in part 4720.5120;

B. monitor potential contaminant sources that were in existence, recorded, or authorized before May 10, 1993, and that are not in compliance with parts 4725.4450 and 4725.5850; and

C. implement wellhead protection measures for potential contaminant sources within the inner wellhead management zone.

Subp. 2. **Wellhead protection area**. For a community public water supply well and a nontransient noncommunity public water supply well, the public water supplier must:

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A. delineate the wellhead protection area and the drinking water supply management area;

B. prepare a wellhead protection plan for the drinking water supply management area; and

C. implement a wellhead protection plan for the drinking water supply management area.

4720.5120 SCHEDULE; INNER WELLHEAD MANAGEMENT ZONE.

Wellhead protection measures for the inner wellhead management zone of a public water supply well must be initiated:

A. at the time a new public water supply well is constructed;

B. before June 1, 1998, for an existing community water supply well;

C. before June 1, 1999, for an existing nontransient noncommunity water supply well serving a child care center regulated under chapter 9503 or a school;

D. before June 1, 2000, for any other existing nontransient noncommunity water supply well;

E. before June 1, 2001, for an existing transient noncommunity water supply well serving a facility licensed by the department;

F. before June 1, 2002, for an existing transient noncommunity water supply well serving a facility licensed by the department that is covered by a community health service delegation agreement entered under *Minnesota Statutes*, section 145A.07; and

G. before June 1, 2003, for any other existing transient noncommunity water supply well.

4720.5130 WELLHEAD PROTECTION PLAN; PRELIMINARY REQUIREMENTS; SCHEDULE.

Subpart 1. **New municipal public water supply well**. In addition to the requirements of part 4720.0010, a well construction plan for a new municipal public water supply well must have:

A. a preliminary delineation of a wellhead protection area based on available information; and

B. an assessment of the impacts that existing land use and existing water use in the preliminary wellhead protection area, as described in subpart 2, may have on the movement of contaminants resulting from human activity to the aquifer serving the proposed municipal public water supply well.

Subp. 2. **Criteria; preliminary wellhead protection area delineation.** A preliminary wellhead protection area must be delineated using the criteria in this subpart.

A. The criteria described in part 4720.5510, subparts 2 and 4, must be identified.

B. For a well to be constructed in an unconfined aquifer, the preliminary wellhead protection area must be extended one-half mile in an upgradient direction from the proposed well site, if the delineation method used does not incorporate the criteria specified in part 4720.5510, subpart 5.

Subp. 3. **Schedule**. An initial wellhead protection plan must be completed and submitted by the public water supplier for all the wells in a public water supply system within two years after:

A. an additional well is connected to a municipal public water supply system; or

B. the public water supplier receives notification from the department as specified in part 4720.5550 for:

(1) a community well not included under item A; or

(2) a nontransient noncommunity public water supply.

Subp. 4. **Additional time**. In addition to the two years allowed in subpart 3, the public water supplier has an additional six months to submit the plan:

A. for each two existing or new wells, up to six wells;

B. if the public water supply is not owned by a federal, state, or local unit of government;

C. if funds are not available to support plan development or implementation;

D. if the wellhead protection area lies in more than two governmental jurisdictions; or

E. if pumping of a well that is not a part of the water supply system influences the boundaries of the wellhead protection area being delineated.

CONTENT OF WELLHEAD PROTECTION PLAN

4720.5200 DATA ELEMENTS; ASSESSMENT.

Subpart 1. **Required data elements.** The data elements identified in the scoping decision notice under parts 4720.5310, subpart 2, and 4720.5340, subpart 2, must be assessed by the public water supplier.

Subp. 2. **Assessment of data elements.** A wellhead protection plan must assess the present and future implications of the data elements required in subpart 1 on:

A. the use of the well;

B. the wellhead protection area delineation criteria specified in part 4720.5510;

C. the quality and quantity of water supplying the public water supply well; and

D. the land and groundwater uses in the drinking water supply management area.

4720.5205 WELLHEAD PROTECTION AREA AND DRINKING WATER SUPPLY MANAGEMENT AREA DELINEATION.

Subpart 1. **Boundaries; wellhead protection area.** A wellhead protection plan must have a map showing the boundaries of the wellhead protection area that were determined using the criteria in part 4720.5510.

Subp. 2. **Documentation.** A wellhead protection plan must document the delineation of the wellhead protection area. The documentation must:

A. describe the hydrogeologic setting used to characterize the aquifer;

B. identify the five delineation criteria described in part 4720.5510, subparts 2 to 6;

C. describe the delineation method used, including assumptions, and the supporting documentation for the assumptions;

D. describe all parameters, other than the delineation criteria described in part 4720.5510, used for the delineation;

E. describe the delineation results, including:

(1) the results of model calibrations, when a groundwater flow model is used; and

(2) a narrative describing the uncertainties relating to the accuracy of the calculated wellhead protection area boundaries;

F. specify the data elements used, including data sources; and

G. contain a copy of the calculations performed or, when a computer model is used, the electronic data input and solution file.

Subp. 3. **Boundaries; drinking water supply management area.** A wellhead protection plan must have a map showing the boundaries of the drinking water supply management area. The boundary of the drinking water supply management area must follow the wellhead protection area as closely as possible.

4720.5210 VULNERABILITY ASSESSMENT.

Subpart 1. **Well vulnerability.** A wellhead protection plan must describe the results of the well vulnerability assessment conducted according to part 4720.5550.

Subp. 2. **Drinking water supply management area vulnerability.** A wellhead protection plan must have an assessment of the drinking water supply management area vulnerability.

Subp. 3. **Documentation; drinking water supply management area vulnerability assessment.** A wellhead protection plan must document the vulnerability assessment of the drinking water supply management area. The documentation must:

A. identify the method used to assess vulnerability;

B. describe the geologic conditions throughout the drinking water supply management area from the land surface to the aquifer used by the public water supply well;

C. contain copies of the data elements used, including data sources; and

D. contain maps, diagrams, reports, studies, and tables that were prepared to support the drinking water supply management area vulnerability assessment.

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4720.5220 IMPACT OF CHANGES ON PUBLIC WATER SUPPLY WELL.

Subpart 1. **Changes identified**. A wellhead protection plan must identify and describe expected changes that may occur during the next ten years to:

A. the physical environment;

B. land use;

C. surface water; and

D. groundwater.

Subp. 2. **Impact of changes.** A wellhead protection plan must list, describe, and assess the possible impact on the aquifer serving the public water supply well resulting from:

A. the expected changes identified in subpart 1;

B. the influence of existing water and land government programs and regulations; and

C. the administrative, technical, and financial considerations of the public water supplier and the property owners within the drinking water supply management area.

4720.5230 ISSUES, PROBLEMS, AND OPPORTUNITIES.

Subpart 1. **Requirement.** A wellhead protection plan must identify water use and land use issues, problems, and opportunities related to:

A. the aquifer serving the public water supply well;

B. the well water; and

C. the drinking water supply management area.

Subp. 2. **Identification.** To identify water use and land use issues, problems, and opportunities, the public water supplier must assess:

A. those problems and opportunities disclosed at public meetings and in written comment;

B. the data elements identified by the department in parts 4720.5310, subpart 2, and 4720.5340, subpart 2; and

C. the status and adequacy of official controls, plans, and other local, state, and federal programs on water use and land use.

4720.5240 WELLHEAD PROTECTION GOALS.

A wellhead protection plan must state goals for present and future water use and land use to provide a framework for determining plan objectives and related actions.

4720.5250 OBJECTIVES AND PLAN OF ACTION.

Subpart 1. **Objectives.** A wellhead protection plan must have measurable objectives for the well and drinking water supply management area.

Subp. 2. **Plan of action.** A wellhead protection plan must state a plan of action. A plan of action must:

A. address the problems and opportunities identified in the wellhead protection plan;

B. identify and prioritize the wellhead protection measures that will be used;

C. identify proposed changes in well construction, maintenance, and use; and

D. identify a time frame for the implementation of the action identified in the plan.

Subp. 3. **Establishing priorities.** A public water supplier must establish priorities in the plan of action that:

A. address:

(1) any substance that exceeds the maximum contaminant level specified in *Code of Federal Regulations*, title 40, part 141 (1995 and as subsequently amended); and

(2) a quantifiable level of a contaminant in the well water resulting from human activity; and

B. reflect:

(1) the number of each potential contaminant source identified and the nature of the potential contamination associated with each source;

(2) the location of each potential contaminant source in relation to:

(a) the public water supply well;

(b) the isolation distances; and

(c) a one-year time of travel emergency response time;

(3) the capability of the geologic material to absorb a contaminant;

(4) the effectiveness of existing controls;

(5) the time required to obtain cooperation from other public water suppliers, and local, state, and federal agencies and programs; and

(6) the administrative, legal, technical, and public and private financial resources needed.

Subp. 4. **Implementation responsibilities.** A plan of action must:

A. describe those actions that will be taken by the public water supplier alone;

B. describe those actions that will require the cooperation of a local unit of government or state and federal agencies; and

C. state whether the public water supplier has received commitments for the cooperation described in item B.

4720.5270 EVALUATION PROGRAM.

Subpart 1. **Program required**. A wellhead protection plan must identify a strategy for evaluating the progress of the plan of action and the impact of a contaminant release on the aquifer supplying the public water supply well.

Subp. 2. **Strategy requirements**. The evaluation strategy must:

A. be conducted throughout the drinking water supply management area;

B. be based on the health risk the specific potential contaminant source presents to the public water supply well; and

C. specify the evaluation approach used for specific potential contaminant sources.

Subp. 3. **Evaluation approaches**. Evaluation approaches are:

A. sampling the quality of the groundwater throughout the drinking water supply management area;

B. documenting inventory control of potential contaminants;

C. documenting the implementation of wellhead protection measures; and

D. using monitoring data already required by existing laws and rules in effect at the time of plan adoption.

Subp. 4. **Evaluation frequency**. An evaluation must be conducted:

A. every 2.5 years or less; and

B. when a wellhead protection plan is amended as required in part 4720.5570, subpart 1.

Subp. 5. **Evaluation submittal.** An evaluation conducted in accordance with subpart 4, item B, must be submitted to the department at the first scoping meeting held to amend an existing plan.

4720.5280 ALTERNATE WATER SUPPLY; CONTINGENCY STRATEGY.

Subpart 1. **Contingency strategy required**. A wellhead protection plan must have a contingency strategy that addresses disruptions of the water supply caused by contamination or mechanical failures of the public water supply system.

Subp. 2. **Requirements.** The contingency strategy must:

A. identify the water supply replacement alternatives, including the location of the replacement supply that will be available during a disruption;

B. be based on:

(1) the location and capacity of individual wells and storage tanks;

(2) the location, type, and capacity of the water treatment facility;

(3) the location and capacity of major distribution lines; and

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(4) the location of key points for isolating parts of the water supply system;

C. be based on water use and demand;

D. prioritize water uses and demands into low, medium, and high categories;

E. have:

(1) the response coordinator's name, telephone number, address, and response assignments;

(2) the names, addresses, telephone numbers, and response assignments of personnel for public health, water supply operations, and public relations;

(3) an alternate for each of the individuals identified in subitems (1) and (2);

(4) a list of services, equipment, and supplies available to respond to a disruption;

(5) a list of services, equipment, and supplies not available but needed to respond to a disruption; and

(6) a plan of action and time frame for obtaining the services, equipment, and supplies identified in subitem (5);

F. have a procedure to:

(1) identify the disruption;

(2) notify response personnel;

(3) identify incident direction and control;

(4) identify internal communication;

(5) inform the public;

(6) assess the incident on a continual basis;

(7) assess a contamination disruption;

(8) assess a mechanical disruption;

(9) provide an alternative water supply; and

(10) impose water use restrictions; and

G. identify ways to reduce the vulnerability of the water supply system to disruption and to improve the community's response capabilities.

4720.5290 DATA ELEMENTS; INCLUSION.

A wellhead protection plan must have a copy of the data elements identified in the scoping decision notices described in parts 4720.5310, subpart 2, and 4720.5340, subpart 2.

PROCEDURES FOR WELLHEAD PROTECTION PLAN

DEVELOPMENT AND REVIEW

4720.5300 WELLHEAD PROTECTION PLAN DEVELOPMENT; PROCEDURES.

Subpart 1. **Applicability**. The procedures specified in parts 4720.5300 to 4720.5360 must be used by a public water supplier to develop and review a wellhead protection plan.

Subp. 2. **Plan manager**. A public water supplier must identify a person to manage and coordinate plan development and implementation.

Subp. 3. **Plan development; notice.** Before the development of a wellhead protection plan begins, a public water supplier must send notice of its decision to develop a plan to:

A. the governing bodies of counties, townships, municipalities, watershed districts, and watershed management organizations that may have jurisdiction wholly or partly within the estimated drinking water supply management area;

B. the regional development commission, if any; and

C. the department.

Subp. 4. **Notice content.** The notice must contain:

A. the name, address, and telephone number of the wellhead protection plan manager;

B. the state identifier of each well to be addressed in the wellhead protection plan;

C. the date the wellhead protection plan must be completed;

D. a workplan for plan development;

E. a list of the data elements identified by the department in the scoping decision notice that the public water supplier does not have but needs to:

(1) delineate the wellhead protection area and the drinking water supply management area; and

(2) assess the vulnerability of the well, the wellhead protection area, and the drinking water supply management area;

F. a request that the data elements identified in item E be shared, if available; and

G. a request for:

(1) existing water and related land resource plans and official controls; and

(2) a description of conflicts, problems, or opportunities that local units want examined and addressed in the wellhead protection plan.

Subp. 5. **Local units of government; meetings.** During the time the plan is being developed, a public water supplier must conduct at least one meeting with local units of government that may have jurisdiction in water and related land resources management within the drinking water supply management area.

Subp. 6. **Public participation.** A public water supplier developing a wellhead protection plan must ensure that there is a process for public participation during plan development and implementation.

Subp. 7. **Recordkeeping.** A public water supplier must maintain a record of each public meeting held.

4720.5310 FIRST SCOPING MEETING PROCEDURES.

Subpart 1. **Scoping meeting; delineation and vulnerability assessments.** A public water supplier and the department shall meet to discuss the data elements specified in part 4720.5400 that the department determines must be contained in the wellhead protection plan and be used to:

A. delineate the wellhead protection area and the drinking water supply management area; and

B. assess the vulnerability of the well and the drinking water supply management area.

Subp. 2. **Scoping decision; notice.** No later than 30 days after the scoping meeting specified in subpart 1, the department shall notify the public water supplier in writing of the data elements specified in part 4720.5400 that must be:

A. used to perform the delineation and vulnerability assessments;

B. contained in the wellhead protection plan; and

C. submitted to the department.

4720.5320 AQUIFER TEST PLAN; PROCEDURES.

Subpart 1. **Submittal.** An aquifer test plan as specified in part 4720.5540 must be submitted to the department by a public water supplier for department approval:

A. before the selection of the aquifer test method; and

B. before the delineation of the wellhead protection area.

Subp. 2. **Review; notice.** No later than 30 days after receipt of an aquifer test plan, the department shall:

A. approve or disapprove the aquifer test plan based on the criteria specified in part 4720.5555; and

B. provide the public water supplier notice of approval or disapproval of the aquifer test plan.

Subp. 3. **Disapproval notice.** If an aquifer test plan is disapproved, the department shall, as part of the notice of disapproval, provide the public water supplier with:

A. a written statement that identifies those portions of the disapproved aquifer test plan that require revision; and

B. the reasons for disapproval.

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Subp. 4. **Resubmittal.** A disapproved aquifer test plan must be revised by the public water supplier and resubmitted to the department within 45 days after receiving notice of disapproval.

Subp. 5. **Revised aquifer test plan; review.** On receipt of a revised aquifer test plan, the department shall follow the same review process as for an original submittal.

4720.5330 DELINEATION AND VULNERABILITY ASSESSMENT REVIEW; PROCEDURES.

Subpart 1. **Delineation and vulnerability assessment; submittal.** Before the remaining portion of the wellhead protection plan is prepared, a public water supplier must submit to the department:

A. the maps and documentation required in part 4720.5205;

B. the vulnerability assessment required in part 4720.5210; and

C. the data elements required under part 4720.5310, subpart 2.

Subp. 2. **Review; notice.** No later than 60 days after the filing of the information specified in subpart 1, the department shall:

A. approve or disapprove, based on the criteria in part 4720.5555, the following:

(1) the wellhead protection area delineation;

(2) the drinking water supply management area boundary; and

(3) the well and drinking water supply management area vulnerability assessment; and

B. provide the public water supplier notice of approval or disapproval of the delineation.

Subp. 3. **Disapproval notice.** If a wellhead protection area delineation, a drinking water supply management area boundary, or a vulnerability assessment is disapproved, the department shall, as part of its notice of disapproval, provide the public water supplier with:

A. a written statement that identifies those portions of the disapproved document that require revision; and

B. reasons for disapproval.

Subp. 4. **Resubmittal.** A public water supplier must revise a disapproved wellhead protection area delineation, drinking water supply management area boundary, or vulnerability assessment and submit the revision to the department within 45 days after receiving notice of disapproval.

Subp. 5. **Revised information; review.** On receipt of a revised wellhead protection area delineation, drinking water supply management area boundary, or vulnerability assessment, the department shall follow the same review process as for an original submittal.

Subp. 6. **Submittal to local units of government.** Within 30 days of department approval, the public water supplier must submit a copy of the wellhead protection area delineation, the drinking water supply management area boundary, and the vulnerability assessments approved by the department to:

A. local units of government wholly or partly within the drinking water supply management area;

B. the regional development commission, if any; and

C. watershed districts and watershed management organizations wholly or partly within the drinking water supply management area.

Subp. 7. **Public information meeting.** Within 60 days of the receipt of the notice of approval from the department, a public water supplier must hold one public information meeting for the general public about the approved:

A. wellhead protection area delineation;

B. drinking water supply management area boundary; and

C. vulnerability assessments.

4720.5340 SECOND SCOPING MEETING PROCEDURES.

Subpart 1. **Scoping meeting; remaining portion of wellhead protection plan.** A public water supplier and the department shall meet to discuss the data elements specified in part 4720.5400 that the department determines must be contained in the wellhead protection plan and used to prepare the remaining portion of the wellhead protection plan.

Subp. 2. **Scoping decision; notice.** No later than 30 days after the scoping meeting specified in subpart 1, the department shall notify the public water supplier in writing of the data elements specified in part 4720.5400 that must be:

A. used to prepare the remaining portion of the wellhead protection plan;

B. contained in the wellhead protection plan; and

C. submitted to the department.

4720.5350 LOCAL REVIEW; PUBLIC HEARING.

Subpart 1. **Submittal to local units of government.** The public water supplier must submit a copy of the remaining portion of the wellhead protection plan to:

A. local units of government wholly or partly within the wellhead protection area;

B. the regional development commission, if any; and

C. watershed districts and watershed management organizations wholly or partly within the wellhead protection area.

Subp. 2. **Local review.** A public water supplier must allow 60 days for the governmental units identified in subpart 1 to comment in writing on the remaining portion of the wellhead protection plan.

Subp. 3. **Comments; consideration.** A public water supplier must consider comments of a local unit of government, regional development commission, watershed district, or water management organization, if any, that:

A. identify and describe any conflict the commenting party has with the plan, when the conflict is not already identified in the remaining portion of the wellhead protection plan; and

B. state the commenting party's position on a conflict identified by the public water supplier for consideration by the department during the department's review of the plan.

Subp. 4. **Public hearing**. A public water supplier must conduct a public hearing on the wellhead protection plan after the 60-day period for local review and comment is completed and before submitting the plan to the department.

4720.5360 DEPARTMENTAL REVIEW; REMAINING PORTION OF PLAN.

Subpart 1. **Submittal to department.** After conducting a public hearing, a public water supplier must submit to the department six copies of:

A. the remaining portion of the wellhead protection plan, including the data elements to be submitted to the department as specified in part 4720.5340, subpart 2;

B. written comments received on the entire plan; and

C. a summary of changes made to the entire plan as a result of the local review process.

Subp. 2. **Department consultation.** On receipt of the items specified in subpart 1, the department shall transmit a copy of the items, along with a map of the wellhead protection area, a map of the drinking water supply management area, and the vulnerability assessment of the drinking water supply management area to:

A. the Minnesota Department of Agriculture;

B. the Minnesota Department of Natural Resources;

C. the Minnesota Pollution Control Agency;

D. the Board of Water and Soil Resources; and

E. any other state or federal agency the department determines could assist the department with the review of the plan.

Subp. 3. **Comment review.** The department shall:

A. evaluate a wellhead protection plan based on written comments from an entity specified in subpart 2 received no later than 60 days after the plan is transmitted to the entity; and

B. consider comments from an entity specified in subpart 2 that identifies any part of the remaining portion of a wellhead protection plan that is:

(1) contrary to a state or federal law or rule administered by the entity; or

(2) contradictory to the review criteria specified in part 4720.5555.

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Subp. 4. **Review; notice; resubmittal.** No later than 90 days after a public water supplier files the remaining portion of a wellhead protection plan, the department shall approve or disapprove the remaining portion of the wellhead protection plan based on the criteria specified in part 4720.5555, and shall provide the public water supplier notice of approval or disapproval of the wellhead protection plan.

A. If the remaining portion of a wellhead protection plan is disapproved, the department shall, as part of its notice of disapproval, provide the public water supplier with:

(1) a written statement that identifies those portions of the disapproved wellhead protection plan that require revision; and

(2) the reasons for disapproval.

B. A public water supplier must revise a disapproved wellhead protection plan and submit the revision to the department within 120 days after receiving notice of disapproval.

C. On receipt of a revised plan, the department shall follow the same review process as for an originally submitted wellhead protection plan.

DATA ELEMENTS FOR A WELLHEAD PROTECTION PLAN

4720.5400 DATA ELEMENTS.

Subpart 1. **Selection.** The department shall select data elements to be used in a wellhead protection plan in accordance with parts 4720.5310 and 4720.5340 based on the hydrogeological setting and vulnerability of the well and the drinking water supply management area known at both the time the scoping meeting is held and the scoping decision notice is mailed.

Subp. 2. **Physical environment.** The department shall select data elements about the physical environment from the areas described in items A to D.

A. Information about precipitation must include:

(1) an existing map or list of local precipitation gaging stations; and

(2) an existing table showing the average monthly and annual precipitation in inches for the preceding five years.

B. Information about the geology of the area must include:

(1) an existing geologic map and a description of the geology, including aquifers, confining layers, recharge areas, discharge areas, sensitive areas as defined in *Minnesota Statutes*, section 103H.005, subdivision 13, and groundwater flow characteristics;

(2) existing records of the geologic materials penetrated by wells, borings, exploration test holes, or excavations, including those submitted to the department;

(3) existing borehole geophysical records from wells, borings, and exploration test holes; and

(4) existing surface geophysical studies.

C. Information about the soil conditions must include:

(1) existing maps of the soils and a description of soil infiltration characteristics; and

(2) a description or an existing map of known eroding lands that are causing sedimentation problems.

D. Information about water resources must include:

(1) an existing map of the boundaries and flow directions of major watershed units and minor watershed units;

(2) an existing map and a list of public waters as defined in *Minnesota Statutes*, section 103G.005, subdivision 15, and public drainage ditches;

(3) the shoreland classifications of the public waters listed under subitem (2), pursuant to part 6120.3000 and *Minnesota Statutes*, sections 103F.201 to 103F.221;

(4) an existing map of wetlands regulated under chapter 8420 and *Minnesota Statutes*, sections 103G.221 to 103G.2373; and

(5) an existing map showing those areas delineated as floodplain by existing local ordinances.

Subp. 3. **Land use.** The department shall select data elements about land use from the areas described in items A and B.

A. Information about land use must include:

(1) an existing map of parcel boundaries;

(2) an existing map of political boundaries;

(3) an existing map of public land surveys including township, range, and section;

(4) a map and an inventory of the current and historical agricultural, residential, commercial, industrial, recreational, and institutional land uses and potential contaminant sources;

(5) an existing comprehensive land-use map; and

(6) an existing zoning map.

B. Information about public utility services must include an existing:

(1) map of transportation routes or corridors;

(2) map of storm sewers, sanitary sewers, and public water supply systems;

(3) map of the gas and oil pipelines used by gas and oil suppliers;

(4) map or list of public drainage systems; and

(5) record of the construction, maintenance, and use of the public water supply well and other wells within the drinking water supply management area.

Subp. 4. **Water quantity.** The department shall select data elements about water quantity from the areas described in items A and B.

A. Information about surface water quantity must include an existing:

(1) description of high, mean, and low flows on streams;

(2) list of lakes where the state has established ordinary high water marks;

(3) list of permitted withdrawals from lakes and streams, including source, use, and amounts withdrawn;

(4) list of lakes and streams for which state protected levels or flows have been established; and

(5) description of known water-use conflicts, including those caused by groundwater pumping.

B. Information about groundwater quantity must include an existing:

(1) list of wells covered by state appropriation permits, including amounts of water appropriated, type of use, and aquifer source;

(2) description of known well interference problems and water use conflicts; and

(3) list of state environmental bore holes, including unique well number, aquifer measured, years of record, and average monthly levels.

Subp. 5. **Water quality.** The department shall select data elements about water quality from the areas described in items A and B.

A. Information about surface water quality must include an existing:

(1) map or list of the state water quality management classification for each stream and lake; and

(2) summary of lake and stream water quality monitoring data, including:

(a) bacteriological contamination indicators;

(b) inorganic chemicals;

(c) organic chemicals;

(d) sedimentation;

(e) dissolved oxygen; and

(f) excessive growth or deficiency of aquatic plants.

B. Information about groundwater quality must include an existing:

(1) summary of water quality data, including:

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(a) bacteriological contamination indicators;

(b) inorganic chemicals; and

(c) organic chemicals;

(2) list of water chemistry and isotopic data from wells, springs, or other groundwater sampling points;

(3) report of groundwater tracer studies;

(4) site study and well water analysis of known areas of groundwater contamination;

(5) property audit identifying contamination; and

(6) report to the Minnesota Department of Agriculture and the Minnesota Pollution Control Agency of contaminant spills and releases.

GENERAL WELLHEAD PROTECTION REQUIREMENTS AND CRITERIA

4720.5500 DATA REPORTING REQUIREMENTS.

Subpart 1. **Data requirements.** Data collected for a wellhead protection plan must:

A. have one geographic reference point for point information;

B. in the case of parcels, be identified with a parcel identification number assigned by the county auditor pursuant to *Minnesota Statutes*, section 272.193;

C. be identified with a state identifier, if available; and

D. be recorded and reported to the department on:

(1) forms and software provided by the department; or

(2) other software when a data dictionary and an electronic cross-reference table are provided by the public water supplier for translating the data into department data management format.

Subp. 2. **Maps.** When information is presented in map form and the map is newly created for plan purposes, the map:

A. must be presented at a one to 24,000 scale or greater detail;

B. must be presented in an electronic format or on a stable base material;

C. must have four geographic reference points with x and y coordinates, located at the extremes of the map;

D. must be presented in a consistent map scale; and

E. may be combined on multiple maps or map overlays.

Subp. 3. **Laboratory methods.** The laboratory methods used to analyze a well water sample must be at least as precise as those used by the department in part 4720.0350.

Subp. 4. **Geographic reference point documentation.** The coordinate system used to define a geographic reference point must be documented, including a description of:

A. the units of measurement used;

B. the applicable zone;

C. the applicable reference datum; and

D. the map projection method used.

4720.5510 CRITERIA FOR WELLHEAD PROTECTION AREA DELINEATION.

Subpart 1. **Criteria.** A method selected to delineate a wellhead protection area must incorporate the criteria specified in subparts 2 to 6.

Subp. 2. **Time of travel.** The time of travel must be at least ten years.

Subp. 3. **Flow boundaries.** The location and influence of flow boundaries must be identified using existing information.

Subp. 4. **Daily volume.** The daily volume of water pumped must be calculated for each well in the public water supply system.

A. The daily volume calculation must be:

(1) determined by dividing the annual volume of water pumped by 365; and

(2) based on the greatest annual volume of water used during the previous five years or the greatest annual volume of water projected over the next five years, whichever is greater.

B. The daily volume of water pumped must be expressed in gallons per day.

Subp. 5. **Groundwater flow field.** The groundwater flow field must be identified for the aquifer used by the public water supply well.

A. The ambient hydraulic gradient must be measured in a location:

(1) upgradient of the public water supply well; and

(2) beyond the pumping influence of the public water supply well.

B. Except as provided in item C, when a wellhead protection area is delineated for a public water supply well, an analytical method:

(1) may use a single value for the ambient hydraulic gradient; and

(2) must delineate a composite wellhead protection area that uses the angles of ambient groundwater flow that are ten degrees less and ten degrees greater than the measured angle of ambient groundwater flow.

C. When the ambient groundwater flow field cannot be determined due to transient hydraulic conditions, seasonal differences in the hydraulic gradient and the angle of groundwater flow must be accounted for when delineating the wellhead protection area. The ambient groundwater flow field is the two dimensional representation of equipotentials and flowlines created by groundwater movement through an aquifer undisturbed by pumping or other human-caused activities.

D. The hydraulic gradient must be expressed as the ratio of vertical feet divided by the distance in horizontal feet.

Subp. 6. **Aquifer transmissivity.** The aquifer transmissivity must be calculated.

A. The aquifer transmissivity must be expressed in feet squared per day.

B. The aquifer transmissivity must be based on the first of the following methods that is applicable to the public water supply system:

(1) an existing pumping test that meets the requirements of part 4720.5520 and that was previously conducted on a well in the public water supply system;

(2) an existing pumping test that meets the requirements of part 4720.5520 and that was previously conducted on another well in a hydrogeologic setting determined by the department to be equivalent;

(3) a pumping test that meets the requirements of part 4720.5520 and that was conducted to determine the aquifer transmissivity for a new or existing public water supply well specified in part 4720.5520, subpart 1;

(4) a pumping test that meets the requirements of part 4720.5530 and that was conducted to determine the aquifer transmissivity for a new or an existing public water supply well specified in part 4720.5530, subpart 1;

(5) an existing pumping test that does not meet the requirements of part 4720.5520 and that was previously conducted on:

(a) the public water supply well; or

(b) another well in a hydrogeologic setting determined by the department to be equivalent;

(6) an existing specific capacity test or a specific capacity test for the public water supply well; or

(7) an existing published transmissivity value.

4720.5520 PUMPING TEST STANDARDS FOR LARGER SIZED WATER SUPPLY SYSTEMS.

Subpart 1. **Applicability.** A pumping test must be conducted as specified in this part if:

A. the public water supply system consists of two or more wells;

B. a well is accessible for measuring the water level in the aquifer used by the public water supply system;

C. the pump or the water distribution system can maintain a ten percent or less variation in the discharge rate;

D. the water storage facility of the public water supply system can hold enough water to meet the water needs for the length of the pumping test specified in subpart 5; or

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E. the water storage facility of the public water supply system can hold the discharge water or the water disposal method is not a public safety hazard.

Subp. 2. **Pumping capacity.** When a pumping test is conducted, the public water supply well must be pumped at its maximum obtainable capacity.

Subp. 3. **Water level measurement.** The water level measurements must be recorded in units of one-hundredths of a foot.

Subp. 4. **Total volume of water measurement.** The total volume of water pumped during the pumping phase of the test must be recorded as the total gallons pumped.

Subp. 5. **Pumping test length.** The length of the pumping test for a public water supply well must be no less than:

A. 24-continuous hours pumping, followed by a 24-continuous hour recovery period, in a confined aquifer; or

B. 72-continuous hours pumping, followed by a 72-continuous hour recovery period, in an unconfined aquifer.

Subp. 6. **Recording; start and finish.** The date and time of the start and the finish of the pumping test must be recorded to the second.

Subp. 7. **Groundwater level monitoring.** For a public water supply well completed in geological materials specified in part 4720.5550, subpart 2, item D, subitem (2), at least one well or environmental bore hole must be used to monitor groundwater levels before, during, and after the pumping test.

A. The well or environmental bore hole used to monitor groundwater levels must be located where it is influenced by the pumping well.

B. The public water supplier is responsible for the construction of one well or environmental bore hole to monitor groundwater levels if an existing well or environmental bore hole cannot be used for the test requirements specified in this subpart.

Subp. 8. **Frequency of readings; confined aquifer.** During the pumping phase and recovery phase of the test for a confined aquifer, water levels in the pumping well and any well or environmental bore hole used to monitor groundwater levels must be measured with sufficient frequency to characterize the drawdown versus time response in each of the following time intervals:

A. prepumping condition;

B. 0 to 5 minutes;

C. 5 to 10 minutes;

D. 10 to 20 minutes;

E. 20 to 60 minutes;

F. 60 to 120 minutes;

G. 120 to 180 minutes;

H. 180 to 360 minutes;

I. 360 to 720 minutes; and

J. 720 to 1,440 minutes.

Subp. 9. **Frequency of readings; unconfined aquifer.** During the pumping phase and recovery phase of the test for an unconfined aquifer, water levels in the pumping well and any well or environmental bore hole used to monitor groundwater levels must be measured with sufficient frequency to characterize the drawdown versus time response in each of the following time intervals:

A. prepumping condition;

B. 0 to 5 minutes;

C. 5 to 10 minutes;

D. 10 to 20 minutes;

E. 20 to 60 minutes;

F. 60 to 120 minutes;

G. 120 to 180 minutes;

H. 180 to 360 minutes;

I. 360 to 720 minutes;

J. 720 to 1,440 minutes;

K. 1,440 to 2,880 minutes; and

L. 2,880 to 4,320 minutes.

Subp. 10. **Readings; discontinuation.** The readings during the recovery phase of the test may be discontinued when the water levels in the pumping well and the well or environmental bore hole used to monitor groundwater level reach 95 percent recovery of the prepumping condition.

Subp. 11. **Recording; pumping rate.** The pumping rate for a public water supply well must be recorded during the pumping phase of the test:

A. every five minutes during the first hour of the pumping phase of the test;

B. at hours 2, 3, 6, and 12 for a confined aquifer; and

C. at hours 2, 3, 6, 12, 24, and daily following the 24-hour reading for an unconfined aquifer.

Subp. 12. **Final recording.** The final recording of the pumping rate for a public water supply well must be recorded five minutes before shutting off the pump.

Subp. 13. **Pumping rate variation.** When the pumping rate of a public water supply well varies by ten percent or greater from the previous reading, except for the final recording specified in subpart 12, new readings must be recorded at five-minute intervals for either the next hour or until a variation of less than ten percent is observed, whichever is the greater length of time.

Subp. 14. **Failure to record pumping rate.** Failure to record the pumping rate for a public water supply well at the times specified in subparts 11 and 12 requires the pump test to be redone.

Subp. 15. **Pumping rate measurement.** The pumping rate must be expressed in gallons per minute.

Subp. 16. **Recording and submittal requirements.** Pumping test data must be recorded and submitted to the department on forms or electronic data file templates provided by the department.

4720.5530 PUMPING TEST STANDARDS FOR SMALLER SIZED WATER SUPPLY SYSTEMS.

Subpart 1. **Applicability.** A pumping test must be conducted as specified in this part for public water supply systems not included under part 4720.5520, subpart 1.

Subp. 2. **Pumping capacity.** When a pumping test is conducted, the public water supply well must be pumped at its maximum obtainable capacity.

Subp. 3. **Pumping discharge rate.** The pumping discharge rate must be held to within ten percent of the discharge rate selected for the test.

Subp. 4. **Water level measurement.** The water level measurements must be recorded in units of one-hundredths of a foot.

Subp. 5. **Total volume of water measurement.** The total volume of water pumped during the pumping phase of the test must be recorded as the total gallons pumped.

Subp. 6. **Pumping test length.** The length of the pumping test must be as long as allowed by the:

A. capability of the pump;

B. capacity of the water reservoirs;

C. capacity of the water distribution system; and

D. capability to dispose of excess discharge water.

Subp. 7. **Frequency of readings.** Water levels must be measured for the duration of the test, and with sufficient frequency to characterize the drawdown versus time response in each of the time intervals specified in part 4720.5520, subpart 8 for a confined aquifer setting, or subpart 9 for an unconfined aquifer setting.

Subp. 8. **Recording; start and finish.** The date and time of the start and the finish of the pumping test must be recorded to the second.

Subp. 9. **Recording and submittal requirements.** Pumping test data must be recorded and submitted to the department on forms or electronic data file templates provided by the department.

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4720.5540 AQUIFER TEST PLAN CONTENT.

An aquifer test plan must be prepared for the wells in a public water supply system and submitted to the department for approval. The aquifer test plan must contain:

A. the state identifier;

B. a map showing the location of the pumping well and the monitoring well or environmental bore hole;

C. the name and address of the public water supplier;

D. the name and address of the person preparing the aquifer test plan;

E. specification of the method used from part 4720.5510, subpart 6;

F. a description of why the method was selected;

G. the existing data and the calculated transmissivity value, if the method selected is part 4710.5510, subpart 6, item A, B, E, F, or G.

4720.5550 CRITERIA FOR ASSESSING WELL VULNERABILITY.

Subpart 1. **Department determination.** The department shall use the criteria specified in this part to assign priority and notify a public water supplier in writing that a wellhead protection plan must be prepared for an existing well.

Subp. 2. **Well vulnerability criteria.** A public water supply well is vulnerable if:

A. the well water contains ten milligrams per liter or more nitrate plus nitrite nitrogen;

B. the well water contains quantifiable levels of pathogens as defined in part 7040.0100, subpart 26, or chemical compounds that indicate groundwater degradation as defined in *Minnesota Statutes*, section 103H.005, subdivision 6;

C. the well water contains one tritium unit or more when measured with an enriched tritium detection method; or

D. an enriched tritium analysis of the well water has not been performed within the past ten years; and

(1) information on the well construction is not available; or

(2) the geological material from the land surface to where the groundwater enters the public water supply well is:

(a) fractured bedrock;

(b) solution weathered bedrock;

(c) sandstone bedrock;

(d) unconsolidated material 0.062 millimeters (fine sand) or larger; or

(e) a combination of the materials specified in subitems (a) to (d).

4720.5555 CRITERIA FOR PLAN REVIEW.

Subpart 1. **Compliance with rules.** The department shall review:

A. an aquifer test plan for compliance with parts 4720.5320 and 4720.5510 to 4720.5540; and

B. a wellhead protection plan for compliance with parts 4720.5100 to 4720.5590.

Subp. 2. **Principles of review.** In addition to verifying compliance with rules, the department shall determine if the plan is based on:

A. hydrologic management of water criteria, including:

(1) upgradient and downgradient effects on groundwater by actions impacting water and related land resources;

(2) data and complete documentation of technical analysis;

(3) the interrelationships between surface water and groundwater, land and water use, and quality and quantity of water; and

(4) the effects of potential variations in precipitation;

B. health and environmental protection criteria, including:

(1) prevention of potential water and related land resource problems;

(2) anticipated improvements in the overall quality of the environment;

(3) public health and safety; and

(4) potential cumulative effects of past, present, and future actions; and

C. management criteria, including:

(1) estimated cost of implementing the wellhead protection plan;

(2) methods used to fund the wellhead protection plan;

(3) ways that wellhead protection planning is coordinated with other related planning programs;

(4) approaches used to identify problems and opportunities; and

(5) use of water conservation practices.

4720.5560 IMPLEMENTATION OF APPROVED WELLHEAD PROTECTION PLAN.

Subpart 1. **Plan implementation.** A public water supplier must begin implementation of a plan no later than 60 days after the public water supplier has received department approval of the plan or amendments to the plan.

Subp. 2. **Notification after plan adoption.** A public water supplier must notify local units of government within the drinking water supply management area of the adoption of a plan or amendments to a plan no later than 60 days after the public water supplier has received department approval of the plan or amendments to the plan.

4720.5570 AMENDMENTS TO WELLHEAD PROTECTION PLAN.

Subpart 1. **Amendments required.** A public water supplier must review and amend a wellhead protection plan:

A. if a well is added to the public water supply system;

B. if the boundaries of a wellhead protection area being delineated overlaps the boundaries of a department approved wellhead protection area of another public water supply system; or

C. every ten years from the date of the last approval of a plan by the department.

Subp. 2. **Amendment procedure**. Amendments to a wellhead protection plan must be developed and reviewed in the same manner specified in parts 4720.5300 to 4720.5360 for an initial wellhead protection plan.

Subp. 3. **Amendment timing.** The process of amending a wellhead protection plan in compliance with subpart 1, item C, must begin eight years after the date of the last approval of a plan by the department.

Subp. 4. **Amendment criteria.** Amendments to a wellhead protection plan must comply with parts 4720.5200 to 4720.5290 and 4720.5500 to 4720.5540.

4720.5580 VARIANCE PROCEDURES.

The commissioner shall grant a variance to parts 4720.5200 to 4720.5570 only according to the procedures and criteria in parts 4717.7000 to 4717.7050.

4720.5590 INFORMAL RESOLUTION OF DISPUTES.

Subpart 1. **Applicability.** A public water supplier may use the procedures in this part to resolve any conflict between the public water supplier and the department about the development and implementation of a wellhead protection plan.

Subp. 2. **Request for meeting.** A public water supplier must request a meeting with the department by submitting a written request to the department that specifically identifies the provision of the wellhead protection plan in question and the issue involved. No later than 60 days after the meeting, the department shall notify the public water supplier in writing of the results of the meeting.

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Pollution Control Agency

Proposed Permanent Rules Relating to Water Standards for Lake Superior Basin

Notice of Hearing

Proposed Amendments to Rules Governing Water Quality Standards for Protection of Quality and Purity, *Minnesota Rules* 7050.0180, 7050.0185, 7050.0210, 7050.0216, 7050.0224, 7050.0460 and 7050.0470; and Proposed New Rules Governing Water Quality Standards, Standard Implementation, and Nondegradation Standards for Great Lakes Initiative Pollutants in the Lake Superior Basin, *Minnesota Rules* Chapter 7052.

Public Hearing. The Minnesota Pollution Control Agency (MPCA) intends to adopt the above referenced rules after public hearings following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The MPCA will hold public hearings on the above-entitled rules at the following dates and locations, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary.

DATE	PLACE	TIME
Sept. 15, 1997	Coates Plaza Hotel 502 Chestnut Street Virginia, Minnesota	1:00 p.m. - 4:30 p.m.
Sept. 16, 1997	Community Center 317 W. 5th Street Grand Marais, Minnesota	1:00 p.m. - 4:30 p.m.
Sept. 17, 1997	Commissioner's Boardroom St. Louis County Courthouse Duluth, Minnesota	1:00 p.m. - 5:00 p.m. and 7:00 p.m. - 9:00 p.m.
Sept. 24, 1997	MPCA Boardroom 520 Lafayette Road North St. Paul, Minnesota	9:00 a.m. - 4:30 p.m.

All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. The hearing will be conducted by:

Judge Richard C. Luis
Administrative Law Judge
Minnesota Office of Administrative Hearings
100 Washington Square, Suite 1700
100 Washington Avenue South
Minneapolis, Minnesota 55401-2138
(612) 349-2542
FAX (612) 349-2665

The rule hearing procedure is governed by *Minnesota Statutes* sections 14.131 to 14.20 and by the rules of the Office of Administrative Hearings, *Minnesota Rules* parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

Subject of Rules and Statutory Authority. The subject of the hearings will be the proposed amendments to rules governing water quality standards and the proposed new rules governing water quality standards, implementation procedures, and nondegradation standards for Great Lakes Initiative (GLI) pollutants in the Lake Superior Basin. The MPCA's authority to adopt water quality standards and to classify waters of the state is found in *Minnesota Statutes* section 115.03 (1996), particularly subdivisions 1(b) and 1(c). Additional authority for adopting standards is established under *Minnesota Statutes* section 115.44, subds. 2 and 4 (1996). A copy of the proposed rule amendments and proposed new rule is published immediately after this notice.

MPCA Contact Person. Questions about the rules and requests for information on the rules can be made to the MPCA contact person:

Shannon Lotthammer
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
(612) 296-7727; 1-800-657-3864
FAX (612) 297-8683
TTY: (612) 282-5332
E-mail: shannon.lotthammer@pca.state.mn.us

Statement of Need and Reasonableness. A Statement of Need and Reasonableness (SONAR) is available for review at the MPCA offices and at the Office of Administrative Hearings. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may be reviewed and copies obtained at the cost of reproduction from either the MPCA contact person or the Office of Administrative Hearings.

Impacts on Farming Operations. *Minnesota Statutes* § 14.111 requires that if any agency adopts or repeals rules that affect farming operations, the agency must provide a copy of the proposed rule to the Commissioner of Agriculture, no later than 30 days prior to publication of the proposed rule in the *State Register*. A cover letter and copy of the proposed rule was sent to Commissioner Hugoson on May 20, 1997 explaining the rulemaking. No comments have been received by the MPCA.

Review by 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 MPCA will send a copy of the proposed rules to the Commissioner of Transportation prior to the commencement of the public notice period.

Consideration of Economic Factors. In proposing these rules, the MPCA has given due consideration to available information as to any economic impacts the proposed rules would have. These economic impacts are described in detail in Part IV B. of the Statement of Need and Reasonableness. For the proposed amendments to chapter 7050, only the listing of wild rice waters has the potential for an economic impact. Water level fluctuation in wild rice waters has been identified as the most critical factor influencing sustained wild rice production. Therefore, the most likely class of persons who will bear the potential cost of the rule amendments, through the voluntary implementation of best management practices, would be those whose activities contribute to water level fluctuations. Examples of such activities include: beaver dam removal efforts that facilitate road construction and repair or that address localized "nuisance" flooding conditions of adjacent lands; wetland filling projects or water diversion activities, either alone or on a cumulative basis, that cause significant (greater than six inch) downstream water level rises; and lake outlet modifications that impede the natural lake outflow rate.

The proposed chapter 7052 is likely to have the largest impact on dischargers proposing a new or expanded discharge of a bioaccumulative substance of immediate concern (BSIC) to a surface water of the state in the Lake Superior Basin designated an outstanding international resource water. These dischargers would be required to, at a minimum, perform a nondegradation demonstration and determine and install the best technology in process and treatment available to eliminate or minimize the increased loading of the BSIC.

Of the existing dischargers in the Lake Superior Basin, the proposed rules will likely have the greatest impact on the Western Lake Superior Sanitary District (WLSSD). The default mixing zone provisions in the proposed rules would result in more stringent effluent limitations for WLSSD. However, the MPCA could allow a larger mixing zone if WLSSD completes a mixing zone demonstration under part 7052.0210, subpart 2. Mixing zones for bioaccumulative chemicals of concern (BCCs), which include the BSICs, are proposed to be phased-out by March 23, 2007, but there are exceptions available to this phase-out.

Other than WLSSD, the MPCA anticipates that existing dischargers in the Lake Superior Basin will not be greatly impacted by the proposed rules. While the rules do contain more stringent water quality standards for many of the BCCs, including mercury, the practical effect of the change is minimal due to the analytical detection level of these chemicals being much greater than the proposed standards. Dischargers may incur some additional costs due to mandatory pollutant minimization requirements proposed to

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be applied when a pollutant is expected to be in a discharge but is below the level of detection, when a discharger receives a variance, or when a discharger requests extension of the mixing zone allowance beyond March 23, 2007. However, pollution prevention and minimization activities are already being incorporated into NPDES permits and facility operation plans in the Lake Superior Basin. The addition of the pollutant minimization plan requirement will merely accelerate this trend.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing.

Response Period. Following the comment period, there is a five-working-day-response period during which the MPCA and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period.

All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received by the Office of Administrative Hearings on this matter after publication of the proposed rules in the *State Register* on August 4, 1997 will be available for review at the Office of Administrative Hearings.

The MPCA requests that any person submitting written views or data to the Administrative Law Judge before the hearing, at the hearing or during the period the hearing record is open should also submit a copy of the written views or data to the MPCA contact person at the address stated above.

Alternative Format or Accommodation. On request, this Notice can be made available in an alternative format such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the MPCA contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, 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.

Adoption Procedure After Hearing. After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. After the report is issued, the MPCA Board will make the final decision on whether to adopt the rule. You may also ask to be notified of the date on which the MPCA adopts the rule and files them with the Secretary of State, or ask to register with the MPCA to receive notice of future rule proceedings, and can make this request at the hearing or in writing to the MPCA contact person at the address stated above.

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

Order. I order that the rulemaking hearings be held at the dates, times and locations listed above.

Peder A. Larson
Commissioner

7050.0180 NONDEGRADATION FOR OUTSTANDING RESOURCE VALUE WATERS.

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

Subp. 2. **Definitions.** For the purpose of this part, the following terms have the meanings given them:

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

B. "New discharge" means a discharge that was not in existence on the effective date the outstanding resource value water was designated as described in parts 7050.0460 and 7050.0470.

C. "Expanded discharge" means, except as noted in this item, a discharge that changes in volume, quality, location, or any other manner after the effective date the outstanding resource value water was designated as described in parts 7050.0460 and 7050.0470, such that an increased loading of one or more pollutants results. In determining whether an increased loading of one or more pollutants would result from the proposed change in the discharge, the agency shall compare the loading that would result from the proposed discharge with the loading allowed by the agency as of the effective date of outstanding resource value water designation. This definition does not apply to the discharge of bioaccumulative chemicals of concern, as defined in part 7052.0010,

subpart 4, to outstanding resource value waters in the Lake Superior Basin. For purposes of part 7050.0180, an expanded discharge of a bioaccumulative chemical of concern to an outstanding resource value water in the Lake Superior Basin is defined in part 7052.0010, subpart 18.

Subp. 3. **Prohibited discharges.** No person may cause or allow a new or expanded discharge of any sewage, industrial waste, or other waste to waters within the Boundary Waters Canoe Area Wilderness~~,~~; those portions of Lake Superior north of latitude 47 degrees, 57 minutes, 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the Minnesota-Michigan boundary; Voyageur's National Park~~,~~; or Department of Natural Resources designated scientific and natural areas~~,~~; or to federal or state wild river segments.

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

Subp. 5. **State designated wild river segments.** State designated wild river segments include but are not limited to:

A. Kettle River from the site of the former dam at Sandstone to its confluence with the Saint Croix River;

B. Rum River from Ogechie Lake spillway to the northernmost confluence with Lake Onamia.

Subp. 6. **Restricted discharges.** No person may cause or allow a new or expanded discharge of any sewage, industrial waste, or other waste to any of the following waters unless there is not a prudent and feasible alternative to the discharge:

A. Lake Superior, except those portions identified in subpart 3 as a prohibited discharges zone;

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

E. calcareous fens identified in ~~part 7050.0180,~~ subpart 6b.

If a new or expanded discharge to these waters is permitted, the agency shall restrict the discharge to the extent necessary to preserve the existing high quality, or to preserve the wilderness, scientific, recreational, or other special characteristics that make the water an outstanding resource value water.

Subp. 6a. **Federal or state designated scenic or recreational river segments.** Waters with a federal or state scenic or recreational designation include but are not limited to:

A. Saint Croix River, entire length;

B. Cannon River from northern city limits of Faribault to its confluence with the Mississippi River;

C. North Fork of the Crow River from Lake Koronis outlet to the Meeker-Wright county line;

D. Kettle River from north Pine County line to the site of the former dam at Sandstone;

E. Minnesota River from Lac qui Parle dam to Redwood County state aid highway 11;

F. Mississippi River from county state aid highway 7 bridge in Saint Cloud to northwestern city limits of Anoka; and

G. Rum River from state highway 27 bridge in Onamia to Madison and Rice Streets in Anoka.

[For text of subps 6b to 10, see M.R.]

7050.0185 NONDEGRADATION FOR ALL WATERS.

[For text of subps 1 to 7, see M.R.]

Subp. 8. **Determination of reasonable control measures for significant discharges.** The person proposing a new or expanded significant discharge of sewage, industrial waste, or other wastes shall submit to the commissioner information pertinent to those factors specified in subpart 4 for determining whether and what additional control measures are reasonable.

The commissioner shall provide notice and an opportunity for a public hearing in accordance with the permit requirements in chapter 7001 ~~and parts 7023.9000 to 7023.9050~~ before establishing reasonable control requirements for a new or expanded significant discharge.

[For text of subp 9, see M.R.]

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7050.0210 GENERAL STANDARDS FOR DISCHARGERS TO WATERS OF THE STATE.

[For text of subps 1 to 15, see M.R.]

Subp. 17. **Compliance with permit conditions.** No person who is in compliance with the terms and conditions of its permit issued under chapter 7001 ~~and parts 7023.9000 to 7023.9050~~ shall be deemed in violation of any water quality standard in this rule for which a corresponding effluent limitation is established in the permit. However, exceedances of the water quality standards in a receiving water shall constitute grounds for modification of a permit(s) for any discharger(s) to the receiving water who is (are) causing or contributing to the exceedances. Chapter 7001 ~~and parts 7023.9000 to 7023.9050~~ shall govern the modification of any such permit.

[For text of subp 18, see M.R.]

7050.0216 REQUIREMENTS FOR AQUACULTURE FACILITIES.

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

Subp. 2. **Permit required.** No person may construct, operate, or maintain a concentrated aquatic animal production facility until the agency has issued a National Pollutant Discharge Elimination System and State Disposal System (NPDES/SDS) permit for the facility in accordance with chapter 7001 ~~and parts 7023.9000 to 7023.9050~~. Production levels of multiple projects and multiple stages of a single project that are connected actions or phased actions will be considered in total under subpart 1, item E.

[For text of subps 3 to 6, see M.R.]

7050.0224 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR CLASS 4 WATERS OF THE STATE; AGRICULTURE AND WILDLIFE.

Subpart 1. **General.** The numerical and narrative water quality standards in this part prescribe the qualities or properties of the waters of the state that are necessary for the agriculture and wildlife designated public uses and benefits. Wild rice is an aquatic plant resource found in certain waters within the state. The harvest and use of grains from this plant serve as a food source for wildlife and humans. In recognition of the ecological importance of this resource, wild rice waters have been specifically identified and listed in parts 7050.0460 and 7050.0470, subpart 1. The quality of these waters and the aquatic habitat necessary to support the propagation and maintenance of wild rice plant species must not be materially impaired or degraded. If the standards in this part are exceeded in waters of the state that have the Class 4 designation, it is considered indicative of a polluted condition which is actually or potentially deleterious, harmful, detrimental, or injurious with respect to the designated uses.

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

7050.0460 WATERS SPECIFICALLY CLASSIFIED.

The waters of the state listed in part 7050.0470 are classified as specified. The specific stretch of watercourse or the location of a waterbody is described by township, range, and section, abbreviated as T., R., S., respectively. Any community listed in part 7050.0470 is the community nearest the water classified, and is included solely to assist in identifying the water.

Outstanding resource value waters are listed in part 7050.0470 and are denoted by an asterisk (*) preceding the name of the water resource. Following the name is the effective date the water resource was designated as an outstanding resource value water and a letter code that corresponds to the applicable discharge restrictions in part 7050.0180, subpart 3 or 6. The letter code P corresponds to the prohibited discharges provision in part 7050.0180, subpart 3. The letter code R corresponds to the restricted discharges provision in part 7050.0180, subpart 6. The waters listed in part 7050.0470, subpart 1, that are not designated as outstanding resource value waters or classified as Class 7 waters are designated as outstanding international resource waters under part 7052.0300, subpart 3.

Waters listed in part 7050.0470 that are classified as Class 2Bd are Class 2B waters also classified for domestic consumption purposes. Applicable standards for Class 2Bd waters are listed in part 7050.0222, subpart 3.

Waters designated as wild rice waters in part 7050.0470, subpart 1, are identified by the letters WR appearing in brackets following the name of the water.

7050.0470 CLASSIFICATIONS FOR WATERS IN MAJOR SURFACE WATER DRAINAGE BASINS.

Subpart 1. **Lake Superior Basin.** The water use classifications for the listed waters in the Lake Superior Basin are as identified in items A, B, and D.

A. Streams:

[For text of subitems (1) to (115), see M.R.]

~~(116) Kinney Creek, (T.58, R.19, S.11): 1B, 2A, 3B;~~

[Subitems (117) to (192) renumber as (116) to (191)

(192) St. Louis River, [WR] (T.58, R.12, S.21, 22, 27, 28, 31, 32, 33; T.58, R.13, S.36): 2B, 3B;

[For text of subitems (193) to (271), see M.R.]

B. Lakes:

(1) *Alder Lake, [11/5/84P] (T.64, R.1E): 1B, 2A, 3B;

(2) *Alton Lake, [11/5/84P] (T.62, 63, R.4, 5): 1B, 2A, 3B;

(3) Artichoke Lake, [WR] (T.52, R.17, S.17, 18, 19, 20): 2B, 3B;

(4) Bath Lake, (T.62, R.1W, S.5, 6; T.63, R.1W, S.31, 32): 1B, 2A, 3B;

~~(4)~~ (5) Bean Lake (Lower Twin), (T.56, R.8W, S.25, 26): 1B, 2A, 3B;

~~(5)~~ (6) Bear Lake (Upper Twin), (T.56, R.8W, S.25): 1B, 2A, 3B;

~~(6)~~ (7) Bearskin Lake, East, (T.64, R.1E, 1W): 1B, 2A, 3B;

~~(7)~~ (8) *Bearskin Lake, West, [3/7/88R] (T.64, 65, R.1): 1B, 2A, 3B;

~~(8)~~ (9) *Bench Lake, [11/5/84P] (T.64, 2E, S.6): 1B, 2A, 3B;

~~(9)~~ (10) Benson Lake, (T.58, R.6W, S.29, 32): 1B, 2A, 3B;

~~(10)~~ (11) *Birch Lake, [3/7/88R] (T.65, R.1, 2): 1B, 2A, 3B;

~~(11)~~ (12) *Black Lake, [3/7/88P] (T.45, R.15): 1B, 2Bd, 3B;

(13) Bluebill Lake, [WR] (T.59, R.7, S.15): 2B, 3B;

~~(12)~~ (14) Bogus Lake, (T.62, R.2E, S.12): 1B, 2A, 3B;

~~(13)~~ (15) Bone Lake, (T.61, R.6W, S.13, 14): 1B, 2A, 3B;

~~(14)~~ (16) Boys Lake, (T.62, R.2E, S.5, 8): 1B, 2A, 3B;

(17) Breda Lake, [WR] (T.56, R.12, S.16): 2B, 3B;

~~(15)~~ (18) Briar Lake, (T.53, R.13W, S.14, 15, 23):1B, 2A, 3B;

~~(16)~~ (19) *Brule Lake, [11/5/84P] (T.63, R.2, 3): 1B, 2A, 3B;

(20) Cabin Lake, [WR] (T.59, R.7, S.13, 14, 23, 24): 2B, 3B;

~~(17)~~ (21) Canton Mine Pit Lake, (T.58, R.16, S.2, 3): 1C, 2Bd, 3B;

(22) Caribou Lake, [WR] (T.60, R.3W, S.1, 2, 11, 12; T.61, R.3W, S.35, 36): 2B, 3B;

~~(18)~~ (23) Carrot Lake, (T.64, R.2E, S.17): 1B, 2A, 3B;

~~(19)~~ (24) Cedar Lake, (T.58, R.15W, S.20): 1B, 2A, 3B;

~~(20)~~ (25) Chester Lake, (T.64, R.3E, S.32, 33): 1B, 2A, 3B;

(26) Christine Lake, [WR] (T.61, R.3W, S.28, 29, 32): 2B, 3B;

~~(21)~~ (27) Clear Lake, (T.52, R.15W, S.23): 1B, 2A, 3B;

~~(22)~~ (28) *Clearwater Lake (Emby Lake), [11/5/84P] (T.65, R.1E): 1B, 2A, 3B;

~~(23)~~ (29) Colby Lake, (T.58, R.14): 1B, 2Bd, 3B;

~~(24)~~ (30) *Cone Lake, North, [11/5/84P] (T.63, 64, R.3): 1B, 2A, 3B;

~~(25)~~ (31) Corona Lake, (T.48, R.19W, S.11, 12): 1B, 2A, 3B;

~~(26)~~ (32) Corsica Mine Pit Lake, (T.58, R.16, S.18): 1C, 2Bd, 3B;

~~(27)~~ (33) *Crystal Lake, [11/5/84P] (T.64, R.1E, 2E): 1B, 2A, 3B;

~~(28)~~ (34) *Daniels Lake, [11/5/84P] (T.65, R.1E, 1W): 1B, 2A, 3B;

~~(29)~~ (35) *Davis Lake, [11/5/84P] (T.64, R.3): 1B, 2A, 3B;

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~~(30)~~ (36) Devilfish Lake, (T.64, R.3E): 1B, 2A, 3B;

~~(31)~~ (37) Dislocation Lake, (T.63, R.1W, S.3): 1B, 2A, 3B;

~~(32)~~ (38) Divide (Towhey) Lake, (T.59, R.7W, S.7, 8): 1B, 2A, 3B;

~~(33)~~ (39) Duke Lake, (T.63, R.1E, S.30): 1B, 2A, 3B;

~~(34)~~ (40) *Duncan Lake, [11/5/84P] (T.65, R.1): 1B, 2A, 3B;

~~(35)~~ (41) *Dunn Lake, [11/5/84P] (T.65, R.1, 2): 1B, 2A, 3B;

~~(36)~~ (42) Dyers Lake, (T.58, R.5W, S.4, 5, 8, 9): 1B, 2A, 3B;

~~(37)~~ (43) *Echo Lake, [3/7/88R] (T.59, R.6): 1B, 2A, 3B;

~~(38)~~ (44) Echo Lake, (T.59, R.6W, S.14, 15, 22, 23): 1B, 2A, 3B;

~~(39)~~ (45) Elbow Lake, Little, (T.57, R.18W, S.9, 10, 16): 1B, 2A, 3B;

~~(40)~~ (46) Embarrass Mine Pit (Lake Mine), (T.58, R.15W, S.5, 6): 1B, 2A, 3B;

~~(41)~~ (47) Esther Lake, (T.63, R.3E, S.6; T.64, R.3E, S.31): 1B, 2A, 3B;

~~(42)~~ (48) *Fan Lake, [11/5/84P] (T.65, R.2E): 1B, 2Bd, 3A;

~~(43)~~ (49) Flour Lake, (T.64, R.1E, 1W): 1B, 2A, 3B;

~~(44)~~ (50) Forsyth Mine Pit, (T.58, R.19W, S.11): 1B, 2A, 3B;

(51) Fourmile Lake, [WR] (T.60, R.5W, S.4, 8, 9, 10, 16, 17): 2B, 3B;

~~(45)~~ (52) Fowl Lake, North, (T.64, 65, R.3E): 1B, 2Bd, 3A;

~~(46)~~ (53) Fowl Lake, South, (T.64, 65, R.3E): 1B, 2Bd, 3A;

~~(47)~~ (54) Fraser Mine Pit Lake, (T.58, R.20, S.23): 1C, 2Bd, 3B, until the city of Chisholm no longer uses Fraser Mine Pit Lake as a water supply source for its public water system, and then the classification is identified in part 7050.0430;

~~(48)~~ (55) *Gadwall Lake, [11/5/84P] (T.64, R.2E, S.3): 1B, 2A, 3B;

~~(49)~~ (56) *Gaskin Lake, [11/5/84P] (T.64, R.2): 1B, 2A, 3B;

~~(50)~~ (57) *Gogebic Lake, [11/5/84P] (T.65, R.2E, S.30, 31): 1B, 2A, 3B;

~~(51)~~ (58) Goldeneye (Duck) Lake, (T.59, R.6W, S.15): 1B, 2A, 3B;

~~(52)~~ (59) *Greenwood Lake, [3/7/88R] (T.64, R.2E): 1B, 2A, 3B;

(60) Hay Lake, [WR] (T.59, R.15, S.8): 2B, 3B;

~~(53)~~ (61) Hungry Jack Lake, (T.64, 65, R.1): 1B, 2A, 3B;

~~(54)~~ (62) *Jake (Jackel) Lake, [11/5/84P] (T.64, R.1W, S.28): 1B, 2A, 3B;

~~(55)~~ (63) Jim Lake (Jerry Lake), (T.64, R.1E): 1B, 2A, 3B;

~~(56)~~ (64) Judson Mine Pit, (T.58, R.19W, S.20, 29): 1B, 2A, 3B;

~~(57)~~ (65) Junco Lake, (T.62, R.1W, S.11, 12, 13): 1B, 2A, 3B;

~~(58)~~ (66) *Kemo Lake, [3/7/88R] (T.63, R.1): 1B, 2A, 3B;

~~(59)~~ (67) Kimball Lake, (T.62, R.2E, S.7, 8, 17): 1B, 2A, 3B;

~~(60)~~ (68) Leo Lake, (T.64, R.1W, S.4, 5): 1B, 2A, 3B;

(69) Lieung (Lieuna) Lake, [WR] (T.53, R.13, S.3, 4, 9, 10): 2B, 3B;

~~(61)~~ (70) *Lily Lakes, [11/5/84P] (T.65, R.2E): 1B, 2Bd, 3A;

~~(62)~~ (71) Lima Lake, (T.64, R.1W, S.35): 1B, 2A, 3B;

~~(63)~~ (72) *Lizzie Lake, [11/5/84P] (T.64, R.1W, S.7, 18): 1B, 2A, 3B;

~~(64)~~ (73) Loaine (Sand) Lake, (T.54, R.12W, S.16, 17): 1B, 2A, 3B;

~~(65)~~ (74) Loft Lake, (T.64, R.3E, S.21): 1B, 2A, 3B;

(75) Long Lake, [WR] (T.57, R.12, S.4, 5; T.58, R.12, S.32, 33): 2B, 3B;

~~(66)~~ (76) Lost Lake, (T.63, R.3E, S.32): 1B, 2A, 3B;

~~(67)~~ (77) Margaret Lake, (T.64, R.3E, S.27, 28, 33, 34): 1B, 2A, 3B;
(78) Marsh Lake, [WR] (T.62, R.4W, S.22, 23, 27, 28): 2B, 3B;
~~(68)~~ (79) McFarland Lake, (T.64, R.3E): 1B, 2A, 3B;
~~(69)~~ (80) Mink Lake, (T.62, R.2E, S.8): 1B, 2A, 3B;
~~(70)~~ (81) *Misquah Lake, [11/5/84P] (T.64, R.1): 1B, 2A, 3B;
~~(71)~~ (82) Missabe Mountain Mine Pit Lake, (T.58, R.17, S.8): 1C, 2Bd, 3B;
(83) Moore Lake, [WR] (T.62, R.4W, S.23, 24): 2B, 3B;
~~(72)~~ (84) Moosehorn Lake, (T.63, R.3E, S.36; T.63, R.4E, S.31): 1B, 2A, 3B;
~~(73)~~ (85) *Moose Lake, [11/5/84P] (T.65, R.2E, 3E): 1B, 2A, 3A;
~~(74)~~ (86) *Morgan Lake, [11/5/84P] (T.64, R.1W, S.27, 28): 1B, 2A, 3B;
~~(75)~~ (87) Morton Mine Pit Lake, (T.57, R.21, S.10, 11, 14): 1C, 2Bd, 3B;
~~(76)~~ (88) *Moss Lake, [3/7/88R] (T.65, R.1): 1B, 2A, 3B;
~~(77)~~ (89) *Mountain Lake, [11/5/84P] (T.65, R.1E, 2E): 1B, 2A, 3B;
~~(78)~~ (90) Muckwa Lake, (T.63, R.1E, S.21, 28): 1B, 2A, 3B;
~~(79)~~ (91) *Mulligan Lake, [11/5/84P] (T.63, R.3W, S.1, 12): 1B, 2A, 3B;
~~(80)~~ (92) Musquash Lake, (T.63, R.1E, S.20, 28, 29): 1B, 2A, 3B;
~~(81)~~ (93) Normanna Lake, (T.52, R.13W, S.7, 8): 1B, 2A, 3B;
(94) Northern Light Lake, [WR] (T.63, R.2E, S.29, 30, 31, 32, 33; T.63, R.1E, S.25): 2B, 3B;
~~(82)~~ (95) Olson Lake, (T.62, R.1W, S.9, 16): 1B, 2A, 3B;
~~(83)~~ (96) *Onega Lake (Omega Lake), [11/5/84P] (T.64, R.2, 3): 1B, 2A, 3B;
~~(84)~~ (97) *Otto Lake, Lower, [11/5/84P] (T.64, R.2): 1B, 2A, 3B;
~~(85)~~ (98) Pancore (Lost) Lake, (T.61, R.4W, S.22, 27): 1B, 2A, 3B;
(99) Papoose Lake, [WR] (T.55, R.12, S.9): 2B, 3B;
~~(86)~~ (100) *Partridge Lake, [11/5/84P] (T.65, R.1): 1B, 2A, 3B;
~~(87)~~ (101) *Pemmican Lake, [11/5/84P] (T.65, R.2E, S.22): 1B, 2A, 3B;
~~(88)~~ (102) *Pike Lake, West, [11/5/84P] (T.65, R.2E): 1B, 2A, 3B;
~~(89)~~ (103) Pine Lake, (T.63, R.1W, S.35, 36): 1B, 2A, 3B;
~~(90)~~ (104) *Pine Lake, [11/5/84P] (T.64, 65, R.1E, 2E, 3E): 1B, 2A, 3B;
~~(91)~~ (105) Pine Mountain Lake, (T.63, R.1E, S.26, 27, 34, 35): 1B, 2A, 3B;
~~(92)~~ (106) Poplar Lake, (T.64N, R.1, 2W): 1C, 2Bd, 3B;
~~(93)~~ (107) *Ram Lake, [11/5/84P] (T.63, R.1W, S.9, 10): 1B, 2A, 3B;
(108) Rice Lake, [WR] (T.61 R.3W, S.7; T.61, R.4W, S.2, 11, 12): 2B, 3B;
~~(94)~~ (109) *Rose Lake, [11/5/84P] (T.65, R.1): 1B, 2A, 3B;
(110) Round Island Lake, [WR] (T.59, R.8, S.12): 2B, 3B;
(111) Round Lake, [WR] (T.58, R.12, S.25, 26): 2B, 3B;
~~(95)~~ (112) St. James Mine Pit, (T.58, R.15W, S.3, 4): 1B, 2A, 3B;
~~(96)~~ (113) Saint Mary's Lake, (T.57, R.17, S.9, 16, 17): 1C, 2Bd, 3B;

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~~(97)~~ (114) *Sawbill Lake, [11/5/84P] (T.62, 63, R.4): 1B, 2Bd, 3B;

~~(98)~~ (115) Section 8 Lake, (T.59, R.7W, S.8): 1B, 2A, 3B;

~~(99)~~ (116) Seven Beaver Lake, [WR] (T.58, R.11, 12): 2B, 3A;

~~(100)~~ (117) Shady, North, Lake, (T.64, R.2E, S.21, 22): 1B, 2A, 3B;

~~(101)~~ (118) Shoe Lake, (T.64, 2E, S.30): 1B, 2A, 3B;

~~(102)~~ (119) Sled Lake, (T.63, R.1W, S.3): 1B, 2A, 3B;

~~(103)~~ (120) *Sock Lake, [11/5/84P] (T.65, R.2W, S.26): 1B, 2A, 3B;

~~(104)~~ (121) *South Lake, [11/5/84P] (T.65, R.1, 2): 1B, 2A, 3B;

~~(105)~~ (122) Spring Hole Lake, (T.55, R.14W, S.14): 1B, 2A, 3B;

~~(106)~~ (123) Squaw Lake, (T.63, R.3E, S.6; T.64, R.3E, S.31): 1B, 2A, 3B;

~~(107)~~ (124) *State Lake, [11/5/84P] (T.63, 64, R.2): 1B, 2A, 3B;

~~(108)~~ (125) Steer Lake, (T.60, R.6W, S.32): 1B, 2A, 3B;

(126) Stone Lake, [WR] (T.55, R.17, S.6; T.55, R.18, S.1; T.56, R.17, S.31; T.56, R.18, S.36): 2B, 3B;

(127) Stone Lake (Skibo Lake), [WR] (T.58, R.12, S.17, 19, 20): 2B, 3B;

(128) Stone Lake (Murphy Lake), [WR] (T.56, R.12, S.13, 24): 2B, 3B;

~~(109)~~ (129) *Superior, Lake, excluding the portions identified in subitem (130) [11/5/84R] (T.49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, R.14W-7E): 1B, 2A, 3A;

(130) *Superior, Lake, [effective date of these rules P] (those portions of Lake Superior north of latitude 47 degrees, 57 minutes, 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the Minnesota-Michigan boundary): 1B, 2A, 3A;

(131) Swamp River (Reservoir), [WR] (T.63, R.4E, S.4; T.64, R.4E, S.33): 2B, 3B;

~~(110)~~ (132) *Swan Lake, [11/5/84P] (T.63, R.2): 1B, 2A, 3B;

~~(111)~~ (133) Talus Lake, (T.63, R.1W, S.26, 27): 1B, 2A, 3B;

~~(112)~~ (134) Thompson Lake, (T.62, R.1W, S.19, 20, 29, 30): 1B, 2A, 3B;

~~(113)~~ (135) Thrasher Lake, (T.63, R.1W, S.31): 1B, 2A, 3B;

~~(114)~~ (136) Thrush Lake, (T.63, R.1W, S.31): 1B, 2A, 3B;

~~(115)~~ (137) *Topper Lake, [11/5/84P] (T.65, R.2W, S.27): 1B, 2A, 3B;

~~(116)~~ (138) *Trout Lake, [3/7/88R] (T.62, R.2E): 1B, 2A, 3B;

~~(117)~~ (139) *Trout Lake, Little, [11/5/84P] (T.63, R.1): 1B, 2A, 3B;

~~(118)~~ (140) Turnip Lake, (T.64, R.1E, S.24): 1B, 2A, 3B;

~~(119)~~ (141) Twin Lake, (T.50, R.14W, S.28, 33): 1B, 2A, 3B;

~~(120)~~ (142) *Twin Lake, Upper (Bear Lake), [3/7/88R] (T.56, R.8): 1B, 2A, 3B;

~~(121)~~ (143) Unnamed Lake, (T.63, R.3E, S.20, 21, 28, 29): 1B, 2A, 3B;

~~(122)~~ (144) Unnamed Lake, (T.63, R.1W, S.31): 1B, 2A, 3B;

~~(123)~~ (145) *Vale Lake, [11/5/84P] (T.64, R.2E, S.3): 1B, 2A, 3B;

~~(124)~~ (146) *Vista Lake, [11/5/84P] (T.64, R.1): 1B, 2A, 3B;

~~(125)~~ (147) *Wanihigan Lake (Trap Lake), [11/5/84P] (T.63, 64, R.2, 3): 1B, 2A, 3B;

~~(126)~~ (148) *Wee Lake, [11/5/84P] (T.62, R.4W, S.13): 1B, 2A, 3B;

~~(127)~~ (149) *Wench Lake, [11/5/84P] (T.63, R.3W, S.7, 18): 1B, 2A, 3B;

(150) White Pine Lake, [WR] (T.61, R.3W, S.19, 20, 29, 30): 2B, 3B;

~~(128)~~ (151) *Winchell Lake, [11/5/84P] (T.64, R.2, 3): 1B, 2A, 3B;

~~(129)~~ (152) *All other lakes in the Boundary Waters Canoe Area Wilderness [11/5/84P]: 1B, 2Bd, 3B; and

~~(130)~~ (153) *All wetlands in the Boundary Waters Canoe Area Wilderness [11/5/84P]: 2D.

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

[For text of subps 2 to 9, see M.R.]

7052.0005 SCOPE.

A. This chapter establishes aquatic life, human health, and wildlife water quality standards and criteria for Great Lakes Initiative (GLI) pollutants; nondegradation standards for surface waters of the state in the Lake Superior Basin including, on a limited basis as described in item B, Class 7 waters; and implementation procedures for deriving effluent limitations from these standards and criteria. Other water quality standards, nondegradation standards, and implementation procedures applicable to the surface waters of the state in the Lake Superior Basin can be found in chapters 7050 and 7065.

B. The water quality standards, nondegradation standards, and implementation procedures in this chapter apply to discharges to Class 7 waters to the extent necessary to ensure compliance with the standards established in this chapter in any downstream Class 2 waters.

7052.0010 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part, chapters 7001 and 7050, and *Minnesota Statutes*, chapter 115. If terms defined in this part conflict with the definitions in chapters 7001 and 7050, the definitions in this part govern for this chapter.

Subp. 2. **Acute toxicity.** "Acute toxicity" means a stimulus severe enough to rapidly induce a response. In toxicity tests, a response is normally observed in 96 hours or less. Acute effects are often measured in terms of mortality or other debilitating effects, represented as LC50s or EC50s, and expressed as concentrations of mass per unit volume, percent effluent, or toxic units.

Subp. 3. **Background.** "Background" means all loadings that:

A. flow from upstream waters into the specified watershed, waterbody, or waterbody segment for which a total maximum daily load (TMDL), wasteload allocation (WLA) in the absence of a TMDL or preliminary WLA for the purpose of determining the need for a water quality-based effluent limitation is being developed;

B. enter the specified watershed, waterbody, or waterbody segment through atmospheric deposition or sediment release or resuspension; or

C. occur within the specified watershed, waterbody, or waterbody segment as a result of chemical reactions.

Subp. 4. **Bioaccumulative chemical of concern or BCC.** "Bioaccumulative chemical of concern" or "BCC" means any chemical that has the potential to cause adverse effects which, upon entering the surface waters of the state, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor (BAF) greater than 1,000, after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation, in accordance with the methodology in part 7052.0110, subpart 3. Chemicals with half-lives of less than eight weeks in the water column, sediment, and biota are not BCCs. The minimum BAF information needed to define an organic chemical as a BCC is either a field-measured BAF or a BAF derived using the biota-sediment accumulation factor (BSAF) methodology. The minimum BAF information needed to define an inorganic chemical, including an organometal, as a BCC is either a field-measured BAF or a laboratory-measured bioconcentration factor. The BCCs are a subset of the GLI pollutants, and are listed in part 7052.0350.

Subp. 5. **Bioaccumulative substances of immediate concern or BSICs.** "Bioaccumulative substances of immediate concern" or "BSICs" means a list of substances identified in the September 1991 Bi-National Program to Restore and Protect the Lake Superior Basin. The BSICs are a subset of the BCCs, and are listed in part 7052.0350.

Subp. 6. **Biota-sediment accumulation factor or BSAF.** "Biota-sediment accumulation factor" or "BSAF" means the ratio (in kg of organic carbon/kg of lipid) of a substance's lipid-normalized concentration in tissue of an aquatic organism to its organic carbon-normalized concentration in surface sediment, in situations where the ratio does not change substantially over time, both the organism and its food are exposed, and the surface sediment is representative of average surface sediment in the vicinity of the organism.

Subp. 7. **Chronic criterion or CC.** "Chronic criterion" or "CC" means the highest water concentration of a toxicant or effluent to which organisms can be exposed indefinitely without causing chronic toxicity.

Subp. 8. **Chronic standard or CS.** "Chronic standard" or "CS" means the highest water concentration of a toxicant to which organisms can be exposed indefinitely without causing chronic toxicity. Chronic standards are listed in parts 7050.0222 and 7052.0100.

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Subp. 9. **Chronic toxicity.** "Chronic toxicity" means a stimulus that lingers or continues for a long period of time, often one-tenth the life span or more. A chronic effect can be mortality, reduced growth, reproduction impairment, harmful changes in behavior, and other nonlethal effects.

Subp. 10. **Control document.** "Control document" means a National Pollutant Discharge Elimination System permit, a State Disposal System permit, a feedlot permit issued under chapter 7020, or a Clean Water Act section 401 certification.

Subp. 11. **Criterion.** "Criterion" means a number or numbers established for a pollutant derived under parts 7050.0218, 7052.0110, or issued by the EPA, to protect aquatic life, humans, or wildlife.

Subp. 12. **Discharge-induced mixing area.** "Discharge-induced mixing area" means the area of initial mixing of an effluent with a receiving water, which is determined by the discharge velocity and the buoyancy of the effluent. Beyond the discharge-induced mixing area, mixing of the effluent with the receiving water is dependent on the mixing characteristics of the receiving water.

Subp. 13. **Economic or social development.** "Economic or social development" means the jobs, taxes, recreational opportunities, and other impacts on the public at large that will result from a new or expanded discharge.

Subp. 14. **Effluent design flow.** "Effluent design flow" means the annual average dry weather flow for publicly owned mechanical wastewater disposal systems or permit-designated maximum design flows for other facilities.

Subp. 15. **Endangered or threatened species.** "Endangered or threatened species" means those species that are listed as endangered or threatened under chapter 6134 or section 4 of the Endangered Species Act, *United States Code*, title 16, section 1533.

Subp. 16. **Environmental Protection Agency or EPA.** "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.

Subp. 17. **Existing discharger.** "Existing discharger" means any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," as defined in *Code of Federal Regulations*, title 40, section 122.2, to the Lake Superior Basin, that is not a new discharger.

Subp. 18. **Expanded discharge or expanding discharge.** "Expanded discharge" or "expanding discharge" means a discharge of a BCC to a surface water of the state in the Lake Superior Basin that changes in volume, quality, location, or any other manner due to an action or activity identified in part 7050.0310, subpart 4, after either:

A. the effective date the water was designated as an outstanding resource value water as described in parts 7050.0460 and 7050.0470; or

B. the effective date of this chapter if the water was designated as an outstanding international resource water under part 7052.0300, subpart 3, or a high quality water under part 7052.0300, subpart 4.

In determining whether an increased loading would result from the change in the discharge, the agency shall compare the loading that would result from the change with the loading that exists as of the effective date specified in item A or B, whichever applies.

Subp. 19. **Final acute value or FAV.** "Final acute value" or "FAV" means an estimate of the concentration of a pollutant corresponding to the cumulative probability of 0.05 in the distribution of all the acute toxicity values for the genera or species from the acceptable acute toxicity tests conducted on a pollutant. The FAV is the acute toxicity limitation applied to mixing zones in parts 7050.0210, subpart 5, and 7052.0210, subpart 1; and to dischargers in parts 7050.0211, subpart 1; 7050.0212, subpart 6; 7050.0214, subpart 1; 7052.0200, subpart 5; 7052.0230, subpart 4; and 7052.0270, subpart 5.

Subp. 20. **GLI Guidance.** "GLI Guidance" means the Water Quality Guidance for the Great Lakes System, *Code of Federal Regulations*, title 40, part 132, as amended through March 12, 1997.

Subp. 21. **GLI pollutant.** "GLI pollutant" means a toxic pollutant listed as a pollutant of initial focus in the GLI Guidance, *Code of Federal Regulations*, title 40, part 132, Table 6, as amended through March 12, 1997.

Subp. 22. **High quality waters.** "High quality waters" means surface waters of the state in which, on a parameter by parameter basis, the quality of the waters exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

Subp. 23. **Intake pollutant.** "Intake pollutant" means a GLI pollutant that is present in the surface waters of the state in the Lake Superior Basin and groundwater as provided in part 7052.0220, subparts 5 and 6, at the time it is withdrawn from such waters by the discharger or other facility, such as a public water supply, supplying the discharger with intake water.

Subp. 24. **Lake Superior Basin.** "Lake Superior Basin" means the drainage basin of Lake Superior within the state of Minnesota.

Subp. 25. **Load allocation or LA.** "Load allocation" or "LA"means the portion of a receiving water's loading capacity that is attributed either to one of its existing or future nonpoint sources or to natural background sources, as more fully defined at *Code of Federal Regulations*, title 40, part 130.2, paragraph (g). Nonpoint sources include: in-place contaminants, direct wet and dry deposition, groundwater inflow, and overland runoff.

Subp. 26. **Loading capacity.** "Loading capacity" means the greatest amount of loading that a water can receive without violating water quality standards or criteria.

Subp. 27. **Long-term average.** "Long-term average" means the projected design concentration level for an effluent or pollutant that must be maintained by a discharger in order to maintain water quality standards or criteria.

Subp. 28. **Maximum standard or MS.** "Maximum standard" or "MS" means the highest concentration of a toxicant in water to which aquatic organisms can be exposed for a brief time with zero to slight mortality. The MS equals the FAV divided by two. Maximum standards are listed in parts 7050.0222 and 7052.0100.

Subp. 29. **Method detection level or MDL.** "Method detection level" or "MDL" means the minimum concentration of an analyte (substance) that can be measured and reported with a 99 percent confidence that the analyte concentration is greater than zero as determined by the procedure in *Code of Federal Regulations*, title 40, part 136, Appendix B.

Subp. 30. **Minimum level or ML.** "Minimum level" or "ML" means the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes, and processing steps have been followed.

Subp. 31. **Natural background.** "Natural background" means the water quality characteristics or chemical concentrations existing where there is no discernible impact from point or nonpoint source pollutants attributable to human activity or from a physical alteration of wetlands. Where water quality monitoring data are not available, natural background can be predicted based on data from a watershed with similar characteristics.

Subp. 32. **New discharge.** "New discharge" means a discharge that was not in existence either:

A. on the effective date an outstanding resource value water was designated as such as described in parts 7050.0460 and 7050.0470; or

B. on the effective date of this chapter for surface waters of the state designated as outstanding international resource waters under part 7052.0300, subpart 3, or high quality waters under part 7052.0300, subpart 4.

Subp. 33. **New discharger.** "New discharger" means any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," as defined in *Code of Federal Regulations*, title 40, section 122.2, to surface waters of the state in the Lake Superior Basin which recommenced discharging after the termination of its control document or the construction of which commenced after either:

A. the effective date an outstanding resource value water was designated as such as described in parts 7050.0460 and 7050.0470; or

B. the effective date of this chapter for surface waters of the state designated as outstanding international resource waters under part 7052.0300, subpart 3, or high quality waters under part 7052.0300, subpart 4.

Subp. 34. **Outstanding international resource waters or OIRWs.** "Outstanding international resource waters" or "OIRWs" means the surface waters of the state in the Lake Superior Basin, other than Class 7 waters and those waters designated as outstanding resource value waters as described in parts 7050.0460 and 7050.0470. The OIRWs designation prohibits any new or expanded point source discharge of BSICs unless a nondegradation demonstration that includes the installation of the best technology in process and treatment is completed under part 7052.0320, and approved by the agency under part 7052.0330.

Subp. 35. **Preliminary effluent limitation or PEL.** "Preliminary effluent limitation" or "PEL" means the preliminary daily maximum water quality-based effluent limitation calculated for a GLI pollutant according to the procedure described in part 7052.0200, subpart 5, which is compared with the projected effluent quality of the GLI pollutant to determine if the pollutant has the reasonable potential to exceed water quality standards or criteria.

Subp. 36. **Projected effluent quality or PEQ.** "Projected effluent quality" or "PEQ" means the observed maximum pollutant concentration, or an expected upper bound pollutant concentration from a statistical distribution of an effluent data set, used for comparison against a preliminary water quality-based effluent limitation calculated for that pollutant.

Subp. 37. **Quantification level.** "Quantification level" means a measurement of the concentration of a pollutant obtained by using a specified laboratory procedure calibrated at a specified concentration above the method detection level. Quantification level

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is considered the lowest concentration at which a particular pollutant can be quantitatively measured using a specified laboratory procedure for monitoring of the pollutant.

Subp. 38. **Reasonable potential.** "Reasonable potential" means the process for determining the possibility for a discharged pollutant to exceed water quality standards or criteria. The reasonable potential determination is described in part 7052.0220 for chemical-specific water quality-based effluent limitations, and part 7052.0240, subpart 5, for whole effluent toxicity.

Subp. 39. **Stream design flow.** "Stream design flow" means the flow that represents critical conditions for protection of aquatic life, human health, or wildlife. The stream design flow is determined upstream of the discharge point.

Subp. 40. **Tier I.** "Tier I" means the methods referenced in part 7052.0110 for developing aquatic life, human health, and wildlife standards or criteria.

Subp. 41. **Tier II.** "Tier II" means the methods referenced in part 7052.0110 for developing aquatic life and human health standards or criteria when there is not a set of data available that meets Tier I data requirements.

Subp. 42. **Total maximum daily load or TMDL.** "Total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background, as more fully defined in *Code of Federal Regulations*, title 40, section 130.2, paragraph (i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water of the state and still assure attainment and maintenance of water quality standards.

Subp. 43. **Trophic level.** "Trophic level" means the food web level in an ecosystem that is occupied by an organism or group of organisms because of what they eat and how they are related to the rest of the food web. For example, trophic level 3 in an aquatic ecosystem consists of small fish such as bluegills, crappies, and smelt and trophic level 4 consists of larger carnivorous fish such as walleye, salmon, and northern pike.

Subp. 44. **Uncertainty factor or UF.** "Uncertainty factor" or "UF" means one of several numeric factors used in operationally deriving criteria from experimental data to account for the quality or quantity of the available data.

Subp. 45. **Wasteload allocation or WLA.** "Wasteload allocation" or "WLA" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined in *Code of Federal Regulations*, title 40, section 130.2, paragraph (h). In the absence of a TMDL approved by EPA under *Code of Federal Regulations*, title 40, section 130.7, or an assessment and remediation plan developed and approved according to part 7052.0200, subpart 1, item C, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards and criteria.

7052.0015 INCORPORATIONS BY REFERENCE.

The documents in items A to D are adopted and incorporated by reference into this chapter. The documents, including future amendments, in items E to G are adopted and incorporated by reference and are not subject to frequent change.

A. Great Lakes Water Quality Initiative Methodologies for Development of Aquatic Life Criteria and Values, *Code of Federal Regulations*, title 40, part 132, Appendix A, as amended through March 12, 1997.

B. Great Lakes Water Quality Initiative Methodology for Deriving Bioaccumulation Factors, *Code of Federal Regulations*, title 40, part 132, Appendix B, as amended through March 12, 1997.

C. Great Lakes Water Quality Initiative Methodology for Development of Human Health Criteria and Values, *Code of Federal Regulations*, title 40, part 132, Appendix C, as amended through March 12, 1997.

D. Great Lakes Water Quality Initiative Methodology for the Development of Wildlife Criteria, *Code of Federal Regulations*, title 40, part 132, Appendix D, as amended through March 12, 1997.

E. EPA Technical Support Document for Water Quality-based Toxics Control issued by the U.S. EPA, Office of Water, as publication EPA-505-2-90-001 (Washington D.C., March 1991). The technical support document is available through the Minitex interlibrary loan system. It is not subject to frequent change.

F. The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit from a Dissolved Criterion issued by the U.S. EPA, Office of Water, as publication EPA-823-B-96-007 (Washington D.C., June 1996). The metals translator guidance is available through the Minitex interlibrary loan system. It is not subject to frequent change.

G. Chapter 3 of the U.S. EPA Water Quality Standards Handbook, Second Edition issued by the U.S. EPA, Office of Science and Technology, as publication EPA-823-B-94-005a (Washington D.C., August 1994). The handbook is available through the Minitex interlibrary loan system. It is not subject to frequent change.

WATER QUALITY STANDARDS AND CRITERIA, AND BIOACCUMULATION FACTORS

7052.0100 WATER QUALITY STANDARDS.

Subpart 1. **Applicability.** The ambient water quality standards in subparts 2 to 6 are Class 2 standards for the protection of aquatic life, human health, and wildlife from the GLI pollutants. The numeric standard for a GLI pollutant includes the CS, MS, and FAV. Some pollutants do not have an MS or an FAV because of insufficient data. For these pollutants, the CS is the numeric standard. Additional standards applicable to the surface waters of the state in the Lake Superior Basin are found in chapters 7050 and 7065, including standards applicable to drinking water sources, which are listed in parts 7050.0220 and 7050.0221.

Some of the GLI pollutants listed in subparts 2 to 6 have both aquatic life and human health standards and four of the GLI pollutants have wildlife standards, as provided in tables 1 to 4 of the GLI Guidance. These standards are listed in subparts 2 to 6 to facilitate implementation of the standards under parts 7052.0200, subpart 3, and 7052.0210, subpart 1. The most stringent chronic aquatic life, human health, or wildlife standard listed is the applicable standard except when a less stringent chronic or maximum standard applies when setting an effluent limitation under part 7052.0200, subpart 3. For any aquatic life, human health, or wildlife chronic standard, a blank space in subparts 2 to 5 means no GLI standard is available and the most stringent listed chronic standard is applicable. For the aquatic life MS and FAV, blank spaces mean the GLI guidance lists no MS or FAV, and part 7050.0222 may contain an applicable MS or FAV.

Standards for metals are expressed as total metal but must be implemented as dissolved metal standards. Conversion factors for converting total to dissolved metal standards are listed in part 7052.0360, and applied under part 7052.0200, subpart 4. The conversion factor for metals not listed in part 7052.0360 is one. Standards for GLI pollutants followed by (TH) or (pH) vary with total hardness or pH. The formulas for these standards are found in subpart 6.

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Subp. 2. **Water quality standards applicable to Lake Superior; Class 2A.**

Substance	Units	Aquatic Life Chronic Standard	Aquatic Life Maximum Standard	Aquatic Life Final Acute Value	Human Health Chronic Standard	Wildlife Chronic Standard	Applicable Chronic Standard
Arsenic, total	ug/l	148	340	680	2†		2
Benzene	ug/l				10		10
Cadmium, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Chlordane	pg/l				40		40
Chlorobenzene	ug/l	10†	423†	846†	278		10
Chromium III, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Chromium VI, total	ug/l	11	16	32			11
Copper, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Cyanide, free	ug/l	5.2	22	44	596		5.2
DDT	pg/l				25	11	11
Dieldrin	pg/l	56000	240000	480000	1.2		1.2
2,4-Dimethylphenol	ug/l	21	137	274	368		21
2,4-Dinitrophenol	ug/l	71	379	758	53		53
Endrin	ug/l	0.036	0.086	0.17	0.0039†		0.0039
Hexachlorobenzene	pg/l				74		74
Hexachloroethane	ug/l				1.0		1.0
Lindane	ug/l		0.95	1.9	0.08		0.08
Mercury, total	ug/l	0.91	1.7	3.4	0.00092	0.0013*	0.0013
Methylene Chloride	ug/l				46		46
Nickel, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Parathion	ug/l	0.013	0.065	0.13			0.013
PCBs (class)	pg/l				1.2	122	1.2
Pentachloropenol (pH)	ug/l		subp. 6	subp. 6	0.93†		0.93
Selenium, total	ug/l	5.0	20†	40†			5.0
2,3,7,8-TCDD	pg/l				0.0014	0.0031	0.0014
Toluene	ug/l	253†	1352†	2703†	3725		253
Toxaphene	pg/l				11		11
Trichloroethylene	ug/l				22		22
Zinc, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6

* wildlife-based standard used as the lowest applicable chronic standard.
† this standard or FAV was derived under chapter 7050.

Subp. 3. **Water quality standards applicable to Class 2A waters other than Lake Superior.**

Substance	Units	Aquatic Life Chronic Standard	Aquatic Life Maximum Standard	Aquatic Life Final Acute Value	Human Health Chronic Standard	Wildlife Chronic Standard	Applicable Chronic Standard
Arsenic, total	ug/l	148	340	680	2†		2
Benzene	ug/l				11		11
Cadmium, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Chlordane	pg/l				56		56
Chlorobenzene	ug/l	10†	423†	846†	324		10
Chromium III, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Chromium VI, total	ug/l	11	16	32			11
Copper, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Cyanide, free	ug/l	5.2	22	44	596		5.2
DDT	pg/l				35	11	11
Dieldrin	pg/l	56000	240000	480000	1.6		1.6
2,4-Dimethylphenol	ug/l	21	137	274	391		21
2,4-Dinitrophenol	ug/l	71	379	758	53		53
Endrin	ug/l	0.036	0.086	0.17	0.0039†		0.0039
Hexachlorobenzene	pg/l				105		105
Hexachloroethane	ug/l				1.5		1.5
Lindane	ug/l		0.95	1.9	0.11		0.11
Mercury, total	ug/l	0.91	1.7	3.4	0.00092	0.0013*	0.0013
Methylene Chloride	ug/l				46		46
Nickel, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Parathion	ug/l	0.013	0.065	0.13			0.013
PCBs (class)	pg/l				1.6	122	1.6
Pentachloropenol (pH)	ug/l		subp. 6	subp. 6	0.93†		0.93
Selenium, total	ug/l	5.0	20†	40†			5.0
2,3,7,8-TCDD	pg/l				0.0020	0.0031	0.0020
Toluene	ug/l	253†	1352†	2703†	4214		253
Toxaphene	pg/l				15		15
Trichloroethylene	ug/l				24		24
Zinc, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6

*** wildlife-based standard used as the lowest applicable chronic standard.**

† this standard or FAV was derived under chapter 7050.

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Subp. 4. **Water quality standards applicable to Class 2Bd waters.**

Substance	Units	Aquatic Life Chronic Standard	Aquatic Life Maximum Standard	Aquatic Life Final Acute Value	Human Health Chronic Standard	Wildlife Chronic Standard	Applicable Chronic Standard
Arsenic, total	ug/l	148	340	680	2†		2
Benzene	ug/l				12		12
Cadmium, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Chlordane	pg/l				225		225
Chlorobenzene	ug/l	10†	423†	846†	461		10
Chromium III, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Chromium VI, total	ug/l	11	16	32			11
Copper, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Cyanide, free	ug/l	5.2	22	44	596		5.2
DDT	pg/l				142	11	11
Dieldrin	pg/l	56000	240000	480000	6.5		6.5
2,4-Dimethylphenol	ug/l	21	137	274	441		21
2,4-Dinitrophenol	ug/l	71	379	758	55		55
Endrin	ug/l	0.036	0.086	0.17	0.016†		0.016
Hexachlorobenzene	pg/l				418		418
Hexachloroethane	ug/l				5.0		5.0
Lindane	ug/l		0.95	1.9	0.43		0.43
Mercury, total	ug/l	0.91	1.7	3.4	0.00092	0.0013*	0.0013
Methylene Chloride	ug/l				47		47
Nickel, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Parathion	ug/l	0.013	0.065	0.13			0.013
PCBs (class)	pg/l				6.6	122	6.6
Pentachloropenol (pH)	ug/l		subp. 6	subp. 6	1.9†		1.9
Selenium, total	ug/l	5.0	20†	40†			5.0
2,3,7,8-TCDD	pg/l				0.0080	0.0031	0.0031
Toluene	ug/l	253†	1352†	2703†	5517		253
Toxaphene	pg/l				62		62
Trichloroethylene	ug/l				29		29
Zinc, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6

* wildlife-based standard used as the lowest applicable chronic standard.

† this standard or FAV was derived under chapter 7050.

Subp. 5. **Water quality standards applicable to Class 2B, 2C, and 2D waters.**

Substance	Units	Aquatic Life Chronic Standard	Aquatic Life Maximum Standard	Aquatic Life Final Acute Value	Human Health Chronic Standard	Wildlife Chronic Standard	Applicable Chronic Standard
Arsenic, total	ug/l	148	340	680	53†		53
Benzene	ug/l	114†	4487†	8974†	237		114
Cadmium, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Chlordane	pg/l				225		225
Chlorobenzene	ug/l	10†	423†	846†	2916		10
Chromium III, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Chromium VI, total	ug/l	11	16	32			11
Copper, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Cyanide, free	ug/l	5.2	22	44	30240		5.2
DDT	pg/l				142	11	11
Dieldrin	pg/l	56000	240000	480000	6.5		6.5
2,4-Dimethylphenol	ug/l	21	137	274	7182		21
2,4-Dinitrophenol	ug/l	71	379	758	1982		71
Endrin	ug/l	0.036	0.086	0.17	0.016†		0.016
Hexachlorobenzene	pg/l				419		419
Hexachloroethane	ug/l				6.2		6.2
Lindane	ug/l		0.95	1.9	0.46		0.46
Mercury, total	ug/l	0.91	1.7	3.4	0.00092	0.0013*	0.0013
Methylene Chloride	ug/l	1561†	9600†	19,200†	1994		1561
Nickel, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6
Parathion	ug/l	0.013	0.065	0.13			.013
PCBs (class)	pg/l				6.6	122	6.6
Pentachloropenol (pH)	ug/l	subp. 6	subp. 6	subp. 6	5.5†		subp. 6
Selenium, total	ug/l	5.0	20†	40†			5.0
2,3,7,8-TCDD	pg/l				0.0080	0.0031	0.0031
Toluene	ug/l	253†	1352†	2703†	45679		253
Toxaphene	pg/l				62		62
Trichloroethylene	ug/l				330		330
Zinc, total (TH)	ug/l	subp. 6	subp. 6	subp. 6			subp. 6

*** wildlife-based standard used as the lowest applicable chronic standard.**

† this standard or FAV was derived under chapter 7050.

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Subp. 6. **Water quality standards that vary with water quality characteristics.**

A. Class 2 standards that vary with total hardness (TH) applicable to all surface waters of the state in the Lake Superior Basin are listed in this subpart. Total hardness is the sum of the calcium and magnesium concentrations expressed as calcium carbonate in mg/l. For ambient or effluent total hardness values greater than 400 mg/l, 400 mg/l must be used in the calculation of the standard. Exp. is the base e exponential function.

		Example standards at hardness of:				
Cadmium, total	formula, results in ug/l	50	100	200	300	400
chronic standard	exp.(0.7852[ln (TH mg/l)]-2.715)	1.4	2.5	4.2	5.8	7.3
maximum standard	exp.(1.128[ln (TH mg/l)]-3.6867)	2.1	4.5	9.9	16	22
final acute value	exp.(1.128[ln (TH mg/l)]-2.9935)	4.1	9.0	20	31	43

		Example standards at hardness of:				
Chromium III, total	formula, results in ug/l	50	100	200	300	400
chronic standard	exp.(0.819[ln (TH mg/l)]+0.6848)	49	86	152	212	268
maximum standard	exp.(0.819[ln (TH mg/l)]+3.7256)	1022	1803	3181	4434	5612
final acute value	exp.(0.819[ln (TH mg/l)]+4.4187)	2044	3606	6362	8867	11223

		Example standards at hardness of:				
Copper, total	formula, results in ug/l	50	100	200	300	400
chronic standard	exp.(0.8545[ln (TH mg/l)]-1.702)	5.2	9.3	17	24	30
maximum standard	exp.(0.9422[ln (TH mg/l)]-1.700)	7.3	14	27	39	52
final acute value	exp.(0.9422[ln (TH mg/l)]-1.0069)	15	28	54	79	103

		Example standards at hardness of:				
Nickel, total	formula, results in ug/l	50	100	200	300	400
chronic standard	exp.(0.846[ln (TH mg/l)]+0.0584)	29	52	94	132	169
maximum standard	exp.(0.846[ln (TH mg/l)]+2.255)	261	469	843	1188	1516
final acute value	exp.(0.846[ln (TH mg/l)]+2.9481)	522	938	1687	2377	3032

		Example standards at hardness of:				
Zinc, total	formula, results in ug/l	50	100	200	300	400
chronic standard	exp.(0.8473[ln (TH mg/l)]+0.884)	67	120	216	304	388
maximum standard	exp.(0.8473[ln (TH mg/l)]+0.884)	67	120	216	304	388
final acute value	exp.(0.8473[ln (TH mg/l)]+1.5772)	133	240	431	608	776

B. Standards that vary with pH applicable to Lake Superior, other Class 2A and 2Bd waters in the Lake Superior Basin are listed in this subpart. Exp. is the base e exponential function.

		Example standards at pH of:				
Pentachlorophenol	formula, results in ug/l	6.5	7.0	7.5	8.0	8.5
maximum standard	exp.(1.005[pH]-4.869)	5.3	8.7	14	24	39
final acute value	exp.(1.005[pH]-4.175)	11	17	29	48	79

C. Standards that vary with pH applicable to Class 2B, 2C, and 2D waters in the Lake Superior Basin are listed in this subpart. Exp. is the base e exponential function.

		Example standards at pH of:				
Pentachlorophenol	formula, results in ug/l	6.5	7.0	7.5	8.0	8.5
chronic standard	exp.(1.005[pH]-5.134) not to exceed 5.5 ug/l	4.0	5.5	5.5	5.5	5.5
maximum standard	exp.(1.005[pH]-4.869)	5.3	8.7	14	24	39
final acute value	exp.(1.005[pH]-4.175)	11	17	29	48	79

7052.0110 METHODOLOGIES FOR DEVELOPMENT OF TIER I AND TIER II STANDARDS AND CRITERIA, AND BIOACCUMULATION FACTORS.

Subpart 1. **Applicability.** This part identifies the methods that must be used to develop Tier I and Tier II standards and criteria. Subparts 3 and 4 also list exceptions to some of the assumptions used in the GLI Guidance methods. These exceptions are based on Minnesota-specific data.

Subp. 2. **Aquatic Life.** All Tier I and Tier II aquatic life standards were developed and all criteria must be developed using the methodologies provided by *Code of Federal Regulations*, title 40, part 132, Appendix A, entitled "Great Lakes Water Quality Initiative Methodologies for Development of Aquatic Life Criteria and Values," as amended through March 12, 1997, which is adopted and incorporated by reference in part 7052.0015, item A.

Subp. 3. **Bioaccumulation factors.** Bioaccumulation factors (BAFs) for calculating human health and wildlife standards were developed and BAFs for calculating criteria must be developed using the methodology provided by *Code of Federal Regulations*, title 40, part 132, Appendix B, entitled "Great Lakes Water Quality Methodology for Deriving Bioaccumulation Factors," as amended through March 12, 1997, which is adopted and incorporated by reference in part 7052.0015, item B, except that for human health standards and criteria, the baseline BAF is multiplied by the following lipid fractions which apply to fish in both trophic levels 3 and 4:

A. 0.085 for Lake Superior;

B. 0.06 for Class 2A waters other than Lake Superior; and

C. 0.015 for Class 2B, 2Bd, 2C, and 2D waters.

Subp. 4. **Human health.** All Tier I and Tier II human health standards were developed and all criteria must be developed using the methodology provided by *Code of Federal Regulations*, title 40, part 132, Appendix C, entitled "Great Lakes Water Quality Initiative Methodology for Development of Human Health Criteria and Values," as amended through March 12, 1997, which is adopted and incorporated by reference in part 7052.0015, item C, except that the daily human consumption of fish caught in the Lake Superior Basin is assumed to be 0.030 kg/day (0.0072 kg/day for trophic level 3 fish plus 0.0228 kg/day for trophic level 4 fish).

Subp. 5. **Wildlife.** All Tier I wildlife standards were developed and all Tier I criteria must be developed using the methodology provided by *Code of Federal Regulations*, title 40, part 132, Appendix D, entitled "Great Lakes Water Quality Initiative Methodology for the Development of Wildlife Criteria," as amended through March 12, 1997, which is adopted and incorporated by reference in part 7052.0015, item D.

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IMPLEMENTATION OF WATER QUALITY-BASED EFFLUENT LIMITS

7052.0200 TOTAL MAXIMUM DAILY LOADS.

Subpart 1. **Applicability.** The provisions in this subpart apply to establishing total maximum daily loads (TMDLs) for all Great Lakes Initiative (GLI) pollutants and pollutant parameters in surface waters of the state in the Lake Superior Basin, with the exception of whole effluent toxicity (WET), which is addressed in part 7052.0240.

A. TMDLs must be established in accordance with the listing and priority-setting process provided by section 303(d) of the Clean Water Act, *United States Code*, title 33, section 1313(d) and *Code of Federal Regulations*, title 40, section 130.7.Where water quality standards are not immediately attainable, TMDLs must assure that water quality standards will be attained in a reasonable period of time. Some TMDLs may be based on attaining water quality standards over a period of time, with specific controls on individual sources being implemented in stages. Determining the reasonable period of time in which water quality standards will be met is a case-specific determination based on the following factors:

(1) receiving water characteristics;

(2) persistence, behavior, and ubiquity of GLI pollutants of concern;

(3) type of remediation activities necessary;

(4) available regulatory and nonregulatory controls;

(5) individual agency requirements for attainment of water quality standards; and

(6) technical and economic feasibility of attainment.

B. TMDLs must include the following elements, the sum of which must not exceed the loading capacity of the water for the GLI pollutants addressed by the TMDLs:

(1) waste load allocations (WLAs) for point sources;

(2) load allocations (LAs) for nonpoint sources including natural background sources; and

(3) a margin of safety (MOS), which includes a portion reserved for future growth.

C. If the agency develops an assessment and remediation plan that meets the provisions of this part, meets the public participation provisions of subpart 6, and has been approved by the EPA as meeting the requirements under *Code of Federal Regulations*, title 40, section 130.6, then the assessment and remediation plan may be used in lieu of a TMDL if one of the following conditions are met:

(1) the agency determines that the assessment and remediation plan will result in attainment of water quality standards in a reasonable period of time as defined in item A;

(2) concurrent pollutant reductions will result from an assessment and remediation plan used in lieu of a TMDL; or

(3) implementation costs will be reduced if an assessment and remediation plan is used in lieu of a TMDL.

Assessment and remediation plans include lakewide management plans, remedial action plans, and state water quality management plans.

Any part of an assessment and remediation plan that also satisfies one or more requirements in section 303(d) of the Clean Water Act, *United States Code*, title 33, section 1313(d), or implementing regulations may be incorporated by reference into a TMDL as appropriate. Assessment and remediation plans must be tailored to the level of detail and magnitude appropriate for the watershed and GLI pollutant being assessed.

Subp. 2. **Determination of TMDL allocations.** The agency must determine TMDL allocations as described in this subpart.

A. The sum of the WLAs for point sources is the portion of the loading capacity not assigned to nonpoint sources, including background, or to a MOS. Methods to apportion WLAs are identified in Table 4-1 of the EPA Technical Support Document for Water Quality-Based Toxics Control (EPA-505-2-90-001, March 1991), which is adopted and incorporated by reference in part 7052.0015, item E.

B. LAs for nonpoint sources, including natural background, must be based on:

(1) existing GLI pollutant loadings if changes in loadings are not anticipated to occur;

(2) increases in GLI pollutant loadings that are anticipated to occur; or

(3) decreases in GLI pollutant loadings if such decreased loadings are technically feasible and are anticipated to occur within a reasonable time period as a result of implementation of best management practices or other load reduction measures, considering the technical and institutional factors involved.

C. The MOS must account for technical uncertainties in establishing the TMDL and must describe the manner in which the MOS is determined and incorporated into the TMDL. The MOS may be provided by leaving a portion of the loading capacity unallocated or by using conservative modeling assumptions to establish WLAs and LAs. If a portion of the loading is left unallocated to provide a MOS, the amount left unallocated must be described. If conservative modeling assumptions are relied on to provide a MOS, the specific assumptions providing the MOS must be identified.

D. The representative background concentration for a GLI pollutant in the specified watershed, waterbody, or water segment must be established on a case-by-case basis as the geometric mean of water column data, water column concentrations estimated through the use of available caged or resident fish tissue data, or water column concentrations estimated through the use of existing or projected GLI pollutant loading data. Commonly accepted statistical techniques must be used to evaluate data sets consisting of values both above and below the detection level. If all of the available data in a data set are below the detection level for a GLI pollutant, then all the data in the data set must be assumed to be zero.

E. Where sufficient data are available to quantify the transport of GLI pollutants to sediments, TMDLs must account for and prevent such accumulations that preclude attainment of specified designated uses.

F. Where sufficient data are available to quantify loadings of GLI pollutants resulting from wet weather events, TMDLs must account for these loadings.

G. The maximum allowable loading consistent with the attainment of each standard or criterion of a given GLI pollutant is determined by multiplying the applicable standard or criterion by the stream design flow at the farthest downstream location in the tributary watershed. The loading is then compared to the loadings at discharge sites within the watershed to assure that standards or criteria for a given GLI pollutant are not exceeded. The lowest load is then selected as the loading capacity.

H. TMDLs and WLAs in the absence of a TMDL must be based on the assumption that a GLI pollutant does not degrade unless both of the following occur:

(1) field studies or other information demonstrate that degradation of the GLI pollutant is expected to occur under the full range of environmental conditions expected to be encountered; and

(2) field studies or other information address other factors that affect the level of GLI pollutants in the water column including sediment resuspension, chemical separation, and biological and chemical transformation.

I. If the agency establishes separate TMDLs for different segments of the same watershed, and if each of these separate TMDLs include WLAs for the same GLI pollutant for one or more of the same point sources, then water quality-based effluent limits (WQBELs) for the GLI pollutant and point sources must be consistent with the most stringent of those WLAs to assure attainment of all applicable water quality standards and criteria.

Subp. 3. **Waste load allocations for GLI pollutants in the absence of a TMDL.** For purposes of determining WLAs in the absence of a TMDL or for determining the need for WQBELs, calculations must be made using the methods in items A to C.

A. The agency must develop acute and chronic WLAs for streams and rivers for each applicable aquatic life, human health, and wildlife standard and criterion using dynamic models found in chapter 4 of the EPA Technical Support Document for Water Quality-Based Toxics Control (EPA-505-2-90-001, March 1991), which is adopted and incorporated by reference in part 7052.0015, item E, or using the following equation:

$$WLA = \frac{(Qd + Qr)(Cs) - (Qr)(Cb)}{(Qd)}$$

Where:

Cs = Water quality standard or criterion developed for the GLI pollutant in question

Qr = Stream design flows for steady state models, including corresponding acute or chronic mixing zone allowances determined in part 7052.0210

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Applicable flows are:

(1) the 1-day, 10-year stream design flow (1Q10) for a maximum standard or criterion;

(2) the 7-day, 10-year stream design flow (7Q10), or the 4-day, 3-year biologically based stream design flow for an aquatic life chronic standard or criterion;

(3) the 90-day, 10-year flow (90Q10) for a wildlife chronic standard or criterion; and

(4) the harmonic mean for the human health chronic standard or criterion.

Where a discharger has an intake upstream of the point of discharge, but downstream of the stream location used to determine Qr, the value of Qr must be reduced by that flow volume.

Qd = Effluent design flow

Cb = Background receiving water concentration of the GLI pollutant calculated according to subpart 2, item D.

B. For lakes, WLAs based on acute aquatic life standards or criteria must not exceed the FAV unless a mixing zone demonstration is conducted and approved under part 7052.0210. The agency must develop chronic WLAs for lakes for each applicable aquatic life, human health, and wildlife standard and criterion using the following equation:

$$WLA = (Cs)(X) - (Cb)(X)$$

Where:

Cs = Water quality standard or criterion developed for the GLI pollutant in question

Cb = Background receiving water concentration of the GLI pollutant calculated according to subpart 2, item D

X = 10, which represents a receiving water volume to effluent volume dilution ratio of 10 to 1, unless an alternative mixing zone demonstration is provided under part 7052.0210, subpart 2, that includes a dilution ratio other than 10 to 1 and results in a mixing zone that is no greater than the area of discharge-induced mixing, in which case X equals the dilution ratio established in the demonstration.

C. Where the background receiving water concentration (Cb) of a GLI pollutant exceeds the most stringent applicable water quality standard listed or referenced for that pollutant in part 7052.0100, or criterion for that pollutant developed under part 7052.0110, the intake credit provisions of part 7052.0220, subpart 5, apply.

Subp. 4. **Translating dissolved metal standards to total recoverable WQBELs for metals.** For purposes of expressing dissolved metals standards and criteria as total recoverable WQBELs, the methods in items A to C must be used.

A. WLAs determined in subpart 3 must be calculated using dissolved metal standards. Dissolved metal standards are determined by multiplying the total metal standards, listed in part 7052.0100, by the corresponding conversion factors listed in part

7050.0360. For metals not listed in part 7050.0360, the conversion factor is 1.0. Subsequent calculation of WQBELs requires the translation of the dissolved metal WLAs to total recoverable metal WLAs as described in items B and C.

B. In the absence of site-specific data, the dissolved metal WLAs are translated to total metal WLAs by dividing the dissolved metal WLAs by the corresponding conversion factors in part 7050.0360.

C. The agency must use a total metal translator based upon the collection of site-specific data if an existing or proposed discharger submits a request to the agency and the request is accompanied by a completed site-specific study conducted in accordance with the EPA guidance "The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit From a Dissolved Criterion" (EPA-823-B-96-007, June 1996), which is adopted and incorporated by reference under part 7052.0015, item F.

Upon receiving a study that the agency determines has conformed with the metals translator guidance, the agency must use the site-specific translator to convert the dissolved metal WLA into a total recoverable WLA, if the nondegradation provisions under parts 7052.0300 to 7052.0330 and antibacksliding provisions of section 402(o) of the Clean Water Act, *United States Code*, title 33, section 1342(o), are complied with. Subsequent WQBELs must be calculated from the total recoverable WLA.

Subp. 5. **Calculating effluent limitations from WLAs.** The agency must determine WLAs, including applicable mixing zone determinations from part 7052.0210, for aquatic life, human health, and wildlife water quality standards and criteria using the methods in subparts 2 and 3. WQBELs are calculated from these WLAs, or by using dynamic models based on methods in chapter 5 of the EPA Technical Support Document for Water Quality-Based Toxics Control (EPA-505-2-90-001, March 1991), which is adopted and incorporated by reference in part 7052.0015, item E. The agency must use the methods in items A to G to calculate WQBELs from the WLAs developed under subparts 2 and 3.

A. Assume the effluent concentrations are lognormally distributed and dominate in-stream concentrations and variability after mixing.

B. Characterize the variability of the effluent data by calculating the coefficient of variation (CV), which is the ratio of the standard deviation divided by the mean, using a 99th percentile probability basis ($z_{99} = 2.326$).

C. Calculate the long-term average (LTA) for each applicable WLA determined under subpart 2 or 3 as follows:

(1) calculate the maximum standard LTA (LTA**ms**) protective of acute aquatic life effects as follows:

$$LTA_{ms} = \exp(0.5\sigma^2 - z_{99}\sigma) \cdot WLA_{ms}$$

Where:

$\sigma^2 = \ln(CV^2 + 1)$

WLA**ms** = the maximum standard WLA

The WLA**ms** is determined under subpart 2 or 3 and is expressed as a one-day maximum;

(2) calculate the chronic standards LTA (LTA**cs**) protective of chronic aquatic life effects as follows:

$$LTA_{cs} = \exp(0.5\sigma_4^2 - z_{99}\sigma_4) \cdot WLA_{cs}$$

Where:

$\sigma_4^2 = \ln((CV^2/4) + 1)$

WLA**cs** = the chronic standard WLA

The WLA**cs** is determined under subpart 2 or 3 and is expressed as a four-day average; and

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(3) calculate the LTA**cs** protective of chronic human health or wildlife effects as follows:

$$LTA_{cs} = \exp(0.5\sigma_{30}^2 - z_{99}\sigma_{30}) \cdot WLA_{cs}$$

Where:

$$\sigma_{30}^2 = \ln((CV^2/30) + 1)$$

The WLA**cs** is determined under subpart 2 or 3 and is expressed as a 30-day average.

D. Calculate the daily maximum and monthly average WQBELs using the lowest determined LTA calculated in item C as follows:

(1) calculate the daily maximum WQBEL as follows:

$$\text{Daily maximum} = \exp(z_{99}\sigma - 0.5\sigma^2) \cdot LTA$$

Where:

$$\sigma^2 = \ln(CV^2 + 1); \text{ and}$$

(2) calculate the monthly average WQBEL as follows:

$$\text{Monthly average} = \exp(z_{95}\sigma_n - 0.5\sigma_n^2) \cdot LTA$$

Where:

$$\sigma_n^2 = \ln((CV^2/n) + 1)$$

z_{95} = 1.645 (95th percentile probability basis)

n = number of samples per month.

E. Establish the most stringent daily maximum WQBEL from item D or the FAV applied under part 7050.0210, subpart 5; 7050.0211, subpart 1; 7050.0212, subpart 6; 7050.0214, subpart 1; 7052.0210, subpart 1; or 7052.0230, subpart 4, as the daily maximum effluent limitation in the permit. When the applicable daily maximum WQBEL determined from item D is established in the permit, the corresponding monthly average WQBEL must also be established in the permit. When the FAV is established in the permit as the daily maximum effluent limitation, no monthly average effluent limitation is established in the permit.

F. For distributions other than lognormal:

(1) apply the most stringent WLA**cs** of those determined under subpart 2 or 3 as the monthly average WQBEL;

(2) apply the more stringent of the WLA**ms** determined under subpart 2 or 3 or the FAV applied under part 7050.0210, subpart 5; 7050.0211, subpart 1; 7050.0212, subpart 6; 7050.0214, subpart 1; 7052.0210, subpart 1; or 7052.0230, subpart 4, as the daily maximum effluent limitation in the permit. When the FAV is as stringent or more stringent than the effluent limitation based on the WLA**cs** determined in subitem (1), no monthly average effluent limitation is established in the permit.

G. Whenever a WQBEL is developed, it must be expressed as both a concentration value and a corresponding mass loading rate. Both mass and concentration limits must be based on the same permit averaging periods, such as daily or monthly averages. The agency must calculate the mass loading rates using effluent flow rates that correspond to those used in establishing the WQBELs expressed in concentration, except if adjustments for wet weather flows have been accommodated in the WLA process on a case-by-case basis. If wet weather flows have been accommodated, the agency must calculate the mass loading rates using the adjusted flows.

Subp. 6. **Solicitation of public input in development of TMDLs.** The agency must provide the following public notification and opportunity for comment during the development and implementation of a TMDL:

A. a public notice and solicitation of comment on the intent of the agency to develop a TMDL for a GLI pollutant where the agency has identified impaired water quality uses;

B. a public notice and solicitation of information and comments regarding preliminary source identification and loadings for a GLI pollutant subject to a TMDL;

C. a public notice and solicitation of comment on proposed source loadings and a proposed TMDL allocation method for a reduction of loadings for a GLI pollutant subject to a TMDL; and

D. a public notice of an effluent limitation in a permit for a GLI pollutant subject to a TMDL, pursuant to the public notice requirements of parts 7001.0100 and 7001.0110.

7052.0210 MIXING ZONES.

Subpart 1. **Applicability and standards for acute and chronic mixing zones.** General provisions pertaining to mixing zones are located in part 7050.0210, subpart 5. For acute and chronic mixing zones, the conditions in items A to C apply.

A. At the edge of an acute mixing zone approved under subpart 2, acute aquatic life toxicity must not exceed the maximum standard or criterion, or 0.3 TUa for WET. If the discharger does not have an approved acute mixing zone demonstration, the agency must apply the FAV, or 1.0 TUa for WET, directly to the discharge. If acute mixing zones from two or more proximate sources interact or overlap, the combined effect must be evaluated to ensure that applicable standards and criteria will be met in the area of overlap.

B. At the edge of a chronic mixing zone, chronic toxicity must not exceed the chronic standard or criterion, or 1.0 TUc for WET. A chronic mixing zone must equal:

(1) not more than 25 percent of the applicable stream design flows listed in part 7052.0200, subpart 3, item A, unless an alternate chronic mixing zone demonstration is approved under subpart 2; or

(2) for lakes, the area of 10:1 dilution of receiving water volume to effluent volume, unless a chronic mixing zone demonstration approved under subpart 2 identifies an alternate dilution ratio in which case the chronic mixing zone must equal the area corresponding to the alternate dilution ratio. The mixing zone in lakes must not exceed the area of discharge-induced mixing.

C. Acute and chronic mixing zones must not jeopardize the continued existence of endangered or threatened species listed or proposed under chapter 6134 or section 4 of the Endangered Species Act, *United States Code*, title 16, section 1533, or result in the destruction or adverse modification of such species' critical habitat.

Subp. 2. **Mixing zone demonstration requirements for lakes and tributaries.** The agency shall approve an acute or chronic mixing zone demonstration if the discharger proposing a mixing zone completes a demonstration that complies with items A to N.

A. Define the mixing zone size, shape, location of the area of mixing, manner of diffusion and dispersion, and amount of dilution at the boundaries.

B. Determine the discharge-induced mixing area for lake discharges.

C. For discharge to a lake, determine the dilution ratio of receiving water volume to effluent volume. If this dilution ratio is other than 10 to 1 and results in a mixing zone that is no greater than the area of discharge-induced mixing, the calculated ratio must be used in the WLA calculation for lakes in part 7052.0200, subpart 3, item B; in the WET reasonable potential determination for lakes in part 7052.0240, subpart 5, items B, subitem (2), and C, subitem (2); and in the WET WQBEL calculation in part 7052.0240, subpart 6, items A, subitem (2), and C.

D. Document the substrate character and geomorphology of the mixing zone.

E. Ensure that the mixing zone will maintain a zone of passage for mobile aquatic life; protect spawning, nursery areas, and migratory routes; and not intersect river mouths.

F. Ensure the mixing zone will protect the existence of threatened or endangered species.

G. Document that the mixing zone does not affect drinking water intakes.

H. Document background water quality.

I. Show that the mixing zone does not promote undesirable aquatic life or dominance of nuisance species.

J. Ensure that the mixing zone will not result in the following:

(1) objectionable deposits formed by settling;

(2) floating debris, oil, or scums;

(3) objectionable taste, odor, color, or turbidity; or

(4) attraction of organisms to the area of discharge.

K. Prevent or minimize overlapping mixing zones.

L. Document the ability of the habitat to support endemic or naturally occurring species.

M. Assume no GLI pollutant degradation unless the conditions of part 7052.0200, subpart 2, item H, are met.

N. Show that the mixing zone will not interfere with the designated or existing uses of the receiving water or downstream surface waters of the state.

Subp. 3. **Mixing zones for BCCs.** After the effective date of this chapter, acute and chronic mixing zones shall not be allowed for new and expanded discharges of BCCs to Lake Superior.Acute and chronic mixing zones for existing discharges of BCCs must be phased out by March 23, 2007, except under the provisions in items A to E. After the effective date of this chapter for new and expanded discharges and March 23, 2007, for existing discharges, WLAs developed under part 7052.0200, subparts 2 and 3, for discharges of BCCs must be set equal to the most stringent applicable water quality standard or site-specific criterion for the BCC in question. The provisions for exceptions to the acute and chronic mixing zone phase-out for existing discharges of BCCs are in items A to E.

A. Mixing zones for BCCs shall be allowed for existing discharges after March 23, 2007, if the discharger demonstrates that the failure to maintain an existing mixing zone would preclude water conservation measures that would lead to overall load reductions in BCCs discharged.

B. Mixing zones shall be allowed for existing discharges after March 23, 2007, upon the request of the discharger if the agency determines that:

(1) the discharger is in compliance with and will continue to implement technology-based treatment and pretreatment requirements under sections 301, 302, 304, 306, 307, 401, and 402 of the Clean Water Act, *United States Code*, title 33, sections 1311, 1312, 1314, 1316, 1317, 1341, and 1342, and is in compliance with its existing permit WQBELs, including those based on a mixing zone; and

(2) the discharger has reduced and will continue to reduce the loading of the BCC for which a mixing zone is requested to the maximum extent possible by the use of cost-effective controls or pollution prevention alternatives that have been adequately demonstrated and are reasonably available to the discharger.

C. In making the determination in item B, the agency must consider:

(1) the availability and feasibility, including cost effectiveness, of additional controls or pollution prevention measures for reducing and ultimately eliminating BCCs for that discharger, including those used by similar dischargers;

(2) whether the discharger or affected communities will incur unreasonable economic effects if the mixing zone is eliminated; and

(3) the extent to which the discharger will implement an ambient monitoring plan to ensure compliance with water quality standards and criteria at the edge of any authorized mixing zone or to ensure consistency with any applicable TMDL or assessment and remediation plan consistent with part 7052.0200.

D. Any exceptions to the mixing zone phase-out provision for existing discharges of BCCs granted under this subpart must:

(1) not result in any less stringent effluent limitations than those existing on the effective date of this chapter in the previous permit;

(2) not jeopardize the continued existence of any endangered or threatened species listed under chapter 6134 or section 4 of the Endangered Species Act, *United States Code*, title 16, section 1533, or result in the destruction or adverse modification of such species' critical habitat;

(3) be limited to one permit term unless the agency makes a new determination in accordance with this subpart for each successive permit application in which a mixing zone for the BCCs is sought;

(4) reflect all information pertaining to the size of the mixing zone considered by the agency under subpart 2;

(5) protect all designated and existing uses of the receiving water;

(6) meet all applicable aquatic life, wildlife, and human health standards and criteria at the edge of the mixing zone for a WLA in the absence of a TMDL, or, if a TMDL has been established, be consistent with any TMDL or such other strategy consistent with part 7052.0200;

(7) ensure the discharger has developed and conducted a GLI pollutant minimization program for the BCCs if required to do so under part 7052.0250, subpart 4; and

(8) ensure that alternative means for reducing BCCs elsewhere in the watershed are evaluated.

E. For each draft permit that would allow a mixing zone for one or more BCCs after March 23, 2007, the fact sheet or statement of basis for the draft permit, required to be made available through public notice under *Code of Federal Regulations*, title 40, section 124.6, paragraph (e), must:

(1) specify the mixing provisions used in calculating the effluent limitations; and

(2) identify each BCC for which a mixing zone is proposed.

7052.0220 REASONABLE POTENTIAL FOR CHEMICAL-SPECIFIC WQBELS.

Subpart 1. **Applicability.** Where the agency determines that a GLI pollutant is or may be discharged to surface waters of the state at a level which has the reasonable potential to cause or contribute to an excursion above any water quality standard listed or referenced in part 7052.0100 or water quality criterion developed according to part 7052.0110, WQBELs must be included in the permit. When facility-specific effluent monitoring data are available, the agency must make the reasonable potential determination by developing preliminary effluent limitations (PELs) and comparing them to the projected effluent quality (PEQ) as described in this part.

Subp. 2. **Developing preliminary effluent limitations.** The first step in a reasonable potential determination is to calculate a PEL. The procedures in parts 7052.0200 and 7052.0210 must be used to determine a PEL from a Tier I or Tier II standard or criterion. If the agency determines that there are insufficient data to calculate a standard or criterion, the procedure in subpart 4 must be followed to determine if data must be generated to calculate a Tier II standard or criterion.

Subp. 3. **Developing projected effluent quality.** The procedures in items A to D must be used when developing PEQ.

A. Determine the maximum concentration for each GLI pollutant from its respective data set.

B. Select the corresponding factor from part 7052.0370 using the calculated coefficient of variation from part 7052.0200, subpart 5, item B, and the number of data points in the data set. Determine the PEQ concentration by multiplying the maximum value from the data set by the selected factor.

C. If the data set in item B contains less than ten values, the coefficient of variation used in part 7052.0370 must be 0.6.

D. If the PEQ is greater than the PEL, an effluent limitation for that GLI pollutant must be established in the permit.

On a case-by-case basis, when a discharger submits and the agency determines that an alternate PEQ procedure fulfills the requirements of *Code of Federal Regulations*, title 40, section 122.44, paragraph (d)(1), the agency must use this procedure in lieu of items A to D.

Subp. 4. **Developing data for calculating Tier II noncancer human health and aquatic life standards and criteria.** This subpart applies when the agency determines that insufficient data currently exist to calculate Tier II standards or criteria for GLI pollutants known to be in the discharge, or suspected to be in the discharge based on knowledge of the raw materials used or internal process or waste streams.

A. The agency shall use all available toxicity information to estimate ambient screening criteria for each identified GLI pollutant which will protect humans from noncancer health effects, and aquatic life from acute and chronic effects.

B. Using the provisions in parts 7052.0200 and 7052.0210, the agency must develop PELs based on the estimated ambient screening criteria and compare the PELs with each PEQ developed under subpart 3. If the PEQ exceeds the PEL for any GLI pollutant, the agency must generate or require the permittee to generate the data necessary to derive Tier II standards or criteria to protect human health from noncancer effects and aquatic life from acute and chronic effects.

C. The agency must use the data generated according to item B to calculate Tier II standards and criteria according to the methods in part 7052.0110. The derived Tier II standards and criteria must be used to calculate PELs to determine if an effluent limitation must be established in the permit. If the PEQ exceeds the PEL for any GLI pollutant, an effluent limitation must be established in the permit.

D. For GLI pollutants other than BCCs, a WQBEL for aquatic life protection will not be established if the following conditions exist:

(1) the agency determines that insufficient data exist to calculate a standard or criterion;

(2) the permittee has completed an in-stream biological assessment that demonstrates no acute or chronic aquatic life impact in the receiving water; and

(3) there is no reasonable potential for WET determined under part 7052.0240, subpart 5.

Subp. 5. **Intake credits.** Intake pollutants must be evaluated on a pollutant-by-pollutant, outfall-by-outfall basis. The conditions in items A to I apply to the agency's consideration of intake pollutants, in the absence of a TMDL or an assessment and remediation plan approved under part 7052.0200, subpart 1, item C, when establishing effluent limitations in a permit.

A. There is no reasonable potential for the discharge of an identified intake pollutant or pollutant parameter to cause or contribute to an excursion above a water quality standard listed or referenced in part 7052.0100 or a water quality criterion developed under part 7052.0110 if a discharger demonstrates to the satisfaction of the agency that the following conditions exist:

(1) the facility withdraws 100 percent of the intake water containing the intake pollutant from the same body of water, as defined in subpart 6, into which the discharge is made;

(2) the facility does not contribute any measurable additional mass of the identified intake pollutant to its wastewater;

(3) the facility does not alter the identified intake pollutant chemically or physically in a manner that would cause increased toxicity or bioaccumulation to occur that would not occur if the intake pollutant was left in-stream;

(4) the facility does not increase the identified intake pollutant concentration at the edge of the mixing zone, or at the point of discharge if a mixing zone is not allowed, as compared to the intake pollutant concentration in the intake water, unless the increased concentration does not cause or contribute to an excursion above an applicable water quality standard or criterion; and

(5) the timing and location of the discharge would not cause increased toxicity or bioaccumulation to occur that would not occur if the identified intake pollutant was left in-stream.

B. If the agency determines that an intake pollutant in the discharge has no reasonable potential to cause or contribute to an excursion above an applicable water quality standard or criterion, a WQBEL is not necessary and the permit must require influent, effluent, and ambient monitoring necessary to demonstrate that the conditions of item A are maintained during the term of the permit.

C. If a discharger does not demonstrate to the agency that the conditions in item A, subitems (1) to (5), are met, the agency must use the procedures under subparts 2 to 4 to determine whether the discharge has the reasonable potential to cause or contribute to an excursion above an applicable water quality standard or criterion.

D. Where the facility meets the conditions in item A, subitems (1) and (3) to (5), and the background concentration is greater than the most stringent applicable water quality standard or criterion, the agency must establish an effluent limitation for the discharge of the intake pollutant at a mass and concentration no greater than the mass and concentration identified in the facility's intake water.

E. Intake credit for an intake pollutant established in item D must be phased out and replaced by a TMDL. The agency must determine WQBELs from these TMDLs and include them in permits after March 23, 2007.

F. For pollutants contained in the intake water provided by a water system, the concentration must be determined at the point where the raw water is removed from the same body of water, except that it must be the point where the water enters the water supplier's distribution system if a water treatment system removes any of the intake pollutant from the raw water supply. Mass must be determined by multiplying the concentration of the intake pollutant by the volume of the facility's intake flow received from the water system.

G. Where the intake pollutant in a facility's discharge originates from a water that is not the same body of water, as defined in subpart 6, as the receiving water, WQBELs must be based upon the most stringent standard or criterion for that intake pollutant.

H. Where a facility discharges an intake pollutant that originates in part from the same body of water as defined in subpart 6, and in part from a different body of water, the agency must apply items C, D, and F to derive a flow-weighted average effluent limitation for each intake pollutant source.

I. Where proper operation and maintenance of a facility's treatment system results in removal of some or all of an intake pollutant, the agency must establish limitations that reflect the lower mass and/or concentration of the pollutant achieved by such treatment, taking into account the feasibility of establishing such limits.

Subp. 6. **Determination of same body of water.** An intake pollutant is considered to be from the same body of water as the discharge if the agency finds that the intake pollutant would have reached the vicinity of the outfall point in the receiving water within

a reasonable period had it not been removed by the permittee. The determination of the reasonable period is a site-specific determination that is based on a comparison of the time it took the intake pollutant to reach the outfall with the time it would have taken had the intake pollutant not been removed by the permittee. The finding that an intake pollutant is from the same body of water as the discharge is established when:

A. the background concentration of the intake pollutant in the receiving water, excluding any amount of the pollutant in the facility's discharge, is similar to that in the intake water;

B. there is a direct hydrological connection between the intake and discharge points; and

C. water quality characteristics, for example, temperature, pH, hardness, are similar in the intake and receiving waters.

The agency may consider other site-specific factors affecting the transport and fate of the intake pollutant to make the finding in a particular case that an intake pollutant would or would not have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee. An intake pollutant from groundwater must be considered to be from the same body of water if the agency determines the intake pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee, except that such an intake pollutant is not from the same body of water if the groundwater contains the pollutant partially or entirely due to human activity, such as industrial, commercial, or municipal operations, disposal actions, or treatment processes.

Subp. 7. **Other applicable conditions.** If the geometric mean of a GLI pollutant in fish tissue samples collected from a waterbody exceeds the fish tissue basis of a water quality standard or criterion, after factoring in the variability of the GLI pollutant's bioaccumulation in fish, each facility that discharges detectable levels of such GLI pollutant to that water has the reasonable potential to cause or contribute to an excursion above a water quality standard or criterion. Each permit for those identified facilities must contain a WQBEL for that GLI pollutant.

Subp. 8. **Once-through noncontact cooling water.** WQBELs shall not be required for a discharge consisting solely of noncontact cooling water that is used once-through unless either item A or B applies.

A. A WQBEL based on aquatic life standards or criteria for a GLI pollutant determined under part 7052.0200, subpart 5, or based on WET under part 7052.0240, subpart 6, is required if the agency determines a limitation is necessary to protect aquatic life, unless the discharger demonstrates that the presence of the pollutant or WET is due solely to its presence in the intake water.

B. The discharger uses or proposes to use additives in the noncontact cooling water that require WQBELs based on the determinations under subpart 2, 3, or 4.

If a discharge consists of combined once-through noncontact cooling water and other waste streams, this subpart applies to the once-through noncontact cooling water and subparts 2 to 4 must be applied to the other waste streams to determine whether WQBELs are required for those other waste streams.

7052.0230 ADDITIVITY.

Subpart 1. **Applicability.** The purpose of a determination of additivity is to address the interactive effects of multiple GLI pollutants in individual point source discharges independent of other pollutants that may be present in the receiving waters.

Subp. 2. **Carcinogenic human health GLI pollutant additivity.** The agency must calculate the additive effects of carcinogenic human health pollutants in effluents according to part 7050.0222, subpart 7, item D, for which individual WQBELs have been established under part 7052.0200, subpart 5. Cumulative incremental risk for carcinogens in the effluent must be maintained at 1×10^{-5}.

Subp. 3. **Noncarcinogenic human health GLI pollutant additivity.** The agency must determine the additive effects of noncarcinogenic human health pollutants where individual WQBELs have been established under part 7052.0200, subpart 5, and where the pollutants exhibit the same adverse effects through the same mechanisms of action.

Subp. 4. **Acute aquatic life additivity.** The additive effects of acute aquatic life toxicity of GLI pollutants in effluents where individual WQBELs have been established under part 7050.0211, subpart 1, or 7052.0200, subpart 5, as FAVs must be calculated according to part 7050.0222, subpart 7, item D.

Subp. 5. **Toxic equivalency factors and bioaccumulation equivalency factors.** The agency must calculate the potential for adverse additive cancer and noncancer human health effects in effluents for both chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans listed in part 7052.0380 using the procedures in items A and B.

A. The human health cancer and noncancer standards for 2,3,7,8-TCDD must be used consistent with methods at part 7052.0200, subparts 2 and 3, to calculate total 2,3,7,8-TCDD toxicity equivalence WLAs for effluents.

B. The toxicity equivalency factors (TEFs) and bioaccumulation equivalency factors (BEFs) in part 7052.0380 must be used to calculate a 2,3,7,8-TCDD toxicity equivalence concentration for an effluent when implementing the WLAs derived in part 7052.0200, subpart 2, item A, or 3. The equation for calculating the 2,3,7,8-TCDD toxicity equivalence concentration in an effluent is as follows:

$$(TEC)_{TCDD} = \sum (C)_x (TEF)_x (BEF)_x$$

Where:

$(TEC)_{TCDD}$ = 2,3,7,8-TCDD toxicity equivalence concentration in the effluent

$(C)_x$ = The concentration of congener x in the effluent

$(TEF)_x$ = Toxicity equivalency factor for congener x

$(BEF)_x$ = Bioaccumulation equivalency factor for congener x

Congener x = a derivative, breakdown product, or similar chemical (in structure) to 2,3,7,8-TCDD. The congeners are listed in part 7052.0380.

7052.0240 WHOLE EFFLUENT TOXICITY.

Subpart 1. **Applicability.** The agency must evaluate and apply whole effluent toxicity (WET) as WQBELs and permit conditions through the following procedures and conditions:

A. no effluent shall exceed 1.0 acute toxic unit (TUa)unless a demonstration is provided under part 7052.0210, subpart 1, that 0.3 TUa can be met at the edge of an approved acute mixing zone; and

B. no effluent shall exceed 1.0 chronic toxic unit (TUc) in the receiving water at the edge of an approved mixing zone under part 7052.0210, subpart 1.

Subp. 2. **Acute and chronic WQBELs.** WQBELs determined under subpart 6 must comply with subpart 1, items A and B, except if the agency determines on an individual permit basis that chemical-specific limitations are sufficient to ensure compliance with subpart 1, items A and B.

Subp. 3. **Permit conditions.** Where the agency determines according to subpart 5 that the WET of an effluent is or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any standard specified in subpart 1 or 2, the following permit conditions must be established:

A. a WQBEL developed under subpart 6;

B. a requirement that a toxicity reduction evaluation be conducted where valid toxicity data indicate exceedance of a WET limitation and when the duration, magnitude, and frequency of exceedance is sufficient to allow completion of a toxic reduction evaluation to determine the pollutant or pollutants causing the exceedance;

C. for any effluent limitation for WET established under subpart 6, a schedule of compliance consistent with part 7052.0260; and

D. a requirement that all WET tests must be conducted according to the methods established in *Code of Federal Regulations*, title 40, part 136.

Subp. 4. **Insufficient information.** If the agency determines that it lacks sufficient information to establish under subpart 5 whether the WET of an effluent is or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any standard specified in subpart 1 or 2, the following permit conditions must be established:

A. WET testing requirements to generate the data needed to characterize the toxicity of the effluent to aquatic life; and

B. a permit reopener clause to establish WET limitations if any toxicity testing data required under item A and subpart 5 indicate that the WET of an effluent is or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any of the conditions in subparts 1 and 2.

Subp. 5. **Reasonable potential determination.** The agency must apply the factors in *Code of Federal Regulations*, title 40, section 122.44, paragraph (d)(1)(ii), and use representative data to evaluate the WET of an effluent. The agency must apply the provisions in items A to C to evaluate the reasonable potential of the effluent to exceed a WQBEL.

A. The agency must determine the toxicity of the effluent using the provisions in subitems (1) to (3).

(1) Acute toxicity values collected on the same day for each species must be averaged to represent one daily value. The maximum of all daily values for the most sensitive species tested must be used in the reasonable potential determinations.

(2) Chronic toxicity values collected within the same calendar month for each species tested must be averaged to represent one monthly value. The maximum of all monthly values for the most sensitive species tested must be used in the reasonable potential determinations.

(3) Toxicity values for missing endpoints must be estimated using a default acute-chronic ratio of 10 when data exist for either acute WET or chronic WET, but not for both endpoints.

B. The WET of an effluent has the reasonable potential to cause or contribute to an excursion above 1.0 TUa at the point of discharge or 0.3 TUa at the edge of the acute mixing zone when a mixing zone demonstration has been approved under part 7052.0210 and when the effluent-specific information demonstrates that:

(1) For discharges to streams and rivers:

$$\frac{T\ (B)(Qd)}{Qd + Qr} \geq 1.0 \text{ TUa or } 0.3 \text{ TUa, as applicable}$$

Where:

T = Maximum acute toxicity of the effluent measured under item A, subitem (1), in toxic units (TUa)

B = Multiplying factor from part 7052.0370, converting the measured maximum value to a 95th percentile value, except that a CV of 0.6 must be used where less than ten individual WET tests are available

Qd = Effluent design flow

Qr = Dilution flow allowed from the stream design flow specified in part 7052.0200, subpart 3, item A, subitem (1), including allowance for dilution from a mixing zone demonstration under part 7052.0210; or

(2) For discharges to lakes:

$$T\ (B)(X) \geq 1.0 \text{ TUa or } 0.3 \text{ TUa, as applicable}$$

Where:

T = Maximum acute toxicity of the effluent measured under item A, subitem (1), in toxic units (TUa)

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.

B = Multiplying factor from part 7052.0370 converting the measured maximum value to a 95th percentile value, except that a CV of 0.6 must be used where less than ten individual WET tests are available

X = Dilution ratio established in the mixing zone demonstration under part 7052.0210, subpart 2.

C. The WET of an effluent has the reasonable potential to cause or contribute to an excursion above the chronic standard when the effluent-specific information demonstrates that:

(1) For discharges to streams and rivers:

$$\frac{T\,(B)(Qd)}{Qd + Qr} \geq 1.0\ TUc$$

Where:

T = Maximum chronic toxicity of the effluent measured under item A, subitem (2), in toxic units (TUc)

B = Multiplying factor from part 7052.0370, converting the measured maximum value to a 95th percentile value, except that a CV of 0.6 must be used where less than ten individual WET tests are available

Qd = Effluent design flow

Qr = Dilution flow allowed from the stream design flow specified in part 7052.0200, subpart 3, item A, subitem (2), including allowance for dilution from a mixing zone demonstration under part 7052.0210; or

(2) For discharges to lakes:

$$T\,(B)(X) \geq 1.0\ TUc$$

Where:

T = Maximum chronic toxicity of the effluent measured under item A, subitem (2), in toxic units (TUc)

B = Multiplying factor from part 7052.0370 converting the measured maximum value to a 95th percentile value, except that a CV of 0.6 must be used where less than ten individual WET tests are available

X = 10, which represents a receiving water volume to effluent volume dilution ratio of 10 to 1, unless an alternative mixing zone demonstration is provided under part 7052.0210, subpart 2, that includes a dilution ratio other than 10

to 1 and results in a mixing zone that is no greater than the area of discharge-induced mixing, in which case X equals the dilution ratio established in the demonstration.

Subp. 6. **WQBELs for WET.** The agency must establish WQBELs according to the provisions in items A to D.

A. The acute WET limitation for discharges must be 1.0 TUa, applied as a daily maximum, unless provisions for an acute mixing zone under part 7052.0210 have been established that:

(1) result in compliance, at the edge of an agency-approved mixing zone for streams and rivers, with the acute WET limitation calculated as follows:

$$\text{Acute WET limitation} = \frac{T\,(Qd + Qr)}{Qd}$$

Where:

T = 0.3 TUa

Qd = Effluent design flow

Qr = Stream design flow specified in part 7052.0200, subpart 3, item A, subitem (1), including allowance for dilution from a mixing zone demonstration under part 7052.0210; or

(2) result in compliance, at the edge of an agency-approved mixing zone for lakes, with the acute WET limitation calculated as follows:

$$\text{Acute WET limitation} = T(X)$$

Where:

T = 0.3 TUa

X = The dilution ratio established in the mixing zone demonstration under part 7052.0210, subpart 2.

B. The chronic WET limitation for discharges to streams and rivers, applied as a monthly average, must be calculated as follows:

$$\text{Chronic WET limitation} = \frac{T\,(Qd + Qr)}{Qd}$$

Where:

T = 1.0 TUc

Qd = Effluent design flow

Qr = Stream design flow specified in part

7052.0200, subpart 3, item A, subitem (2), including allowance for dilution from a mixing zone demonstration under part 7052.0210.

C. The chronic WET limitation for discharges to lakes, applied as a monthly average, must be calculated as follows:

Chronic WET limitation = T (X)

Where:

T = 1.0 TUc

X = 10, which represents a receiving water volume to effluent volume dilution ratio of 10 to 1, unless an alternative mixing zone demonstration is provided under part 7052.0210, subpart 2, that includes a dilution ratio other than 10 to 1 and results in a mixing zone that is no greater than the area of discharge-induced mixing, in which case X equals the dilution ratio established in the demonstration.

D. The agency must establish, on an individual permit basis, a monitoring frequency to evaluate compliance with WET limitations.

7052.0250 WQBELS BELOW QUANTIFICATION LEVEL.

Subpart 1. **Applicability.** The agency must establish in the permit the WQBEL exactly as calculated when a WQBEL for a GLI pollutant is calculated to be less than the quantification level.

Subp. 2. **Analytical method and quantification level used to assess compliance.** The agency must use the provisions in items A to D when assessing compliance with a WQBEL below the quantification level.

A. The agency must identify in the permit the analytical method that must be used to monitor for the presence and amount of the GLI pollutant in an effluent for which the WQBEL is established. The analytical method specified must be the most sensitive, applicable, analytical method specified in or approved under *Code of Federal Regulations*, title 40, part 136, or other agency-approved method if one is not available under *Code of Federal Regulations*, title 40, part 136.

B. The quantification level shall be the minimum level specified in or approved under *Code of Federal Regulations*, title 40, part 136, for the method for that GLI pollutant. If no such minimum level exists, but a method detection level is available, the method detection level must be multiplied by 3.18 to determine a minimum level. If the method is not specified or approved under *Code of Federal Regulations*, title 40, part 136, the quantification level shall be the lowest quantifiable level approved by the agency. The agency must specify a higher quantification level if the permittee demonstrates that a higher quantification level is appropriate because of effluent-specific matrix interference.

C. For the purpose of compliance assessment, the analytical method specified in the permit must be used to monitor the amount of a GLI pollutant in an effluent down to the quantification level, provided that the analyst has complied with the specified quality assurance and quality control procedures in the relevant method.

D. The agency must use commonly accepted statistical procedures to average and account for monitoring data. The agency must specify in the permit the value to be substituted for sample results when the results are below the quantification level, and how the value will be used in calculations for an average.

Subp. 3. **Special conditions.** If the concentration of a pollutant in an effluent is so low that it cannot be quantified under subpart 2, the agency must include special conditions in the permit to assess the level of the pollutant in the effluent. The permit must also contain a reopener clause authorizing modification or revocation and reissuance of the permit if any information generated as a result of special conditions included in the permit indicates the presence of the GLI pollutant in the discharge at levels above the WQBEL. The following special conditions must be included in the permit under the conditions specified:

A. results of fish tissue sampling when human health or wildlife limitations are included in the permit;

B. WET tests when aquatic life limitations are included in the permit;

C. internal waste stream monitoring requirement when the agency determines, based on knowledge of the facility, that quantifiable levels of the pollutant can be measured in an internal waste stream; and

D. monitoring for surrogate waste stream parameters when the agency determines the surrogate parameter is quantifiable and correlated to the concentration of the pollutant in the effluent.

Subp. 4. **GLI pollutant minimization program.** The agency shall include a condition in the permit requiring the permittee to develop and conduct a GLI pollutant minimization program for each GLI pollutant with a WQBEL below the quantification level. The goal of the GLI pollutant minimization program is to reduce all sources of the GLI pollutant to maintain the effluent at or below the WQBEL. The GLI pollutant minimization program must include at least the following:

A. an annual review and periodic monitoring of potential GLI pollutant sources which may include fish tissue monitoring or other bio-uptake sampling as necessary to assess progress toward attainment of the WQBEL;

B. periodic monitoring of wastewater treatment system influent as necessary to assess progress toward attainment of the WQBEL;

C. submittal of a control strategy to reduce GLI pollutant loading to the industrial or municipal wastewater treatment system influent;

D. implementation of cost-effective controls when sources of GLI pollutants are found; and

E. submission of an annual status report to the agency that includes the following:

(1) all minimization program monitoring results for the previous year;

(2) a list of potential sources of the GLI pollutant; and

(3) a summary of all actions taken to reduce identified sources of the GLI pollutant.

7052.0260 COMPLIANCE SCHEDULES.

Subpart 1. **Applicability.** This part applies to the schedules of compliance in permits for new and existing dischargers for the standards and limitations developed in this chapter.

Subp. 2. **New dischargers.** When a permit containing a WQBEL for a GLI pollutant is issued to a new discharger, the permittee must comply with such limitation upon commencement of the discharge. Compliance schedules must be included for new or more stringent WQBELs contained in any subsequently modified or reissued permit.

Subp. 3. **Existing dischargers.** An existing permit that is reissued or modified, on or after the effective date of this chapter, to contain a new or more stringent WQBEL for a GLI pollutant must have a compliance schedule for the permittee to comply with that limitation. A compliance schedule may go beyond the term of the permit. The compliance schedule must not extend beyond five years from the date of permit issuance or modification.

When the compliance schedule goes beyond the term of the permit, an interim permit limitation effective upon the expiration date must be included in the permit and addressed in the permit's fact sheet or statement of basis. The administrative record for the permit must reflect the final limitation and its compliance date.

Where a schedule of compliance is established that exceeds one year from the permit issuance or modification date, the schedule must provide interim requirements and dates for their achievement. The time between interim dates may not exceed one year. If the time necessary for completion of any interim requirement is more than one year and is not readily divisible into stages for completion, the permit must require specific dates for annual submission of progress reports on the status of any interim requirements.

Subp. 4. **Tier II standard or criterion delayed effectiveness dates.** Whenever a WQBEL for a GLI pollutant is based upon a Tier II standard or criterion and is included in a reissued or modified permit for an existing discharger, and studies are going to be conducted to generate sufficient data to revise the Tier II standard or criterion or develop a Tier I standard or criterion, the permit must provide a period of time, up to two years, in which to provide the additional studies. In such cases, the permit must require compliance with the Tier II limitation no later than five years after permit issuance or modification, and contain a reopener clause.

Subp. 5. **Revision of a WQBEL.** The reopener clause identified in subpart 4 must authorize the agency to make permit modifications if additional data have been provided during the time allowed to provide the studies identified in subpart 4, and the permittee or a third party demonstrates through the studies that a revised WQBEL for a GLI pollutant is necessary due to a modification of

a standard or criterion under subpart 4. The revised WQBEL must be incorporated through a permit modification and a compliance schedule of up to five years must be allowed. If incorporated prior to the compliance date of the original Tier II limitation, any revised WQBEL must not be considered less stringent for purposes of the antibacksliding provisions of section 402(o) of the Clean Water Act, *United States Code*, title 33, section 1342(o). If the specified studies have been completed and do not demonstrate the need to modify a standard or criterion under subpart 4, and therefore a revised WQBEL is not necessary, the agency must provide an additional time period, not to exceed five years, to achieve compliance with the original WQBEL. Where a permit is modified to include new or more stringent effluent limitations, on a date within five years of the permit expiration date, the compliance schedules may extend beyond the term of a permit consistent with subpart 3.

Subp. 6. **Decreasing stringency of a WQBEL.** If future studies, other than those conducted under subparts 4 and 5, result in a Tier II standard or criterion being changed to a less stringent Tier I or Tier II standard or criterion after the effective date of a Tier II-based WQBEL for that GLI pollutant, the existing Tier II-based WQBEL may be revised to be less stringent if the following provisions are met:

A. the revised WQBEL complies with section 402(o)(2) and (3) of the Clean Water Act, *United States Code*, title 33, section 1342(o)(2) and (3);

B. the revised WQBEL will ensure compliance with water quality standards and criteria in nonattainment waters; or

C. the revised WQBEL complies with nondegradation standards and implementation procedures in parts 7050.0180, 7050.0185, 7052.0300, 7052.0310, 7052.0320, and 7052.0330, in attained waters.

7052.0270 SITE-SPECIFIC WATER QUALITY STANDARDS OR CRITERIA.

Subpart 1. **Applicability.** This part applies when a discharger requests a site-specific criterion or a site-specific modification to a standard, or the agency determines that a site-specific criterion or modification is necessary to protect endangered or threatened species under subpart 5, or highly exposed subpopulations under subpart 7. Site-specific criteria or modifications to standards must be protective of designated uses and aquatic life, wildlife, and human health. Site-specific criteria or modifications must be preceded by a site-specific study of the effects of local environmental conditions on aquatic life, human health, or wildlife toxicity, and how these effects relate to the calculation of standards or criteria. The study must be conducted according to the EPA methods in chapter 3 of the U.S. EPA Water Quality Standards Handbook, Second Edition (EPA-823-B-94-005a, August 1994), which is adopted and incorporated by reference in part 7052.0015, item G. The agency must approve the site-specific study and, upon approval, the agency must use the study data to develop each site-specific criterion or standard, which then must be submitted to EPA for approval.

Subp. 2. **Considerations for endangered and threatened species.** The agency must apply the provisions in items A to C when modifying a standard or developing a site-specific criterion.

A. Any site-specific modifications that result in less stringent standards or site-specific criteria must not jeopardize the continued existence of endangered or threatened species listed or proposed under chapter 6134 or section 4 of the Endangered Species Act (ESA), *United States Code*, title 16, section 1533, or result in the destruction or adverse modification of such species' critical habitat.

B. More stringent modifications or site-specific criteria must be developed to protect endangered or threatened species listed or proposed under chapter 6134 or section 4 of the ESA where the water quality jeopardizes the continued existence of such species or results in the destruction or adverse modification of such species' critical habitat.

C. More stringent modifications or site-specific criteria must also be developed to protect candidate (C1) species being considered by the United States Fish and Wildlife Service for listing under section 4 of the ESA, where such modifications are necessary to protect such species.

Subp. 3. **Aquatic life.** The agency must modify an aquatic life standard to a more stringent or less stringent site-specific standard, or determine a site-specific criterion, based upon the results of a site-specific study completed according to subpart 1 if the study demonstrates that:

A. the local water quality characteristics, such as pH, hardness, temperature, and color, alter the biological availability or toxicity of a GLI pollutant;

B. local physical and hydrological conditions exist that alter the toxicity of a GLI pollutant; or

C. the sensitivity of the aquatic organisms that occur at that site differs from the species actually used in developing the standards or criteria. The taxa that occur at the site cannot be determined merely by sampling downstream and/or upstream of the site at one point in time. The phrase "occur at the site" does not include taxa that were once present at the site but cannot exist at the site now due to permanent physical alteration of the habitat at the site. It does include the species, genera, families, orders, classes, and phyla that:

(1) are usually present at the site;

(2) are present at the site only seasonally due to migration;

(3) are present intermittently because they periodically return to or extend their ranges into the site;

(4) were present at the site in the past, are not currently present at the site due to degraded conditions, and are expected to return to the site when conditions improve; or

(5) are present in nearby bodies of water, are not currently present at the site due to degraded conditions, and are expected to be present at the site when conditions improve.

If item A, B, or C indicates that the GLI pollutant is more toxic at the site or organisms are more sensitive, or if additional protection is necessary to maintain designated aquatic life uses, the agency must calculate a more stringent site-specific standard or criterion. If item A, B, or C indicates that the GLI pollutant is less toxic at the site or organisms are less sensitive than those used in the calculation of the standard or criterion, and neither item A, B, nor C indicate greater toxicity, the agency must calculate a less stringent site-specific standard or criterion.

Subp. 4. **Wildlife.** The agency must modify a wildlife standard to a more stringent or less stringent site-specific standard, or determine a site-specific criterion, based upon the results of a site-specific study completed according to subpart 1. More stringent site-specific water quality standards or criteria must be developed when a site-specific bioaccumulation factor (BAF) is derived which is higher than the systemwide BAF derived under part 7052.0110. Less stringent site-specific water quality standards or criteria must be developed when a site-specific BAF is derived which is lower than the systemwide BAF derived under part 7052.0110. The agency's modification evaluation must evaluate both the mobility of the prey organisms and wildlife populations in defining the site for which the criteria or modified standards are developed. In addition, for less stringent site-specific water quality standards or criteria to be applied in a permit there must be a demonstration by either the discharger or the agency that:

A. any increased uptake of the toxicant by prey species utilizing the site will not cause adverse effects in wildlife populations; and

B. wildlife populations utilizing the site or downstream surface waters of the state will continue to be fully protected.

Subp. 5. **Site-specific modifications to protect threatened or endangered species.** The agency must modify both aquatic life and wildlife standards or develop criteria on a site-specific basis to protect threatened or endangered species where the water quality jeopardizes the continued existence of such species or results in the destruction or adverse modification of such species' critical habitat. The provisions in items A and B apply to site-specific standards or criteria to protect endangered or threatened species.

A. Site-specific modifications to aquatic life standards, or site-specific criteria, must be calculated by the agency when one of the following methods is applicable:

(1) If the species mean acute value for a listed or proposed species, or an applicable surrogate of such species, is lower than the calculated FAV, the lower species mean acute value must be used instead of the calculated FAV in developing the site-specific criterion or standard.

(2) The site-specific criterion or standard must be calculated using the recalculation procedure for site-specific modifications when the sensitivities of organisms used to derive the GLI pollutant standard or criterion are different from the sensitivities of the organisms that occur at the site. The recalculation procedure is described in chapter 3 of the U.S. EPA Water Quality Standards Handbook, Second Edition (EPA-823-B-94-005a, August 1994), which is adopted and incorporated by reference in part 7052.0015, item G.

(3) If the methods in subitems (1) and (2) are both applicable, the agency must follow both methods to calculate site-specific modifications to aquatic life standards or site-specific criteria, then compare the results and apply the more stringent standards or criteria.

B. For any modifications to wildlife standards or criteria, the agency must evaluate both the mobility of prey organisms and wildlife populations in defining the site for which standards or criteria are developed and must use the following method to calculate site-specific standards or criteria:

(1) substitute appropriate species-specific toxicological, epidemiological, or exposure information, including changes to the BAF, used in the GLI Guidance methodology referenced in part 7052.0110, subpart 5;

(2) use an interspecies uncertainty factor of 1 where epidemiological data are available for the species in question. If applicable, species-specific exposure parameters must be derived using the GLI Guidance methodology referenced in part 7052.0110, subpart 5;

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(3) apply an intraspecies sensitivity factor to the denominator in the effect part of the wildlife equation in the GLI Guidance methodology referenced in part 7052.0110, subpart 5, in accordance with the other uncertainty factors described in that method; and

(4) compare the resulting wildlife criterion or standard for the species in question to the class-specific avian and mammalian wildlife values previously calculated under part 7052.0110, subpart 5, and apply the lowest of the three as the site-specific standard or criterion.

Subp. 6. **Bioaccumulation factors.** The agency must modify BAFs on a site-specific basis to larger values if data from the study approved under subpart 1 show that a bioaccumulation value derived from local bioaccumulation data is greater than the systemwide value. Site-specific BAFs must be derived using the GLI Guidance methodology referenced in part 7052.0110, subpart 3. The agency must modify BAFs on a site specific basis to lower values if:

A. the fraction of the total chemical freely dissolved in the ambient water is less than that used to derive the systemwide BAFs;

B. input parameters of the Gobas model, such as the input structure of the aquatic food web and the disequilibrium constant, are different at the site than those used to derive the systemwide BAFs;

C. the percent lipid of the aquatic organisms that are consumed and occur at the site is lower than that used to derive the systemwide BAFs; or

D. site-specific, field measured BAFs or biota-sediment accumulation factors are determined.

Subp. 7. **Human health.** The agency must modify human health standards or determine criteria on a site-specific basis to provide additional protection necessary for highly exposed subpopulations. A subpopulation is highly exposed if the dosage of the GLI pollutant is greater for the subpopulation due to increased fish consumption rates, increased water ingestion rates, or an increased BAF. The agency must develop less stringent site-specific human health standards or criteria if the study approved under subpart 1 demonstrates that:

A. local fish consumption rates are lower than the rate used in deriving human health standards or criteria in part 7052.0110, subpart 4; or

B. a site-specific BAF is derived under subpart 6 which is lower than that used in deriving human health standards or criteria in part 7052.0110, subpart 4.

7052.0280 VARIANCES FROM WATER QUALITY STANDARDS OR CRITERIA.

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

A. if it would jeopardize the continued existence of any endangered or threatened species listed under chapter 6134 or section 4 of the Endangered Species Act, *United States Code*, title 16, section 1533, or result in destruction or adverse modification of such species' critical habitat; or

B. if standards or criteria will be attained by implementing effluent limitations required under sections 301(b) and 306 of the Clean Water Act, *United States Code*, title 33, sections 1311(b) and 1316, and by the permittee implementing cost-effective and reasonable best management practices for nonpoint source control.

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

Subp. 3. **Conditions to grant a variance.** The agency must grant a variance if the following conditions are met:

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

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

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

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

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

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

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

B. the permittee shows that the variance conforms with agency nondegradation procedures; and

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

Subp. 4. **Variance application submittal, public notice of preliminary determination, and notice requirements.** Variance application submittal, public notice of preliminary determination, and notice requirements must conform to part 7000.7000.

Subp. 5. **Agency final decision; variance requirements.** The agency must issue a final decision regarding the variance request that conforms to the procedural requirements in part 7000.7000. If a variance is granted, it must include and incorporate into the permit the following conditions:

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

B. a schedule of compliance activities for attaining water quality standards or criteria;

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

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

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

Subp. 6. **Renewal of variance.** The renewal of a variance is subject to the requirements of subparts 1 to 5.

Subp. 7. **Notice of variances.** The agency must list all variances to state water quality standards as required in part 7050.0190, subpart 2.

NONDEGRADATION

7052.0300 NONDEGRADATION STANDARDS.

Subpart 1. **Applicability.** This part and parts 7050.0180 and 7050.0185 establish the nondegradation standards and implementation procedures for surface waters of the state in the Lake Superior Basin. For the purposes of this part and parts 7052.0310 to 7052.0330, lowering of water quality means a new or expanded point source discharge of a BSIC to an outstanding international resource water, or a new or expanded point or nonpoint source discharge, for which there is a control document, of a BCC to a high quality water. The nondegradation standards established in this part and parts 7050.0180 and 7050.0185 for surface waters of the state in the Lake Superior Basin apply as follows:

A. Parts 7052.0300 to 7052.0330 apply to the following discharges:

(1) new and expanded point source discharges of BSICs to waters designated as outstanding international resource waters (OIRWs) under subpart 3; and

(2) new and expanded point and nonpoint source discharges of BCCs to waters designated as high quality waters under subpart 4.

B. Part 7050.0180 applies to new or expanded discharges of any pollutant to surface waters of the state designated as ORVWs as described in parts 7050.0460 and 7050.0470. Part 7050.0180, subpart 9, applies to new and expanded discharges upstream of an ORVW. For discharges of BCCs directly to ORVWs or upstream of ORVWs in the Lake Superior Basin, the actions or activities that may trigger a nondegradation demonstration are listed in part 7052.0310, subpart 4, and actions or activities that are exempt from nondegradation requirements are listed in part 7052.0310, subpart 5.

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C. Part 7050.0185 applies to the discharge of non-BCCs to all surface waters of the state in the Lake Superior Basin not designated as ORVWs, and to the discharge of BCCs to waters not designated as ORVWs or high quality waters. Part 7050.0185 also applies to the discharge of pollutants to Class 7 waters, except that the following requirements also apply in the indicated circumstances:

(1) any new or expanded discharge to a Class 7 water upstream of an ORVW must meet the requirements of part 7050.0180, subpart 9; and

(2) any new or expanded discharge to a Class 7 water upstream of an OIRW or a high quality water must meet the requirements of parts 7052.0310 to 7052.0330 as necessary to ensure compliance with the standards established in subparts 3 and 4.

Subp. 2. **Maintenance of existing water quality.** Existing water uses under part 7050.0185 and the level of water quality necessary to protect existing uses must be maintained and protected. Where designated uses of the waterbody are impaired, there must be no lowering of the water quality with respect to the GLI pollutants causing the impairment.

Subp. 3. **Outstanding international resource waters.** All surface waters of the state in the Lake Superior Basin, other than Class 7 waters and designated ORVWs as described in parts 7050.0460 and 7050.0470, are designated as OIRWs. Any new or expanding point source discharge of a BSIC to an OIRW must comply with the implementation requirements of part 7052.0310 and the demonstration requirements of part 7052.0320, subparts 2 and 3.

Subp. 4. **High quality waters.** Where, for any individual BCC, the water quality of an OIRW is better than quality necessary to support the propagation of fish, shellfish, and wildlife and recreation in and on the water, that water shall be considered high quality for that BCC and the quality must be maintained and protected under the implementation and demonstration requirements of parts 7052.0310 and 7052.0320. On a pollutant-specific basis, the agency shall allow a lowering of water quality if it determines the lowering of water quality is necessary to accommodate important economic or social development in the area in which the water is located, in accordance with part 7052.0310, subpart 3. If a lowering of water quality is allowed, existing and designated uses must be fully protected.

Subp. 5. **Thermal discharges.** The agency's nondegradation determination associated with a potential lowering of water quality due to a thermal discharge must be consistent with section 316 of the Clean Water Act, *United States Code*, title 33, section 1326.

7052.0310 NONDEGRADATION IMPLEMENTATION.

Subpart 1. **Applicability.** This part identifies the implementation requirements for new and expanded discharges of BSICs to OIRWs and of BCCs to high quality waters.

Subp. 2. **Outstanding international resource waters.** Actions or activities that result in a new or expanded point source discharge of a BSIC to an OIRW are prohibited unless the agency has received and approved a nondegradation demonstration that meets the requirements of part 7052.0320, subparts 2 and 3, including an identification of the best technology in process and treatment to be employed by the discharger at the facility. Subpart 4 lists the types of actions or activities that may trigger a nondegradation demonstration, and subpart 5 lists actions and activities that do not trigger a nondegradation demonstration.

Subp. 3. **High quality waters.** On a pollutant-specific basis, actions or activities that result in a new or expanded point or nonpoint source discharge of an individual BCC to a surface water of the state in the Lake Superior Basin designated under part 7052.0300, subpart 4, as a high quality water for that BCC are prohibited unless the agency has received and approved a nondegradation demonstration that meets the requirements of part 7052.0320, subpart 2. New or expanded point source discharges of BSICs must also meet the requirements of part 7052.0320, subpart 3. This subpart only applies to dischargers for which there is a control document. Subpart 4 lists the types of actions or activities that may trigger a nondegradation demonstration, and subpart 5 lists actions and activities that do not trigger a nondegradation demonstration.

Subp. 4. **Nondegradation demonstration triggers.** The following actions or activities require a nondegradation demonstration if they result in a new or expanded point source discharge of a BSIC to an OIRW, or a new or expanded point or nonpoint source discharge, for which there is a control document, of a BCC to a high quality water:

A. construction of a new facility or modification of an existing facility such that a new or modified control document is required;

B. modification of an existing facility operating under a current control document such that the production capacity of the facility is increased;

C. addition of a new source of untreated or pretreated effluent containing or expected to contain any BCC to an existing wastewater treatment works, whether public or private;

D. a request for an increased limitation in an applicable control document; or

E. other discharger-induced actions or activities that, based on the information available, could be reasonably expected to result in an increased loading of any BCC to any surface waters of the state in the Lake Superior Basin.

Subp. 5. **Actions and activities that do not trigger a nondegradation demonstration.** The actions and activities in items A to E do not require a nondegradation demonstration.

A. Changes in loading of any BCC within the existing capacity and processes covered by an applicable control document. These changes include:

(1) normal operational variability;

(2) changes in intake water pollutants;

(3) increasing the production hours of a facility;

(4) increases in the rate of production; or

(5) new effluent limitations based on improved monitoring data or new water quality standards or criteria that are not a result of changes in pollutant loading.

B. New or expanded discharges of a BCC when the facility withdraws intake water containing the BCC from the same body of water as defined in part 7052.0220, subpart 6, and the new or expanded discharge of the BCC is due solely to the presence of the BCC in the intake.

C. New or expanded discharges of noncontact cooling water that will not result in an increased loading of a BCC.

D. Increasing the sewage loading to an existing, publicly owned wastewater treatment works provided that the increase is within the permitted design flow of the facility, there is no increased loading of BCCs from industrial and other wastes, and no significant change is expected in the characteristics of the wastewater discharged.

E. New or expanded discharges of construction or industrial stormwater subject to a general NPDES permit.

Subp. 6. **Notification.** The control document regulating the discharge of any BCC, including BSICs, from point and nonpoint sources must include a requirement that the discharger notify the agency of any increased loadings of BCCs where the increase is above normal variability. The control document must also include a monitoring requirement for any BCC known or believed to be present in the discharge. Notification is not required for the exemptions in subpart 7.

Subp. 7. **Exemptions.** Except when the agency determines on a case-by-case basis that the application of subparts 1 to 6 is required to adequately protect water quality, the procedures of this part do not apply to:

A. actions or activities resulting in a short-term, as in weeks or months, temporary lowering of water quality;

B. bypasses that are not prohibited by *Code of Federal Regulations*, title 40, section 122.41, paragraph (m); and

C. response actions pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, *Minnesota Statutes*, chapter 115B or 115C, or similar federal authorities undertaken to alleviate a release into the environment of hazardous substances, pollutants, or contaminants which may pose an imminent and substantial danger to the public health or welfare.

7052.0320 NONDEGRADATION DEMONSTRATION.

Subpart 1. **Applicability.** For surface waters of the state designated as OIRWs under part 7052.0300, subpart 3, and high quality waters under part 7052.0300, subpart 4, the procedures in items A and B must be followed to fulfill the nondegradation requirements of part 7052.0310, subparts 2 and 3.

A. Any discharger, for which there is a control document, proposing a new or expanded discharge of a BCC from a point or nonpoint source to a water designated under part 7052.0300, subpart 3, as a high quality water for that BCC must complete the requirements in subpart 2. If the discharger is proposing a new or expanded point source discharge of a BSIC, the requirements of subpart 3 must also be completed.

B. Any discharger proposing a new or expanded point source discharge of a BSIC to an OIRW must complete the requirements in subparts 2 and 3.

Subp. 2. **Demonstration elements.** The actions in items A to C must be completed by the discharger to provide a complete nondegradation demonstration.

A. Identify any available cost-effective pollution prevention alternatives and techniques that would eliminate or reduce the extent to which the increased loading results in a lowering of water quality.

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B. Identify available cost-effective alternative or enhanced treatment techniques, beyond best available technology economically achievable, that would eliminate the lowering of water quality, and their costs relative to the cost of treatment necessary to achieve compliance with effluent limitations.

C. Identify the economic or social development and the benefits to the area in which the waters are located that will not occur if the lowering of water quality is not allowed.

In lieu of items A to C, entities proposing remedial actions pursuant to the CERCLA, as amended, corrective actions pursuant to the Resource Conservation and Recovery Act, as amended, or similar actions pursuant to other federal or state environmental statutes must submit information to the agency that demonstrates that the action utilizes the most cost-effective pollution prevention and treatment techniques available, and minimizes the necessary lowering of water quality.

Subp. 3. **Best technology in process and treatment analysis.** Dischargers proposing new or expanded loadings of BSICs in their discharge to OIRW-designated waters must provide an analysis of best technology in process and treatment (BTPT) to eliminate or reduce the extent of the new or expanded discharge in lieu of the requirements of subpart 2, item B. If the agency determines that the technologies under section 301 of the Clean Water Act, *United States Code*, title 33, section 1311, meet the provisions of this part, then these technologies are equivalent to BTPT. When evaluating the BTPT analysis, the agency will encourage innovative BTPT technologies. The BTPT analysis must comply with the requirements in items A to E.

A. The BTPT analysis must evaluate the opportunities and technologies the discharger has to reduce loadings and minimize the generation of BSICs including pollution prevention, minimization and toxics reduction, and state-of-the-art or advanced process technologies. The preferred opportunity or technology choice to reduce the generation and loadings of BSICs is pollution prevention, minimization, and toxics reduction.

B. The BTPT analysis must evaluate the effects of the transfer of pollutants to other media in addition to water as a result of the implementation of a process technology, pollution prevention technique, or treatment technology used to implement BTPT.

C. If a multiple BSIC discharge exists, the BTPT analysis must identify BTPT for each BSIC in the discharge. If the identified BTPT technologies are not compatible and, if implemented together, cannot minimize or treat each BSIC to levels that would be achieved if the individual BTPT technologies was implemented alone, a GLI pollutant minimization program must be implemented according to part 7052.0250, subpart 4.

D. BSICs subject to a BTPT analysis must be assumed to be present in the discharge if there is evidence of their presence at the facility in internal processes or internal waste streams, even if the effluent concentration is below analytical detection levels.

E. The BTPT proposed must be the most advanced technology available, viable in the marketplace, and compatible with existing processes where facility modifications or process technology changes are proposed.

7052.0330 NONDEGRADATION DECISION.

Once the agency determines that the information provided by the discharger proposing a new or expanding discharge is complete, the agency must use that information to determine:

A. whether the lowering of water quality is necessary because the agency determines there is no pollution prevention or alternative technology available that would avoid the lowering of water quality; and

B. if the lowering of water quality is necessary, whether or not it will support important social and economic development in the area.

If the proposed lowering of water quality is either unnecessary because of pollution prevention or alternative technology availability, or will not support important social and economic development, the agency must deny the request to lower water quality. If the lowering of water quality is necessary, and it will support important social and economic development, the agency must allow that part of the proposed lowering necessary to accommodate the important social and economic development, except that the agency must not allow water quality to be lowered below the minimum level required to fully support existing and designated uses. The preliminary decision of the agency is subject to the public notice requirements under chapter 7001.

If BTPT is required under part 7052.0310, subpart 2, for a new or expanded point source discharge of a BSIC to an OIRW, the agency must review and approve the BTPT analysis and require the discharger to install and use the BTPT. The preliminary decision of the agency is subject to the public notice requirements under chapter 7001.

7052.0350 BIOACCUMULATIVE CHEMICALS OF CONCERN.

List of Bioaccumulative Chemicals of Concern (BCCs) (* indicates those BCCs that are BSICs):

A. Chlordane*;

B. DDT and metabolites (4,4'-DDD; p,p'-DDD; 4,4'-TDE; p,p'-TDE; 4,4'-DDE; p,p'-DDE; 4,4'-DDT; p,p'-DDT)*;

C. Dieldrin*;

D. Hexachlorobenzene*;

E. Hexachlorobutadiene (hexachloro-1,3-butadiene);

F. Hexachlorocyclohexanes (BHCs);

G. alpha-Hexachlorocyclohexane (alpha-BHC);

H. beta-Hexachlorocyclohexane (beta-BHC);

I. delta-Hexachlorocyclohexane (delta-BHC);

J. Lindane; gamma-Hexachlorocyclohexane (gamma-BHC);

K. Mercury*;

L. Mirex;

M. Octachlorostyrene*;

N. PCBs (polychlorinated biphenyls)*;

O. Pentachlorobenzene;

P. Photomirex;

Q. 2,3,7,8-TCDD (dioxin)*;

R. 1,2,3,4-Tetrachlorobenzene;

S. 1,2,4,5-Tetrachlorobenzene; and

T. Toxaphene*.

7052.0360 METAL CONVERSION FACTORS.

Metal	Conversion Factors	
	Acute	**Chronic**
Arsenic	1.000	1.000
Cadmium*	0.944	0.909
Chromium (III)	0.316	0.860
Chromium (VI)	0.982	0.962
Copper	0.960	0.960
Lead*	0.791	0.791
Mercury	0.85	N/A
Nickel	0.998	0.997
Silver	0.85	N/A
Zinc	0.978	0.986

*Conversion factors for cadmium and lead are hardness dependent. The values shown are for a hardness of 100 mg/L as calcium carbonate ($CaCO_3$). The methods for determining the conversion factors for cadmium and lead given the hardness are as follows:

Cadmium

Acute: Conversion Factor(CF) = 1.136672-[ln(hardness) (0.041838)]

Chronic: CF = 1.101672 - [ln (hardness) (0.041838)]

Lead

Acute and Chronic: CF = 1.46203 - [ln (hardness) (0.145712)]

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7052.0370 REASONABLE POTENTIAL MULTIPLYING FACTORS.

# of Samples	Coefficient of Variation																			
	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0
1	1.4	1.9	2.6	3.6	4.7	6.2	8.0	10.1	12.6	15.5	18.7	22.3	26.4	30.8	35.6	40.7	46.2	52.1	58.4	64.9
2	1.3	1.6	2.0	2.5	3.1	3.8	4.6	5.4	6.4	7.4	8.5	9.7	10.9	12.2	13.6	15.0	16.4	17.9	19.5	21.1
3	1.2	1.5	1.8	2.1	2.5	3.0	3.5	4.0	4.6	5.2	5.8	6.5	7.2	7.9	8.6	9.3	10.0	10.8	11.5	12.3
4	1.2	1.4	1.7	1.9	2.2	2.6	2.9	3.3	3.7	4.2	4.6	5.0	5.5	6.0	6.4	6.9	7.4	7.8	8.3	8.8
5	1.2	1.4	1.6	1.8	2.1	2.3	2.6	2.9	3.2	3.6	3.9	4.2	4.5	4.9	5.2	5.6	5.9	6.2	6.6	6.9
6	1.1	1.3	1.5	1.7	1.9	2.1	2.4	2.6	2.9	3.1	3.4	3.7	3.9	4.2	4.5	4.7	5.0	5.2	5.5	5.7
7	1.1	1.3	1.4	1.6	1.8	2.0	2.2	2.4	2.6	2.8	3.1	3.3	3.5	3.7	3.9	4.1	4.3	4.5	4.7	4.9
8	1.1	1.3	1.4	1.6	1.7	1.9	2.1	2.3	2.4	2.6	2.8	3.0	3.2	3.3	3.5	3.7	3.9	4.0	4.2	4.3
9	1.1	1.2	1.4	1.5	1.7	1.8	2.0	2.1	2.3	2.4	2.6	2.8	2.9	3.1	3.2	3.4	3.5	3.6	3.8	3.9
10	1.1	1.2	1.3	1.5	1.6	1.7	1.9	2.0	2.2	2.3	2.4	2.6	2.7	2.8	3.0	3.1	3.2	3.3	3.4	3.6
11	1.1	1.2	1.3	1.4	1.6	1.7	1.8	1.9	2.1	2.2	2.3	2.4	2.5	2.7	2.8	2.9	3.0	3.1	3.2	3.3
12	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.0
13	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.5	2.6	2.7	2.8	2.9
14	1.1	1.2	1.3	1.4	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.3	2.4	2.5	2.6	2.6	2.7
15	1.1	1.2	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.8	1.9	2.0	2.1	2.2	2.2	2.3	2.4	2.4	2.5	2.5
16	1.1	1.1	1.2	1.3	1.4	1.5	1.6	1.6	1.7	1.8	1.9	1.9	2.0	2.1	2.1	2.2	2.3	2.3	2.4	2.4
17	1.1	1.1	1.2	1.3	1.4	1.4	1.5	1.6	1.7	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.2	2.2	2.3	2.3
18	1.1	1.1	1.2	1.3	1.3	1.4	1.5	1.6	1.6	1.7	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.1	2.2	2.2
19	1.1	1.1	1.2	1.3	1.3	1.4	1.5	1.5	1.6	1.6	1.7	1.8	1.8	1.9	1.9	2.0	2.0	2.0	2.1	2.1
20	1.1	1.1	1.2	1.2	1.3	1.4	1.4	1.5	1.5	1.6	1.6	1.7	1.7	1.8	1.8	1.9	1.9	2.0	2.0	2.0
30	1.0	1.1	1.1	1.1	1.2	1.2	1.2	1.3	1.3	1.3	1.3	1.4	1.4	1.4	1.4	1.5	1.5	1.5	1.5	1.5
40	1.0	1.0	1.1	1.1	1.1	1.1	1.1	1.1	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.3	1.3
50	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1
60	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
70	1.0	1.0	1.0	1.0	1.0	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9
80	1.0	1.0	1.0	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.8	0.8	0.8	0.8	0.8	0.8
90	1.0	1.0	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8
100	1.0	1.0	0.9	0.9	0.9	0.9	0.9	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.7	0.7	0.7

7052.0380 TOXICITY EQUIVALENCY FACTORS (TEFS) AND BIOACCUMULATION EQUIVALENCY FACTORS (BEFS) FOR CDDS AND CDFS.

Congener	Toxicity Equivalency Factor	Bioaccumulation Equivalency Factor
2,3,7,8-TCDD	1.0	1.0
1,2,3,7,8-PeCDD	0.5	0.9
1,2,3,4,7,8-HxCDD	0.1	0.3
1,2,3,6,7,8-HxCDD	0.1	0.1
1,2,3,7,8,9-HxCDD	0.1	0.1
1,2,3,4,6,7,8-HpCDD	0.01	0.05
OCDD	0.001	0.01
2,3,7,8-TCDF	0.1	0.8
1,2,3,7,8-PeCDF	0.05	0.2
2,3,4,7,8-PeCDF	0.5	1.6
1,2,3,4,7,8-HxCDF	0.1	0.08
1,2,3,6,7,8-HxCDF	0.1	0.2
2,3,4,6,7,8-HxCDF	0.1	0.7
1,2,3,7,8,9-HxCDF	0.1	0.6
1,2,3,4,6,7,8-HpCDF	0.01	0.01
1,2,3,4,7,8,9-HpCDF	0.01	0.4
OCDF	0.001	0.02

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; Designated Infested Waters

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*, section 84D.12, subdivision 3.

Dated: 24 July 1997

Rodney W. Sando
Commissioner of Natural Resources

By

Gail Lewellan, Assistant Commissioner of
Human Resources and Legal Affairs

6216.0350 DESIGNATED INFESTED WATERS.

Subpart 1. **Listing of waters infested with Eurasian water milfoil.** The following water bodies are designated by the commissioner of natural resources as infested with Eurasian water milfoil (*Myriophyllum spicatum*). Activities at these waters are subject to this chapter, Minnesota Statutes, section 84D.13, and other applicable laws.

Name	DNR Protected Waters Inventory Number
[For text of item A, see M.R.]	
B. Carver County	
(1) Ann Lake	10-0012
(2) Auburn Lake	10-0044
(3) Bavaria Lake	10-0019
(4) Firemen's Lake	10-0226
(5) Lotus Lake	10-0006
~~(5)~~ (6) Lake Minnewashta	10-0009
~~(6)~~ (7) Pierson Lake	10-0053
~~(7)~~ (8) Riley Lake	10-0002
~~(8)~~ (9) Schutz Lake	10-0018
~~(9)~~ (10) Stone Lake	10-0056
~~(10)~~ (11) Lake Virginia	10-0015
~~(11)~~ (12) Lake Waconia	10-0059
~~(12)~~ (13) Lake Zumbra	10-0041
[For text of item C, see M.R.]	
D. Crow Wing County	
(1) Bay Lake	18-0034
(2) Ruth Lake	18-0212
[For text of items E to J, see M.R.]	

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.

K. Ramsey County

(1) Bald Eagle Lake	62-0002
(2) Lake Gervais	62-0007
(3) Island Lake	62-0075
(4) Keller Lake	62-0010
(5) Phalen Lake	62-0013
(6) Round Lake	62-0012
(7) Silver Lake	62-0001
~~(6)~~ (8) Sucker Lake	62-0028
~~(7)~~ (9) Lake Vadnais	62-0038
~~(8)~~ (10) Lake Wabasso	62-0082

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

O. Wright County

(1) Augusta Lake	86-0284
(2) Beebe Lake	86-0023
(3) Clearwater Lake	86-0252
(4) Lake Mary	86-0156
(5) Little Waverly Lake	86-0106
~~(5)~~ (6) Lake Pulaski	86-0053
~~(6)~~ (7) Rock Lake	86-0182
~~(7)~~ (8) Sugar Lake	86-0233
~~(8)~~ (9) Waverly Lake	86-0114

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

[For text of subps 2 to 6, see M.R.]

6216.0370 DESIGNATED LIMITED INFESTATIONS OF EURASIAN WATER MILFOIL.

The commissioner of natural resources has identified and designated the following water bodies as limited infestations of Eurasian water milfoil (*Myriophyllum spicatum*). Activities at these waters are subject to parts 6216.0300, subpart 3, and 6216.0400, subpart 4, Minnesota Statutes, section 84D.13, and other applicable laws.

Name	DNR Protected Waters Inventory Number
A. Carver County	
(1) Lake Ann	10-0012
(2) Lake Zumbra	10-0041
B. Crow Wing County	
(1) Ruth Lake	18-0212
C. Hennepin County	
(1) Christmas Lake	27-0137
(2) Eagle Lake	27-0111
(3) Little Long Lake	27-0179
(4) Round Lake	27-0071
(5) Whaletail Lake	27-0184
~~C.~~ D. Pope County	
(1) Gilchrist Lake	61-0072
~~D.~~ E. Todd County	
(1) Sauk Lake	77-0150
~~E.~~ F. Wright County	
(1) Sugar Lake	86-0233

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 Administration

Request for Comments on Planned Rules and Amendment to Rules Governing the Minnesota State Building Code

Subject of Rules. The Minnesota Department of Administration Building Codes and Standards Division requests comments on its planned rules and amendment of rules governing the Minnesota State Building Code chapters 1300, Minnesota Building Code; 1302, Construction Approvals; 1305, Amendments to the Uniform Building Code; 1307, Elevators and Related Devices; proposed 1308 relating to Elevator Contractor Licensure and Elevator Inspector Certification; 1335, Floodproofing; 1346, Minnesota State Mechanical Code; 1365, Snow Loads; and 4715, The Minnesota Plumbing Code.

1300 Minnesota Building Code. Changes to this chapter are anticipated to be primarily housekeeping in nature, those necessary to keep code references current and other miscellaneous updates.

1302 Construction Approvals. As the Division is considered the "Municipality" for the administration of the code for Public Buildings and State Licensed Facilities according to *Minnesota Statutes* 16B.60 Subd. 3, the Division must address in Rule, issues relevant to a municipal building department such as detailed fee schedules for all the various codes, inspection policies, certificate of occupancy issuance, etc.

1305 Amendments to the Uniform Building Code. The Division is planning to adopt the *1997 Uniform Building Code* as published by the International Conference of Building Officials.

1307 Elevators and Related Devices. The Division is considering amending this chapter in order to adopt a more current ASME A17.1 Safety Code for Elevators and Escalators as well as other more current applicable standards regarding related devices. In addition, the Division is considering amendments that establish various other requirements for elevator installation.

1308 (proposed) Elevator Contractor Licensure and Elevator Inspector Certification. The Division intends to develop rules that establish elevator contractor license prerequisites and requirements as well as those for elevator inspectors.

1335 Floodproofing. The Division would like to adopt the most current edition of *Floodproofing Regulations* as promulgated by the US Army Corps of Engineers.

1346 Minnesota State Mechanical Code. The Division intends to adopt a more current model mechanical code and develop appropriate amendments. The three model mechanical codes under consideration are the *1997 Uniform Mechanical Code* as published by the International Conference of Building Officials; the *1997 Uniform Mechanical Code* as published by the International Association of Plumbing and Mechanical Officials; and the *1996 International Mechanical Code* as published by International Code Council Inc.

1365 Snow Loads. The Division is considering amending this chapter so as to revise the provisions for calculation of roof snow loads. Changes may include the use of ground snow loads as well as using the Uniform Building Code provisions for calculating drifting and slide- off.

4715 Minnesota Plumbing Code. In conjunction with the Department of Health, the Division intends to amend the Plumbing Code by incorporating amendments that recognize current technology, modern methods, materials and techniques.

Persons Affected. Persons affected by amendments to chapters 1300, 1302, 1305, 1335 and 1365 may include municipal building inspection department personnel, building contractors, architects, engineers, and some pre-engineered building and material manufacturers and/or suppliers.

Persons affected by amendments to chapter 1307 may include municipal building inspection department personnel, architects, elevator contractors, and elevator system manufacturers and/or suppliers.

Persons affected by proposed rules chapter 1308 may include municipal building inspection department personnel, elevator contractors and elevator inspectors employed by or for the Cities of St. Paul and Minneapolis and the State of Minnesota.

Persons affected by amendments to chapters 1346 and 4715 may include municipal building inspection department personnel, plumbing and mechanical contractors, plumbing and mechanical system manufacturers and/or suppliers and system designers.

Persons affected by all of the above chapters of the Minnesota Building Code may include building owners.

Statutory Authority. Regarding Chapter 1307: *Minnesota Statutes* section 16B. 59, 16B.61, 16B.64 and 16B.748. Regarding Chapter 1308: *Minnesota Statutes* section 16B.748. Regarding Chapter 4715: *Minnesota Statutes* section 16B.59, 16B.61, 16B.64 and 326.37. Regarding Chapters 1300, 1302, 1305, 1335, 1346 and 1365: *Minnesota Statutes* section 16B.59, 16B.61 and 16B.64.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. Written comments should be addressed to the agency's contact person.

Rules Drafts. The Division does not currently have a draft of the rules prepared. If you wish to receive a draft copy if they become available before publication in the *State Register*, please contact the agency contact person at the address or telephone number listed herein.

Agency Contact Person.

Peggi White
Department of Administration
Building Codes and Standards Division
408 Metro Square Building
121-7th Place E.
St. Paul, MN 55101

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed herein.

Note. Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started.

Dated: 23 July 1997

Thomas R. Joachim
State Building Official

Department of Administration

Request for Comments on Planned Amendment to Rules Governing Building Code Accessibility Standards, *Minnesota Rules*, Chapter 1340

The Minnesota Department of Administration, Building Codes and Standards Division, requests comments on its planned amendment to rules governing the accessibility requirements of the State Building Code. The Department may propose rule amendments that could substantially change the current accessibility section of the code which went into effect on January 23, 1996.

Currently, the State has adopted Chapter 11 and Appendix Chapter 11 of the 1994 Uniform Building Code (UBC) as the scoping portion of the code. The technical provisions for the design and construction of accessible building elements referenced in UBC Chapter 11 and Appendix Chapter 11 is the Council of American Building Officials (CABO)/American National Standards Institute (ANSI) document A117.1-1992. The Statement of Need for the current rules stated "In order to simplify and consolidate the regulatory process for building owners, architects and other building designers, it is necessary that Minnesota adopt a new building accessibility code that incorporates the technical provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Federal Fair Housing Act." In order to determine if our current rules do in fact satisfy the provisions of ADAAG, we submitted a formal request for "Certification" to the U.S. Department of Justice on September 22, 1995. To date we have not received a response. Certification by the Department of Justice would mean that buildings and facilities designed in accordance with the Minnesota accessibility code would also meet ADAAG requirements. The Department of Justice is also reviewing UBC Chapter 11 and Appendix Chapter 11 for compliance with ADAAG.

Our experience over the past year answering questions and providing assistance to those using the new rules leads us to believe that our current accessibility code may not have adequately simplified and consolidated the regulation process to the degree we had hoped. Therefore, we are soliciting comment particularly from those who have worked with the current rules.

Amendments to the rules would likely affect building officials, design professionals, contractors, building owners and persons with disabilities.

Minnesota Statutes, section 16B.61, subdivision 1, requires the Department to adopt rules for the construction, reconstruction, alteration, and repair of buildings.

Interested persons or groups may submit comments or information on this Request for Comments in writing until 4:30 p.m. on October 3, 1997. The Department contemplates appointing a volunteer advisory committee to review comments and develop rule amendments. It is anticipated that the advisory committee will meet once or twice a month throughout the rule development process. The Department will reimburse for parking. Persons interested in serving on the advisory committee should indicate that interest with their response to this Request for Comments.

Written comments to this Request for Comments should be addressed to: Peggi White, Building Codes and Standards Division, 121 E. 7th Place, Suite 408, St. Paul, MN 55101. Questions or additional information can be directed to Peggi White at 612-296-4626. TTY users may contact the Department through the Relay Service at 800-627-3529. Rule drafts may be available at certain stages of rule development. Contact Peggi White for further information.

Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 23 July 1997

Thomas R. Joachim
State Building Official

Department of Agriculture

Rural Finance Authority

Notice of Change in Meeting Date and Place

The August meeting of the Rural Finance Authority Board has been changed from August 6 to August 13, 1997. This meeting will start at 1:00 P.M. in the Harmony Community Center; 15 2nd Street Northwest; Harmony, MN 55939.

Jim Boerboom
RFA Director

Housing Finance Agency

Request for Comments on Planned Amendment to Rules Governing Home Improvement Grants and Rehabilitation Loans *Minnesota Rules*, 4900.0010, Subp 23. D. (2); 4900.0630, Subp 3; and 4900.0640, Subp. 2

Subject of Rules. The Minnesota Housing Finance Agency requests comments on its planned amendment to rules governing Home Improvement Grants and Rehabilitation Loans. The Agency is considering rule amendments that (1) establish a maximum loan of $10,000 for the Rehabilitation Loan programs, (2) increase the income limit for Revolving Loans and Accessibility Loans from $15,000 to $18,000 for Greater Minnesota and (3) correct an internal reference in the rules.

Persons Affected. The amendment to the rules would likely affect (1) low income Minnesota homeowners; and (2) homeowners in Greater Minnesota with incomes between $15,000 and $18,000.

Statutory Authority. *Minnesota Statutes*, Section 462A.06, Subd. 4, authorizes the Agency to adopt rules to carry out its programs. In addition, *Minnesota Statutes*, Section 462A.05, Subd. 14a requires the Agency to establish a maximum loan amount for Rehabilitation Loans by rule, and *Minnesota Statutes*, Section 462A.03, Subd. 10 requires the Agency to establish income limits for its programs by rule.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on October 2, 1997. The Agency does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Agency has prepared a draft of the planned rules amendments.

Minnesota Housing Finance Agency Contact Person. Written comments, questions, requests to receive a draft of the rules and requests for more information on these planned rules should be addressed to: Susan Ude, Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, MN 55101, (612) 296-8844. TDD users may call the Minnesota Housing Finance Agency at (612) 297-2361.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the Minnesota Housing Finance Agency contact person at the address or telephone number listed above.

Dated: 4 August 1997

Katherine G. Hadley, Commissioner
Minnesota Housing Finance Agency

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective August 4, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: Underground Storage Tank Facilities-Anoka County Highway Department-Andover; 1997 Reroofing-Chomonix Clubhouse-Lino Lakes.

Carver: 1997 Reroofing-Community Health Services Building-Waconia.

Dakota: Salt Storage Building-Farmington.

Hennepin: Minnesota Center For arts Education-Golden Valley; Equipment Maintenance Building-1997 Addition-Minneapolis; Dependable Garage Demolition and Parking Lot Construction-Minneapolis; District Wiring-Television Monitors-Fridley.

Itasca: Abatement Projects-Greenway School District-Greenway.

Kandiyohi: Asbestos Abatement-North Elementary-Atwater/Cosmos/Grove City School District-Atwater.

Meeker: Asbestos Abatement-South Elementary-Atwater/Cosmos/Grove City School District-Atwater.

Polk: Sacred Heart Schools Demolition-East Grand Forks.

Ramsey: Life Safety Improvements/Elevator Upgrades-Department of Transportation Building-St. Paul; 1997 Reroofing-Breeder House-St. Paul.

Sherburne: Reroofing & Upgrades-Minnesota Correctional Facility-St. Cloud.

Steele: Wilson Elementary School Addition/Renovation-Owatonna.

Winona: Lawn Irrigation System-Winona Technical College-Winona.

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

Metropolitan Council

Public Hearing on I-394 Express Lane Demonstration Project

The Metropolitan Council will hold a public hearing to present ideas and gather public reaction to the proposed I-394 demonstration project. The project would allow solo drivers to buy access to the high occupancy vehicles (HOV) lanes, which are currently restricted to vehicles with two or more passengers. The purpose of the project is to test the feasibility, operation and public acceptance of a user fee system for single occupant vehicles in the I-394 HOV lanes and to determine the applicability of the project to the broader metro area freeway system. During the public hearing, public comment will be accepted on the project. **The public hearing will be held at the Metropolitan Council Offices, Mears Park Centre, 230 East Fifth St., downtown St. Paul.**

Public Hearing for Public Reaction to I-394 Express Lane Demonstration Project

Monday, September 8, 1997
5-7 p.m.
Council Chambers

After public hearing comments are reviewed, the project will be considered for approval by the Metropolitan Council Transportation Committee and the Metropolitan Council.

All interested persons are encouraged to attend the public hearing and provide comments. Upon request, the Council will provide reasonable accommodations to persons with disabilities.

Comments, which must be received by noon on Monday, September 22, 1997, may also be submitted as follows:

- Send written comments to Carl Ohrn, Metropolitan Council, 230 East Fifth St., St. Paul, MN 55101
- Fax comments to Carl Ohrn at (612) 602-1739
- Record comments to the Council's Public Comment Line at (612) 602-1500
- E-mail comments to: data.center@metc.state.mn.us

Questions about the hearing or the I-394 demonstration project may be directed to: Carl Ohrn, (612) 602-1719 or Janice Martin (612) 602-1758, Metropolitan Council, 230 East Fifth St., St. Paul, MN 55101. To pre-register to speak at the public hearing, call Janice Martin.

Pollution Control Agency

Public Notice for the National Pollutant Discharge Elimination System (NPDES) and State Disposal System (SDS) General Storm Water Permit for Industrial Activities, Mn G610000

NOTICE IS HEREBY GIVEN that the Commissioner of the Minnesota Pollution Control Agency (MPCA) proposes to reissue a NPDES/SDS General Storm Water Permit for Industrial Activity to authorize discharge of storm water from industrial facilities to waters of the state. The permit is a general permit, applicable to approximately 2,300 industrial facilities across the State.

A general permit covers categories with operations, emissions, activities, discharges, or facilities that are the same or similar in context. The original general storm water permit was issued for the period of September 30, 1992 through September 30, 1997. The general storm water permit will be reissued by the MPCA for a term of approximately five years.

The authority to develop and reissue a general permit is based on the 1979 U.S. Environmental Protection Agency (EPA) promulgated revisions to the NPDES program regulations, which created a class of permits called general permits. The general permits are issued under 40 CFR 122.28 and *Minnesota Rules* 7001.0210. General permits can be issued in NPDES approved states if the approved state program includes general permit authority. The General Permit Program of the MPCA was approved by the EPA on December 15, 1987.

The draft general storm water permit for industrial activity is proposed to replace the existing general storm water permit for industrial activity and is a mechanism to regulate the discharge of storm water . Much like the present permit, the new draft permit will require permittees to develop and implement a Storm Water Pollution Prevention Plan (Plan) to eliminate or reduce contact of storm water with significant material that could cause pollution of storm water. If contact between significant materials and storm water cannot be eliminated, treatment measures must be considered to reduce or eliminate pollutants in storm water. Significant materials includes, but is not limited to: raw material; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act; any chemical the facility is

required to report pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges. All non-structural Best Management Practices (BMPs) outlined in the Plan must be implemented within 12 months of permit issuance to the Permittee, and all structural BMPs must be implemented within 18 months of permit issuance to the Permittee. Any Permittee who was covered under the previous issuance of this permit is required to meet the implementation schedule identified in that permit for non-structural and structural BMPs identified in the Plan developed under that permit.

Based on a review of applicable standards and regulations the Commissioner has made a tentative determination that a general storm water permit is appropriate for regulating storm water run off/discharge associated with industrial activities in the state. Where the Commissioner has reason to believe that a facility is having or may have a significant environmental effect or a facility is in violation of the general permit, applicable statutes or rules, the facility will be required to apply for an industry specific general permit or an individual permit.

Interested persons are invited to submit written comments on this proposed draft permit. There are four formal procedures for public participation in the MPCA's consideration of the permit reissuance. These procedures are set forth in *Minnesota Statutes* § 116.02, subds. 6(4) and 8, *Minnesota Rules* 7000.1800 and *Minnesota Rules* 7001.0110.

First, interested persons may submit written comments on the proposed permit.

Second, interested persons may also request that the MPCA hold a public informational meeting. A public informational meeting is an informal meeting which the MPCA may hold to help clarify and resolve issues.

Third, interested persons may request the MPCA hold a contested case hearing. A contested case hearing is a formal proceeding before a state Administrative Law Judge. If the request is granted, the hearing would be conducted by the Office of Administrative Hearings pursuant to the Administrative Procedures Act.

Fourth, interested persons may submit a petition to the Commissioner requesting that the MPCA Board consider the permit matter. The decision whether to issue the permit, and if so, under what terms, will be presented to the MPCA Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the MPCA Board; (2) an MPCA Board member requests to hear the matter prior to the time the Commissioner makes a final decision on the permit; or (3) a timely request for a contested case hearing is pending. Otherwise, the Commissioner will make the decision.

Persons who submit comments or petitions to the MPCA must state:

1. their interest in the permit application or the draft permit;
2. the action they wish the MPCA to take, including specific references to the section of the draft permit they believe should be changed; and
3. the reasons supporting their position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of the position.

Persons who submit requests for a public informational meeting or a contested case hearing must also state the reasons they desire the MPCA to hold a meeting or hearing, the issues that they would like the MPCA to address at the meeting or hearing, and in the case of a hearing request, a statement regarding the type of relief desired. The petition for a contested case hearing should also include a statement regarding the specific relief requested or resolution of the matter, and to the extent known to the petitioner, a proposed list of prospective witnesses they would call, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing; a proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and an estimate of time required for the petitioner to present the matter at a contested case hearing. Petitioners are not bound or limited to the witnesses, materials or estimated time included in the petition, if the petition is granted.

The public comment period commences August 4, 1997, and terminates September 3, 1997. Comments must be received in writing at the MPCA by 4:30 p.m. on September 3, 1997. Comments, requests and petitions must be submitted in writing to:

Minnesota Pollution Control Agency, Region I
Government Services Center
320 West 2nd Street
Duluth, Minnesota 55802-1402
Attn: John Thomas

The draft general storm water permit, fact sheet, and other documents are available for inspection and may be copied any time between 9:00 a.m. and 4:30 p.m., Monday through Friday, at the above address or any of the following MPCA offices:

MPCA, Storm Water Permit Program, Water Quality Division, 520 Lafayette Road, St. Paul, Minnesota 55155

MPCA Region II, 1601 Minnesota Drive, Brainerd, Minnesota 56401

MPCA Region III, Lake Plaza, 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota 56501

MPCA Region IV, 700 North 7th Street, Marshall, Minnesota 56258

MPCA Region V, 2116 Campus Drive, SE, Rochester, Minnesota 55904

If you have any questions regarding the draft permit or would like to receive a copy of the draft general storm water permit, fact sheet or other documents, please contact John Thomas directly at (218) 723-4660 or toll-free at (800) 657-3864 and ask for John Thomas in the Duluth office.

Please bring the foregoing to the attention of persons whom you know would be interested in this matter. In the absence of any requests for public informational meetings or a contested case hearing, the final decision to issue this permit will be made by the MPCA Commissioner.

Department of Transportation

Petition of Stearns County for a Variance from State Aid Requirements for VERTICAL DESIGN SPEED

NOTICE IS HEREBY GIVEN that the Stearns County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to the approach construction of a bridge over Rice Lake Lagoon on Eden Lake Township Road 601, replacing old Bridge No. L6444 in Stearns County.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9920, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow construction of a 25 mph sag vertical curve at the approach site of the replacement of Bridge No. L6444 at Rice Lake Lagoon on Eden Lake Township Road 601, in lieu of the required 50 km/h minimum design speed in Stearns County.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 22 July 1997

Patrick B. Murphy
Division Director
State Aid for Local Transportation

State Grants and Loans

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

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

Housing Finance Agency

Notice of Request for Proposals for Administrators for the Foreclosure Prevention and Assistance Program (FPA)

The Minnesota Housing Finance Agency (MHFA) announces that it is accepting Requests for Proposals for funding available under the Foreclosure Prevention and Assistance Program (FPA), formerly known as the Foreclosure Prevention and Rental Assistance Program (FPRAP). The Legislature has authorized MHFA to apply $1,600,000 for the purpose of assisting individuals facing foreclosure or eviction due to temporary financial crises by providing case management services and, in some cases, mortgage payment or other financial assistance on an emergency basis. The program will also help preserve the integrity of neighborhoods by preventing properties from becoming vacant, abandoned, and blighted.

Proposals are hereby solicited from community-based nonprofit organizations as defined in *Minnesota Statutes* 1992, section 462A.03, subdivision 22. $800,000 will be made available to applicants and recipients selected will administer the program for one program year starting November 1, 1997. The administrator may not be affiliated with a mortgage lender or provide assistance to a recipient who occupies a housing unit owned or managed by the administrator.

The Foreclosure Prevention and Assistance Program allows an eligible administrator to provide a variety of services including screening and assessment, referral services, case management and advocacy, financial counseling and financial assistance to homeowners on an area specific basis. Financial assistance is expected to be repaid by the recipient and secured by a second mortgage or other lien against the property. Repayment of the mortgage or lien would be triggered if the property is sold or transferred or is no longer the recipient's principal place of residence. All repayments by the recipients would be made directly to MHFA and the monies would be put into a revolving fund to be redistributed.

Proposals must include, but are not limited to, the following information:

1. Prior experience of the administrator with regard to financial and foreclosure counseling and assistance.
2. Documented familiarity with foreclosure procedures and prevention methods
3. Budget for administering the program. Not more than one-half of the total program funding may be used for mortgage or financial counseling services.
4. Documented ability of the administrator to provide program services.
5. The service area for purposes of this program.

Funding preference will be given to applicants who demonstrate the greatest ability to leverage program money with other sources of funding or organizations serving areas without access to foreclosure assistance.

The deadline for receipt of proposals is 4:00 p.m., Tuesday, September 2, 1997. All proposals will be evaluated by the Agency in accordance with *Minnesota Statutes*, section 462A.207. Interested applicants should request a proposal packet that contains specific information and instructions for proposal submission from the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101-1998, Attention: Tana Douville, Loan Administration, or by calling (612) 296-8215 or 1-800-710-8871. The TDD number is (612) 297-2361.

Department of Human Services

Deaf and Hard of Hearing Services Division

Grant Contracts Available to Provide Services for Persons With Deaf-Blindness: Intervenor Services Independent Living Programming And Assistance

The State of Minnesota Department of Human Services Deaf and Hard of Hearing Services Division, is soliciting proposals from qualified Minnesota organizations providing services to persons with deafblindness and their families interested in providing: 1) intervenor services, 2) independent living services. A total of $150,000 for each project is available for the biennium (1997-99). The funded program(s) is/are anticipated to begin October 1, 1997, and would continue, based on funding and satisfactory performance, until June 30, 1999. Future grant contracts beyond the biennium may be extended to a five-year period, based on approved funding from the Minnesota Legislature and satisfactory performance by the grantee(s).

Scope of the Projects:

All proposals must highlight ***measurable outcomes*** related to any or all of the following:

1) Intervenor Services:

1. Develop and implement intervenor services to assist deafblind children and their families in participating in their communities.
2. Develop and implement a component to train and place family education specialists who will teach siblings and parents skills to support the child with deafblindness in the family.
3. Identify eligibility parameters for families requesting intervenor assistance. Establish a target number of families and children to be served.
4. Develop a supervision component to oversee intervenors' performance, evaluation and on-going training needs.
5. Identify budget-based performance indicators correlating results of the program with funding.
6. Develop and submit an evaluation tool measuring quarterly and end-of -the-year outcomes. Solicit and incorporate family, individual, and staff feedback regarding the intervenor program.

2. Independent Living Assistance

1. Develop and implement specialized independent living assistance services for persons with deafblindness working toward establishing and maintaining independence.
2. Establish eligibility parameters for individuals with deafblindness requesting independent living skills assistance. Establish a target number of individuals to be served.
3. Develop and implement a process for documenting, assessing and evaluating the independent living needs of individuals persons with deafblindness.
4. Develop and implement progress reports measuring specific results of independent living skills assistance for each consumer served.
5. Develop a supervision component to oversee the coordination of independent living skills training and assistance.
6. Identify budget-based performance indicators correlating results of the program with funding.
7. Develop and submit an evaluation tool measuring quarterly and end-of-the-year outcomes. Solicit and incorporate family, individual, and staff feedback regarding the independent living skills program.

This request for proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

For a full copy of the text of the Request For Proposals, including the application packet, contact:

Amy McQuaid, Program Planner
Department of Human Services
Deaf and Hard of Hearing Services Division
444 Lafayette Road
St. Paul, MN 55155-3814
612/296-8978 voice 612/297-1506 TTY

Proposals must be received by Tuesday, August 26,1997 at 3:30 p.m. No late applications will be accepted. Anticipated award date for the grant contract(s) will be September 12, 1997.

Department of Human Services

Minnesota Board on Aging

Notice of Availability of Funds for the Senior Nutrition Program

NOTICE IS HEREBY GIVEN that $150,000 is available for Calendar Year 1998 to Senior Nutrition programs serving counties where congregate and home delivered meals were locally financed prior to participation in the nutrition program of the Older Americans Act. Supplemental funds for affected areas may be awarded in amounts up to the level of prior county financial participation less any local match as required by the Older Americans Act.

Interested parties should contact their Area Agency on Aging for application deadlines and procedures. Area Agencies on Aging will apply to the Minnesota Board on Aging (MBA) for available funds in their 1998 Area Plan on Aging due Friday, October 31, 1997 at 4:30 p.m. to the MBA offices at:

Minnesota Board on Aging
444 Lafayette Road
St. Paul, MN 55155-3843
Attn: James G. Varpness, Executive Secretary

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of 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).

Department of Trade and Economic Development

Business and Community Development Division

Grant Proposals Sought by the Minnesota Job Skills Partnership Board for Training Programs Designed for Specific Businesses

The Minnesota Job Skills Partnership (MJSP) Board solicits grant proposals from educational and other non-profit organizations for training programs designed for specific businesses.

The next deadline for submission of completed proposals for both the MJSP regular program and the Pathways welfare-to-work program is 4:00 P.M. on September 15, 1997. No proposals or proposals needing revisions will be accepted after September 15, 1997, for consideration at the next scheduled MJSP Board meeting on October 20, 1997.

A meeting of the MJSP Board is scheduled for Monday, October 20, 1997 at 8:30 A.M. in Room 300 North, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota, to hear proposals accepted by September 15, 1997.

Please contact the Partnership Office at 612/296-0388 for details.

Department of Veterans Affairs

Notice of Grant Funds Available and Application Requests Accepted for Placement on the Funding List for the Minnesota County Veterans Service Officer Operational Improvement Grant Program

NOTICE IS HEREBY GIVEN that the Minnesota Department of Veterans Affairs is accepting application requests for placement on the funding list for the Minnesota County Veterans Service Officer Operational Improvement Grant Program. This program was created to improve the efficiency of the County Veterans Service Officer system.

Applications will be reviewed and processed and grants will be awarded as required in *Minnesota Statutes* 197.608 and *Minnesota Rules*, parts 9055.0500 to 9055.0610.

Applications will be accepted at the address noted below until 4:30 p.m., September 5, 1997.

Only original applications, as provided to the applicants by the Minnesota Department of Veterans Affairs, will be accepted. Applications received on alternative formats will not be accepted.

Applications will be accepted only by Certified United States Mail, at the address noted below.

To request an application or further information, contact:

Terrence A. Logan or Dennis Forsberg at:

Minnesota Department of Veterans Affairs
20 West 12th Street
St. Paul, Minnesota 55155-2079

Applications must be submitted by certified United States Mail to:

County Veterans Service Officer Operational Improvement Grant Program
Minnesota Department of Veterans Affairs
20 West 12th Street
St. Paul, Minnesota 55155-2079

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].

Department of Employee Relations

Notice of Request for Proposals (RFP) for Employee Health Promotion Newsletter

The Minnesota Department of Employee Relations (DOER) is soliciting proposals from qualified vendors for a state employee health promotion newsletter. This newsletter is part of an intricate effort, by DOER and the State Employee Health Promotion Program (SEHPP), to educate and empower Minnesota state employees and their dependents about health issues, health care use, illness and injury prevention.

This high-quality, two-color, pre-produced newsletter will be mailed four times per year (quarterly) directly to the homes of approximately 46,000 insurance eligible Minnesota state employees. The newsletter will be up to eight pages in length, with room for masthead and up to three pages of DOER customization.

It is anticipated that the contract period will begin November 1, 1997, and continue through October 31, 2000. This request for proposal does not obligate the state to complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in the best interest.

A complete statement of the state's requirement and other terms and conditions governing the RFP may be obtained by contacting:

John F. Hogan
Minnesota Department of Employee Relations
Employee Insurance Division - State Employee Health Promotion Program
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

(612) 296-5843/Voice
(612) 297-7959/TTY
(612) 296-5445/Fax

All proposals must be received by DOER by 4:00 p.m. (Central Standard Time) on Thursday, September 11, 1997. Late proposals will not be accepted.

In compliance with *Minnesota Statutes* 16b.167, the availability of this 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.

Minnesota Higher Education Services Office

Request for Proposals (RFP) for the Minnesota Library Information Network (MnLINK), a Statewide Library Automation System

The Higher Education Services Office (HESO) is requesting proposals to provide software and services for the furnishing, delivery, installation, and maintenance of the Minnesota Library Information Network (MnLINK), a statewide automation system consisting of an integrated library management system (System X) for specified libraries; a Gateway Server that will provide access to local library catalogs, other statewide databases, and commercial databases and resources; and a union catalog. MnLINK will link academic libraries, public libraries, and government libraries throughout the State so that they will appear to the user as a single source. The Minnesota Legislature has appropriated $12 million for this project over the 1998-1999 biennium. This appropriation must cover costs in addition to the hardware, software and related services sought under this request for proposal.

Proposals must be submitted by 2:00 p.m., November 5, 1997.

Copies of the complete RFP are available from:

MnLINK Project/DAP
Higher Education Services Office
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-3974 (ext. 3355)

Department of Human Services

Minnesota Drug Utilization Review Board

Notice of Request for Professional Services for Performance Measurement and Quality Improvement

The Minnesota Drug Utilization Review Board is seeking a health care professional, to fill an open position on its board. This person must be licensed in his/her field, with recognized knowledge in the clinically appropriate prescribing, dispensing and monitoring of outpatient drugs. This board, established by the legislature and mandated under the Federal Omnibus Reconciliation Act of 1990, is voluntary and acts in an advisory capacity to the Minnesota Department of Human Services, Drug Utilization Review Program. Appointments are made by the Commissioner of the Minnesota Department of Human Services. Term of this appointment is three years. Information regarding this position may be obtained by calling Nancy Parenteau, RPh, Coordinator, Minnesota Drug Utilization Review Board at (612) 282-9920. Applicants seeking this position may send a letter of qualification to Nancy Parenteau RPh., at the Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3865 by September 1, 1997.

Department of Human Services

MAXIS Division

Request for Proposals to Provide for Issuance Operation Center Products and Services

The Minnesota Department of Human Services is soliciting proposals from qualified and experienced firms for the identified products and services necessary to provide primary and secondary support in establishing and maintaining operations of the DHS Issuance Operations Center (IOC), which includes the production and mailing of notices, warrants, and food stamps. The vendors' ability to allow delivery of cost effective services meeting state and federal standards is required. The RFP establishes the basis for vendors' proposals, and selection of a finalist from among the responding vendors. It also specifies the contractual conditions required, detailed obligations and measures of performance that will be defined in the final negotiated contract. This RFP is intended to be a flexible contract for twelve months with the option to renewal for second twelve months. This makes for a total of twenty-four months in all with the second twelve months at the discretion of DHS.

This Request for Proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest. In compliance with *Minnesota Statutes* 16b.167, the availability of this 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.

The Department has estimated that the cost of this contract will not exceed $4,000,000. All proposals must be submitted no later than August 26, 1997.

For a copy of a more detailed explanation of this request for proposals, please contact:

Mr. Robert Meyer, MAXIS Manager
Physical and Support Systems
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3835
(612) 296-5503

Department of Human Services

Reports and Forecasts Division

Notice of Availability of Contract for Independent Actuary to Provide Forecasting Advice for State Operated Health Care Programs

NOTICE IS HEREBY GIVEN that the Department of Human Services (DHS) is seeking applications for professional services from recognized experts in actuarial science for purposes of assisting the State in forecasting costs for its state operated health care programs. Qualified firms will assist DHS in the following matters:

1. Provide per-member-per-month cost estimates for various classes of enrollees for the MinnesotaCare Program;
2. Consult on enrollment projections and trend assumptions to be used in forecasting expenditures in the MinnesotaCare Program; and
3. Provide actuarial advice regarding proposed legislative changes to the MinnesotaCare Program.

The estimated cost of this contract for the first year should not exceed $50,000. Detailed information is contained in a Request for Proposal (RFP) which may be obtained by calling or writing:

George Hoffman
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3838
Phone: (612) 296-6154

Mr. Hoffman is the only authorized person to answer questions on this RFP. The deadline for submitting a written response to this solicitation is 3:00 p.m. on August 29, 1997. Responses received after the deadline will not be accepted. A contract will be awarded for a one year period and may be renewed for up to four additional years at the discretion of the Department.

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.

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

Northwest Technical College - East Grand Forks

Notice of Request for Proposals for Campus Food Service Operation

General Information

Northwest Technical College - East Grand Forks is part of the five campus system of Northwest Technical College. The East Grand Forks campus is located at 2022 Central Ave NE (Highway 220 N). We are anticipating approximately the same enrollment for 1997-98 as 1996-97 which was 750 full time and 300 part time students. There are 85 faculty and staff members who are on campus during the day. We are currently on a quarter system and will change to semesters beginning in the 1998-99 year.

Food Service Facilities:

The commons area is approximately 8134 square feet with seating for approximately 200. The kitchen area is 1400 square feet. The opportunity exists for the successful responder to also cater to special events such as orientation, advisory committee dinners and other meetings which are held at our campus.

The major equipment, furniture and small wares are already in place since we have operated the cafeteria on our own in the past. Overhead expenses will be paid by the college. Any new equipment needed should be supplied by the responder.

Hours of Operation have been 7:00AM - 7:00PM, Monday through Thursday and 7:00AM - 3:00PM on Friday. Summer hours have traditionally been 7:30AM - 1:30PM. Catering is scheduled in advance. The college is open from 7:00AM to 10:00PM when evening classes are offered which is Monday - Thursday, Fall, Winter & Spring quarters. The cafeteria is closed during weekends, quarter and holiday breaks unless catering requests are requested and approved.

Goal:

We are seeking a request for proposal for the appropriate and complete manual and catering food service operation. It is our intent to offer a one year contract with three, one year extensions subject to agreement by both parties.

Campus Visit:

The opportunity to tour the campus, the dining and food service preparation areas is available by appointment. Please call 218-773-4507 to schedule.

Proposal:

The Northwest Technical College representatives request the following information in order to provide a complete and accurate description of responders' proposals:

A. Name and address of operating company or firm and officers or operators.

B. The duration and extent of experience in the operation of food services. Explain in detail.

C. A list of all locations which the responder operates food service operations, length of time at each location, and a reference with phone number.

D. Submit a list of three (3) most recent former accounts that have ceased using your services; a reference and phone number.

E. A complete balance sheet or annual report from your last fiscal year of operation. Certification by a CPA is required.

F. A company organization chart indicating administrative support and services as well as a detailed plan for supervision and staffing for the college food services.

Statements are required to be complete and accurate. Omission, inaccuracy, or misstatement may be sufficient cause for rejection of the proposal.

From the total information requested, determination shall be made of financial and operational ability to serve our campus. Only proposals from financially responsible organizations or individuals as determined by the college, presently engaged in the business of food service, shall be considered. Representatives from the college reserve the right to inspect the operator's facilities and current account installations prior to the award of the contract. Prospective responders who have any questions regarding this request for proposal may call or write:

Karla Selk, Business Manager
Northwest Technical College
2022 Central Ave NE
East Grand Forks, MN 56721
218/773-4507 Telephone
218/773-4517 Fax

The only employee authorized to answer any questions regarding this request for proposal.

Responders may propose additional ideas, suggestions or concepts if they will substantially improve the operation of the food services.

All proposals received by the deadline will be evaluated by representatives of Northwest Technical College - East Grand Forks. Factors on which proposals will be judged include the following, in order of priority:

1. Menu planning and serving of health foods
2. Financial Bid - Commission on Gross Sales
3. Past experience in similar locations
4. Assessment Methods - Overall Operation

It is anticipated that evaluation and selection will be completed by August 20, 1997 and the successful respondent should be prepared to begin September 2, 1997, the first day of fall quarter.

The successful responder will be required to submit acceptable evidence of compliance with Minnesota workers' compensation insurance coverage requirements prior to execution of the contract.

In accordance with the provisions of the *Minnesota Statutes* Section 363.073, for all contracts estimated to be excess of $100,000, all responders having more than forty (40) full-time employees at any time during the previous twelve (12) months must have an affirmative action plan submitted by the commissioner of human rights for approval before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

A. A copy of your current certificate of compliance.

B. A notarized letter of affidavit certifying that your firm has not had more than forty (40) full-time employees at any time during the previous twelve (12) months.

Additionally, following language will be include in any contract resulting from this RFP:

"It is hereby agreed between the parties that *Minnesota Statutes*, Section 363.073, and *Minnesota Rules*, Parts 5000.3600 are incorporated into this contract by reference. A copy of *Minnesota Rules*, Part 5000.3400 to 5000.3600 is available upon request from the STATE or the Department of Human Rights".

All proposals must be sent to:

Karla Selk, Business Manager
Northwest Technical College
2022 Central Ave NE
East Grand Forks, MN 56721

All proposals must be received no later than 3:00 PM, August 19, 1997. Late proposals will not be accepted.

Submit one (1) copy of the proposal and one (1) set of any samples/exhibits/brochures. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address written on the outside on the lower left-hand corner. Each copy of the proposal must be signed in ink by an authorized member of the firm. Commissions and terms of the proposal as stated must be valid for the length of any resulting contract.

Office of the Ombudsman for Mental Health and Mental Retardation

Notice of Request for Proposals to Design and Develop Statewide Training Regarding the Minnesota Commitment and Treatment Act

The Office of the Ombudsman for Mental Health and Mental Retardation is soliciting proposals from qualified consultants to develop and implement interdisciplinary training regarding the civil commitment process and related topics for the judiciary, attorneys, mental health and social service professionals, consumers, family members and other persons involved in the civil commitment process.

The Ombudsman Office has estimated that the cost of this project should not exceed $145,000. It is anticipated that the contract period will begin in November, 1997 and continue through June, 1999.

The Request for Proposals contains detailed requirements and instructions. To receive a copy of the Request for Proposals contact: Boyd Brown, Office of the Ombudsman for Mental Health and Mental Retardation, 121 7th Place E. Suite 420, St. Paul, Minnesota 55101-2117, (612) 215-1332.

Proposals must be received at the above address no later than 4:00 p.m. on August 29, 1997.

This request for proposals does not obligate the State of Minnesota, Office of the Ombudsman for Mental Health and Mental Retardation, to complete the work contemplated in this notice and the Ombudsman reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

Minnesota Veterans Homes - Minneapolis and Hastings

Notice of Request for Proposal (RFP) for Professional Licensed Care for Residents on a Twenty-four Hour, Seven-day a Week Basis

The Minnesota Veterans Homes in Minneapolis and Hastings provide professional licensed care for its residents on a twenty-four (24) hour, seven (7) day a week basis. We request proposals for supplemental registered nurse staff as needed.

This request for proposal does not obligate the state to complete the project and the state reserves the right to cancel solicitation if it is considered to be in its best interest.

Scope of Project:

Provision of sufficient numbers of professional nurses to meet resident care needs.

Goals and Objectives:

Resident care is met by provision of sufficient numbers of professional nursing staff.

Project Tasks:

1. Provide supplemental registered nurse coverage for shifts needed in a 24 hour a day, seven day a week service.
2. Coordinate assignments through the Director of Nursing.
3. Work under direct supervision of the Nursing Management Team.
4. Perform tasks as contained in the position description for Registered Nurses and the Policies and Procedures of the facility.
5. Provide all necessary documentation of licensure, insurance and qualification of professional nurses.

The Minnesota Veterans Homes - Minneapolis and Hastings reserve the right to award multiple contracts and distribute available hours to more than one provider.

The Minnesota Veterans Homes will have the right to designate professional nurses from the selected providers which it prefers to have scheduled to work at the Homes. The Minnesota Veterans Homes assume responsibility to orient and train selected professional nurses to the position description and policies and procedures of the Homes as part of the cost of the services provided.

Department Contact:

Prospective responders with questions may contact

Pat Weitzel	or:	Connie Ball
Acting Director of Nursing		Director of Nursing
Minnesota Veterans Home - Mpls		Minnesota Veterans Home - Hastings
5101 Minnehaha Avenue		1200 E 18th St
Mpls, MN 55417		Hastings MN 55033
(612) 721-0634		(612) 438-8501

Please note that other department personnel are not allowed to discuss the request for proposal with anyone, including responders, before the proposal submission deadline.

Submission of Proposal:

All proposals must be sent to:

William Trcka
Purchasing Agent
Minnesota Veterans Home-Minneapolis
5101 Minnehaha Avenue
Minneapolis, Minnesota 55417

Proposals must be received by 2:00 pm August 26, 1997

Late proposals shall not be considered. Submit three copies of proposal. Proposals are to be sealed in mailing envelopes or packages with responders name and address clearly written on the outside. Each copy of the proposal must be signed in ink by an authorized member of responder agency. Prices and terms of the proposal stated must be valid for the length of the project

Project Cost:

Should not exceed $270,000

Project Completion Date:

August 31, 1999

Proposal Contents:

The following will be considered minimum contents for proposals:

1. A restatement of the objectives, goals and tasks to demonstrate the responder's view of the project.
2. Identify and describe the deliverables to be provided by the responder.
3. Outline the responder's background and experience in providing the services required.
4. Current fees which will be charged to the agency.
5. Responder will provide a plan, worked out with the home, how services will be scheduled and how services will be invoiced.

Evaluation Criteria:

All proposals received by the designated deadline will be evaluated by representatives of the Minnesota Veterans Home. There are State mandated TB and criminal background checks. In some instances an interview may be part of the evaluation process. Factors used in evaluation of the proposals shall include but are not necessarily limited to the following:

1. Expressed understanding of the Project.
2. Project cost detail.
3. Qualifications of both company and professional nurse staff.

Worker's Compensation:

The successful responder will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

Affirmative Action:

In accordance with the provisions of *Minnesota Statutes* Section 363.073, for all contracts estimated to be in excess of $100,000 all responders having more than forty full-time employees at any time during the previous twelve months must have an affirmative action plan submitted to the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes on of the following:

A. A copy of your current certificate of compliance;

B. A notarized letter of affidavit certifying that your firm has submitted an affirmative action plan to the Commissioner of Human Rights;

C. A notarized letter of affidavit certifying that your firm has not had more than forty full-time employees at any time during the previous twelve months.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *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.

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 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

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 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.

Minnesota Historical Society

Notice of Request for Proposals for Cultural Resource Survey and Planning Work

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide professional services for cultural resource and planning projects as follows:

1 Multiple projects involving survey and National Register nominations for various individual properties and districts in Carlton, Goodhue, Hennepin, Lincoln, Polk, St. Louis, and Winona Counties determined eligible to the Register.
Time Period: 10/1/97 - 7/31/98

2 Historic Agricultural Landscapes survey and nomination documentation
Time Period: 9/15/97 - 11/30/98
Estimated Budget: $47,000

3 Assessment of 1997 Flood Impacts to Properties listed on the national Register of Historic Places
Time Period: 10/1/97 - 5/31/98
Estimated Budget: $15,000

A total of approximately $30,000 is available in federal Historic Preservation Funds (HPF) to award in contracts for project 1 in 1997 and $15,000 in re-apportioned HPF earmarked for assessing flood impacts for project 3.

The Request for Proposals and Project Descriptions are available by calling or writing Deane Roe, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Proposals are due no later than 2 p.m. Standard Time, August 25, 1997. Details concerning submission requirements and evaluation criteria for awards are included in the Request for Proposals.

Funds for project 2 approved by the Minnesota Legislature, *1997 Minnesota Laws*, Ch. 216, Sec. 15, Subd. 5(b) as recommended by the Legislative Commission on Minnesota Resources from the Minnesota Trust Fund.

This program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally assisted Programs on the basis of race, color, national origin, age, or disability. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Director, Equal Opportunity Program, U.S. Department of the Interior, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.

Minnesota Historical Society

Notice to Contractors for Bids for Projects at the Jeffers Petroglyphs Visitor Center: Sitework/Paving; General Concrete and Masonry; Mechanical; and Electrical

Sealed bids for the construction of the Jeffers Petroglyphs Visitor Center will be received at the office of the Contracting Officer or an authorized agent located in the Minnesota History Center until 2:00 p.m. local time on 12 August 1997. Bids will then be publicly opened and read aloud.

Mail sealed bids to:

Deane M. Roe
Contracting Office Minnesota Historical Society
Minnesota History Center
345 Kellogg Boulevard West
St. Paul, MN 55102

Authorized agents for receipt of bids are the following: Deane M. Roe, Contracting Officer or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center.

PLEASE NOTE THAT THE ABOVE ADDRESS IS THE MINNESOTA HISTORY CENTER. IF PROPOSALS ARE BEING HAND DELIVERED, VENDORS MAY PARK IN THE ON-SITE LOT, BUT SHOULD ALLOW ENOUGH TIME TO DELVIER THEIR PROPOSALS TO THE CONTRACTING OFFICE ON THE 4TH FLOOR OF THE BUILDING. ACTUAL RECEIPT OF THE PROPOSAL BY THE CLOSING TIME IS REQUIRED FOR CONSIDERATION.

The work consists of a one story, 3,360 GSF Visitor Center with masonry foundation walls, wood and masonry walls, wood truss roof, rolled asphalt roofing and cedar siding.

Fan forced furnaces will provide heating and an air cooled condensing unit will provide cooling. Above floor galvanized duct and PVC coated underground duct will distribute the air.

New electrical service will be provided along with a fire alarm system.

Single package bids and combined package bids will be received for the following packages:

CP1 Sitework/Paving
CP2 Concrete and Masonry General
CP3 Mechanical
CP4 Electrical

Award will be made to the lowest responsive bidder in each package or combination of packages.

Bidding documents including the bid form, drawings and specifications are available at CPMI's Bloomington Office, Office of the Architect and Mankato Builders Exchange.

Complete bid sets of drawings, specifications and bid forms are available to invited bidders, without cost, by contacting CPMI (612) 854-3663. Postage, delivery or like charges shall be paid for by the bidder requesting the plans including the cost of returning the documents to CPMI. If the complete set of documents, including addenda, is not returned to CPMI within ten (10) calendar days after award of contract, a charge of $200 per set will be assessed.

Bids are to be submitted on forms supplied by the Owner. No oral, facsimile, telegraphic or telephonic bids or modifications will be considered. All bids shall be accompanied by a bid bond, executed by the bidder and a duly authorized surety company, certified check, cashiers check or bank draft made payable to the Minnesota Historical Society in an amount not less than 5% of the total bid.

Certified Targeted Group Bidders (TG) will receive a six percent (6%) preference and Economically Disadvantaged Bidders (ED) will receive a four percent (4%) preference on the basis of award for this bid.

Affirmative Action Certificate of Compliance is required for all bids submitted in excess of $50,000.

Enforcement of Davis Bacon Act is a requirement of this project. The Contractor shall pay not less than the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed, as determined by the Minnesota Department of Labor and Industry and as set out in the detailed plans and specifications.

The Owner reserves the right to reject any and all bids. To waive all informalities in bids, to request additional supplemental information and to accept the bid which is deemed in the best interest of the Owner. No bid may be withdrawn for a period of thirty (30) days subsequent to the specified time for receipt of bids.

The lowest responsive bidders will be required to furnish satisfactory Certificates and Policies of Insurance, Labor and Material Payment Bond, Performance Bond, written Indian Employment Rights Compliance Plan in accordance with 18 MLBSA § 426 (Previously Chapter 36), and other documents as stated in the specifications.

Washington County District Court Administration

Advertisement for Bids for Mobile Printer Equipment

Washington County District Court Administration hereby solicits bids for mobile printer equipment to be used in conjunction with existing Mobile Data Computers (MDCs) and Automated Citation Software (ACS) now being developed. Mobile printer equipment is described in Mobile Printer Equipment specifications dated July 18, 1997 available from:

Joni Morris
Washington County Court Administration
14900 61st Street North
Stillwater, MN 55082
Telephone Voice - 612.430.6315
FAX - 612.430.6367

Specifications may be viewed in the Washington County Auditor/Treasurer's office at 14900 61st Street North, Stillwater, Minnesota.

Bids for mobile printer equipment shall be due on:

August 12, 1998 at 11:00AM

Instructions for submitting a bid are contained in aforementioned project specifications.