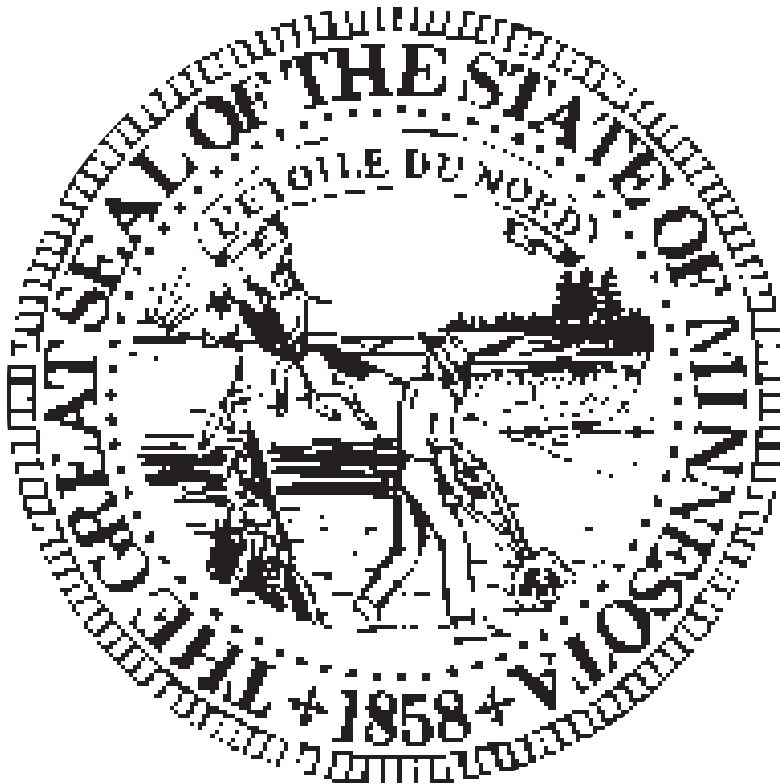


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State Register

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. 23 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 4	Monday 27 July	Noon Wednesday 15 July	Noon Tuesday 21 July
# 5	Monday 3 August	Noon Wednesday 22 July	Noon Tuesday 28 July
# 6	Monday 10 August	Noon Wednesday 29 July	Noon Tuesday 4 August
# 7	Monday 17 August	Noon Wednesday 5 August	Noon Tuesday 11 August

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Gretchen Stark, Assistant Editor 651/296-0929

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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 (651) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (651) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1997 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (651) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

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

Board of Animal Health

Proposed Amendment to Rules Governing Pseudorabies, *Minnesota Rules*, Importation of Swine 1700.2590-1700.3010, Pseudorabies Control 1705.2400-1705.2530, Pseudorabies Requirements for Exhibition 1715.0105, Sale of Swine at Markets and other Sales 1715.0550, Sale of Swine at State-Federal Markets 1715.0705, Sale of Swine at Public Stockyards 1715.1450.

Notice of Hearing

Public Hearing. The Board of Animal Health intends to adopt rules after a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-entitled rules in the St. James and Mankato Rooms, Best Western Hotel and Conference Center, 1111 Range Street, North Mankato, Minnesota, 56003, starting at 9:30 AM on Monday, September 14, 1998, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. 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 Administrative Law Judge Steve M. Mihalchick, who can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-349-2544, and 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, Statutory Authority, and Agency Contact Person. The subject of the hearing will be the proposed rules governing pseudorabies, *Minnesota Rules*, Importation of Swine, 1700.2590-1700.3010, Pseudorabies Control 1705.2400-1705.2530, Pseudorabies Requirements for Exhibition 1715.0105, Sale of Swine at Markets and other Sales 1715-0550, Sale of Swine at State-Federal Markets 1715.0705, Sale of Swine at Public Stockyards 1715.1450. The proposed rules are authorized by *Minnesota Statutes*, section 35.03 and 35.225. A copy of the proposed rules was published in the *State Register* on Monday, May 18, 1998, (CITE 22 S.R. 2003-2008) and is attached to this notice as mailed. The agency contact person is: Dr. Paul L. Anderson at the Board of Animal Health, 90 West Plato Boulevard, St. Paul, Minnesota 55107, phone 612-296-2942 extension 21, and fax 612-296-7417. TTY users may call the Board of Animal Health at 1-800-627-3529.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available for review at the agency 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 agency or the Office of Administrative Hearings.

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 be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency 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 will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written views or data to the agency contact person at the address stated above.

Alternative Format/Accommodation. 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 or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The 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 rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate.

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure 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 hearing be held at the date, time, and location listed above.

Dated: 8 July 1998

Thomas J. Hagerty, DVM
Executive Secretary Board of Animal Health

Department of Children, Families, and Learning

Proposed Permanent Rules Governing At-Home Infant Child Care

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Rules Governing At-Home Infant Child Care, *Minnesota Rules*, proposed part 3400.0235.

Introduction. The Department of Children, Families, and Learning (CFL) 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: Elizabeth Roe, at Department of Children, Families, and Learning, Capitol Square, 550 Cedar St., Room 377, St. Paul, MN 55101-2273; phone (612-282-6735), and FAX (612-296-5890). TTY users may call CFL at (612) 297-2094.

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

Proposed Rules

Subject of Rules and Statutory Authority. The proposed rules are about the At-Home Infant Child Care program, a program created by the Minnesota Legislature in its 1997 legislative session to enable low-income families to stay home with infants under the age of 12 months. This program gives subsidies to families who are not eligible for cash assistance under other programs, for example, the Minnesota Family Investment Program (MFIP). The statutory authority to adopt the rules is *Minnesota Statutes*, sections 119B.02, and 119B.061, subdivision 5.

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on 28 August 1998, 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 August 28, 1998. 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.

Dated: 10 July 1998

Robert Wedl
Commissioner

3400.0235 AT-HOME INFANT CHILD CARE PROGRAM.

Subpart 1. Purpose and applicability. This part governs the administration of the at-home infant child care program. Beginning July 1, 1998, a family in which a parent provides care for the family's infant child may receive a subsidy in lieu of child care assistance if the family is eligible for, or is receiving assistance under, the basic sliding fee program governed by parts 3400.0010 to 3400.0230.

Subp. 2. Administration of at-home infant child care program. The commissioner shall establish a funding pool of up to seven percent of the annual appropriation for the basic sliding fee program to provide assistance under the at-home infant child care program. Within the limits of available funding, the commissioner shall make payments to counties for expenditures under the at-home infant child care program. Participation in the statewide pool shall be determined based on the order in which requests are received from counties. The commissioner shall respond within seven days to county inquiries about the availability of funds. The commissioner shall monitor the use of the pool and if the available funding is obligated, the commissioner shall create a waiting list of at-home infant child care referrals from the counties. As funds become available to the pool, the commissioner shall notify counties in which eligible families on the waiting list reside. Counties shall submit families' requests for participation in the at-home infant child care program on forms provided by the commissioner.

At the end of the state fiscal year, any unspent funds must be used for child care assistance under the basic sliding fee program.

Subp. 3. General eligibility requirements. Items A to E govern eligibility for the program.

A. Eligible families are those families which meet the requirements of *Minnesota Statutes*, section 119B.061, subdivision 2. For purposes of this subpart, “other cash assistance” under *Minnesota Statutes*, section 119B.061, subdivision 2, means other public cash assistance and includes the Work First program, *Minnesota Statutes*, chapter 256K. “Other child care assistance” under *Minnesota Statutes*, section 119B.061, subdivision 2, means MFIP child care assistance, transition year child care, foster care and subsidized adoption payments, and the non-AFDC child care assistance program administered by the Minnesota Higher Education Services Office under *Minnesota Statutes*, section 136A.125.

B. A family is eligible to receive assistance under this program if one parent provides full-time care for the infant. The eligible parent must meet the requirements of *Minnesota Statutes*, section 119B.061, subdivision 3. The requirements of caring for the infant full-time may be met by one or both parents. Eligible parents include parents, stepparents, guardians and their spouses, and other eligible relative caregivers and their spouses. Nonfamily members may provide regular care for the child but are limited to a maximum of ten hours of care per week.

C. A family may apply for the at-home infant child care program before the child is born or anytime during the infant’s first year. A family is eligible to receive a subsidy under the at-home infant child care program upon the birth of the child, application to the program, or when funding becomes available, whichever occurs last. A family shall only receive subsidy payments through the infant’s twelfth month. “Infant” means a child from birth through 12 months of age and includes adopted infants.

D. A family is limited to a lifetime total of 12 months of at-home infant child care assistance. At the time of application to the program, the parent or parents must declare whether they have previously participated in the at-home infant child care program or used any portion of the MFIP-S one-year infant exemption under *Minnesota Statutes*, chapter 256J. If the parent or parents declare that they have participated in the at-home infant child care program or used the MFIP-S one-year infant exemption, the commissioner shall, at the request of the county, inform the county of the remaining months of eligibility for the at-home infant child care program.

E. At the time of application for the at-home infant child care program, the family must be eligible according to part 3400.0040, subpart 5, and *Minnesota Statutes*, section 119B.061, subdivision 2, clause (4), and be income-eligible based on these activities.

Subp. 4. Continued eligibility under basic sliding fee program. When families end their participation in the at-home infant child care program, they must be served under the basic sliding fee program if they otherwise meet all eligibility factors for the basic sliding fee program.

Subp. 5. Assistance payments. Items A to C govern assistance payments under the at-home infant child care program.

A. The number of months of at-home infant child care participation used shall be credited to the eligible parent. If the eligible parent later forms a new family, the number of months of at-home infant child care subsidy received in combination with the months of the MFIP-S infant exemption used under *Minnesota Statutes*, chapter 256J, shall be subtracted from the maximum assistance available under this part.

B. The maximum subsidy must be at 75 percent of the rate established under *Minnesota Statutes*, section 119B.13, for full-time care of infants in licensed family day care in the applicant’s county of residence. There is no additional subsidy for infants with special needs. The maximum subsidy for full-time care shall be converted to a monthly amount. From that monthly amount, the county must subtract the family’s monthly copayment required by part 3400.0100 to determine the final at-home infant child care monthly subsidy for the family.

C. Family income shall be determined or redetermined at the time a family applies for the at-home infant child care program. Family income shall be annualized from the beginning of the month in which the family would first participate in the at-home infant child care program. Family income includes:

(1) subsidy payments received as part of the at-home infant child care program. According to *Minnesota Statutes*, section 119B.061, subdivision 4, paragraph (b), counties shall use the copayment amount the family was paying or would have paid under the basic sliding fee program to estimate the subsidy payment;

(2) income from vacation;

(3) sick or temporary disability benefit payments; and

(4) other income the family may receive while participating in the at-home infant child care program, as determined under part 3400.0170.

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

Proposed Rules

Excluded income is defined in part 3400.0170, subpart 6, and *Minnesota Statutes*, section 119B.01, subdivision 12. The calculation of the family copayment fee is described in part 3400.0100, subpart 4.

Subp. 6. County responsibilities. Items A to D govern county responsibilities for the program.

A. In addition to duties required under parts 3400.0140 and 3400.0160, counties shall perform the following functions to administer the at-home infant child care program:

- (1) establish the subsidy amount;
- (2) determine an estimated length of time the family will participate;
- (3) determine availability of and encumber ongoing basic sliding fee funding;
- (4) consult with the commissioner on the availability of funds;
- (5) forward applicant information as designated to the commissioner;
- (6) issue payments under the at-home infant child care program; and
- (7) notify the commissioner when a family's participation in the at-home infant child care program ends.

B. A county may not accept a family as a participant in the at-home infant child care program without sufficient basic sliding fee program funds to pay for the family's anticipated cost of child care assistance after a family's participation in the at-home infant child care program ends.

C. During program participation, the county shall apply billing procedures established under *Minnesota Statutes*, chapter 119B, to reimburse families for their monthly at-home infant child care subsidy.

D. When a family's participation in the at-home infant child care program ends, the county shall send the family and the commissioner a notice indicating the number of months the family participated in the at-home infant child care program in that county.

Subp. 7. Data collection. The commissioner shall develop and implement an evaluation plan for the at-home infant child care program. Counties must participate in data collection for the evaluation and must adjust their data collection to reflect changes in the evaluation plan.

Board of Marriage and Family Therapy

Proposed Permanent Rules Relating to Licensing Requirements

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Governing the Minnesota Board of Marriage and Family Therapy, *Minnesota Rules* 5300.0100-5300.0360.

Introduction. The Board of Marriage and Family Therapy 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: Robert C. Butler, Executive Director, 2829 University Avenue SE, Suite 330, Minneapolis, MN 55414-3222. Telephone (612) 617-2220, and fax (612) 617-2221. TTY users may call the Board of Marriage and Family Therapy at 1-(800) 627-3529.

Subject of Rules and Statutory Authority. The proposed amendments and additions clarify definitions; and modify educational, post degree experience and supervision requirements. Associate and emeritus licensure status are also proposed. The means by which continuing education requirements may be met are also expanded in the proposal. Also proposed are changes to the format of the oral exam, additions to the code of ethics, and changes related to reciprocity. The statutory authority to adopt rules is *Minnesota Statutes*, section 148B.31. A copy of the proposed rule is published in the *State Register*.

Comments. You have until 4:30 p.m. on September 4, 1998, 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 the 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, 1998. 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.

Dated: 13 July 1998

Robert C. Butler, executive director
Marriage and Family Therapy Board

5300.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 5300.0100 to 5300.0360, unless the context otherwise requires, the following terms have the meanings given.

Subp. 2. **Advertising.** Advertising includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on a building; or in a newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, video, ~~or~~ television broadcasting, or other technological means.

[For text of subs 3 to 5, see M.R.]

Subp. 6. **Dual relationship.** "Dual relationship" means a relationship between a therapist and ~~a client~~ another person with whom such relationships are prohibited by law or rule that is both professional and one or more of the following: cohabitational, familial, or supervisory, or that includes significant personal involvement or financial involvement other than legitimate payment for therapeutic services rendered.

Subp. 6a. **Emeritus.** "Emeritus" means retired from active practice but retaining one's license and title.

Subp. 7. **Fee splitting.** "Fee splitting" means the practice of paying commissions to colleagues ~~out of the fees received from clients who have been referred by the colleague~~ for referrals.

Subp. 7a. **LAMFT.** "LAMFT" are the initials permitted to be used by a licensed associate marriage and family therapist to designate that the individual is licensed by the Board of Marriage and Family Therapy.

[For text of subs 8 to 10, see M.R.]

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Proposed Rules

Subp. 11. **Postgraduate supervised experience.** "Postgraduate supervised experience" means supervised experience occurring after the educational institution grants the degree for licensure as shown on the applicant's transcript and all educational requirements specified in part 5300.0140 have been completed.

Subp. 12. **Regionally accredited.** "Regionally accredited" means ~~those that an~~ an educational institution has been accredited by the North Central Association of Schools and Colleges or a similar accrediting body with accreditation standards equal to or greater than the accreditation standards used by the North Central Association of Schools and Colleges, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, Western Association of Schools and Colleges, or a postgraduate academic program in marriage and family therapy accredited by the Commission on Accreditation of the American Association for Marriage and Family Therapy.

Subp. 13. **Sexual contact.** "Sexual contact" means any of the following, whether or not occurring with the consent of a ~~patient or former patient~~ person with whom such conduct is prohibited by law or rule specifically because the person is a licensee or applicant for licensure:

A. sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, into the genital or anal openings of the ~~patient's or former patient's~~ body by any part of the therapist's body or by any object used by the therapist for this purpose, or any intrusion, however slight, into the genital or anal openings of the therapist's body by any part of the patient's or former patient's another person's body or by any object used by ~~the patient or former patient~~ another person for this purpose, if agreed to by the therapist;

B. kissing of, or the intentional touching by the therapist of ~~the patient's or former patient's~~ another person's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts;

C. kissing of, or the intentional touching by ~~the patient or former patient~~ another person of the therapist's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts if the therapist agrees to the kissing or intentional touching.

Sexual contact includes requests by the therapist for conduct described in items A to C.

Sexual contact does not include conduct described in items A or B that is a part of standard medical treatment of a patient.

[For text of subs 14 to 17, see M.R.]

Subp. 18. **Therapeutic deception.** "Therapeutic deception" means a representation by a therapist that sexual contact or unethical conduct with the therapist is consistent with or part of the ~~patient's or former patient's treatment~~ professional work with a client, student, or supervisee or former client, student, or supervisee.

[For text of subs 19 and 20, see M.R.]

5300.0140 EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.

Subpart 1. **Evaluation by board.** In determining whether an applicant holds a master's or doctoral degree that is equivalent to degrees described in *Minnesota Statutes*, section 148B.33, subdivision 1, clause (5)(i), the board shall evaluate the applicant's transcripts, documentation from the educational institution that describes the substance and purpose of the applicant's academic training, accreditation and other professional recognition of the educational institution by regional accrediting bodies, and other necessary information as determined by the board. All requested documentation must be sent directly from the educational institution to the board.

Subp. 2. **Degrees; course work requirements.** A master's or doctoral degree is equivalent to a master's or doctoral degree in marriage and family therapy if the degree is from a regionally accredited institution, if the degree is in a related subject field, and if the degree contains the following coursework:

A. ~~three courses~~ nine semester hours in human development covering human development, human behavior, personality theory, human sexuality, psychopathology including the assessment and diagnosis of mental illness, and behavior-pathology;

B. ~~three courses~~ nine semester hours in marital and family studies covering theories of family development, theories of family functioning, the family life cycle, sociology of the family, families under stress, contemporary family forms, family subsystems, and theories of marital and family interaction;

C. ~~three courses~~ nine semester hours in marital and family therapy covering marital and family communication, family psychology, family therapy, methods of intervention, family assessment, treatment planning, sex therapy, major theories of marital and family therapy such as structural, strategic, transgenerational, experiential, object relations, contextual, and systemic therapy;

D. ~~one course~~ three semester hours in research covering research design, methods, statistics, and special issues research in marital and family studies or a related field;

E. ~~one course~~ three semester hours in professional studies covering professional socialization, professional organizations, legal issues, interprofessional cooperation, professional ethics, and family law; and

F. a clinical practicum in marriage and family therapy of at least 300 hours of clinical client contact with individuals, couples, and families for the purpose of assessment and intervention. Of the 300 hours, no more than 150 hours may be with individuals. This clinical experience must be supervised on site or at the academic institution by a licensed marriage and family therapist or an American Association for Marriage and Family Therapy approved supervisor.

~~Each course listed in items A to F must be equivalent to a three-credit semester or four-credit quarter course. Four quarter credit hours shall be equivalent to three semester hours in meeting the requirements in items A to E.~~ This curriculum may be completed during the qualifying master's or doctoral degree programs; or additional course work may be taken at a college or university accredited by a regionally accredited educational institution after receiving the graduate degree in order to fulfill the requirements for each of the areas described in items A to F. An applicant may not use a course for more than one area described in items A to F.

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

5300.0150 EXPERIENCE REQUIREMENTS.

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

Subp. 2. **Years of experience; computation.** In calculating two years of supervised postgraduate experience in marriage and family therapy, the board shall accept a minimum of 1,000 hours of clinical client contact ~~and including the assessment, diagnosis, and treatment of mental illness as specified in subpart 3 with~~ 200 hours of supervision by a Minnesota licensed marriage and family therapist over a period of not less than 24 months. All additional work used to complete this two-year experience may be supervised in a legal and ethical manner by a licensed mental health professional listed in Minnesota Statutes, section 245.462, subdivision 18, clauses (1) to (5), or 245.4871, subdivision 27, clauses (1) to (5), or both.

Subp. 3. **Clinical client contact; requirements.** The applicant must demonstrate at least 500 hours of the clinical client contact required in the following categories of cases:

- A. unmarried couples;
- B. married couples;
- C. separating and divorcing couples; and
- D. family groups including children.

This contact shall include experience in the assessment, diagnosis, and treatment of mental illness.

Subp. 4. **Supervision; setting.** The supervision by a Minnesota licensed marriage and family therapist shall take place in individual and group settings, according to items A and B.

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

Subp. 5. **Supervision requirements.** Supervision must involve:

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

C. a focus on the raw data from the supervisee's clinical work that is made directly available to the supervisor through means of written clinical materials, direct observation, and audio or video recordings.

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

5300.0160 REQUIREMENTS FOR SUPERVISOR.

A supervisor is acceptable to the board if the supervisor was listed by the board under this part prior to the effective date of this part, except that those supervisors must meet the continuing education requirement specified in part 5300.0170, item D. ~~After the effective date of this part, new supervisors are acceptable to the board if the supervisor:~~

- A. is licensed as a marriage and family therapist in Minnesota;
- B. has at least three years and 3,000 hours of experience in clinical practice as a licensed marriage and family therapist; and
- C. provides evidence of training in supervision. Evidence must be shown through graduate level academic course work; in supervision equivalent to three semester hours from a regionally accredited institution or 30 hours in continuing education, or designation by a ~~national professional organization as a marriage and family therapy supervisor~~ the American Association for Marriage and Family Therapy as an approved supervisor.

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Proposed Rules

5300.0170 RESPONSIBILITIES OF SUPERVISOR.

A supervisor ~~has the following responsibilities~~ must:

- A. ~~The supervisor must~~ be knowledgeable of the clinical skills required for effective delivery of marriage and family therapy services;
- B. ~~The supervisor must~~ be knowledgeable of the important literature in the field of marriage and family therapy and professional ethics, and the supervisor must be knowledgeable about the basic skills and service delivery of supervision; and
- C. ~~The supervisor must~~ see that all supervised work is conducted in appropriate professional settings, with adequate administrative and clerical controls; and
- D. devote at least ten percent of the required continuing education hours to supervision.

5300.0175 LICENSURE PROCESS FOR LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPISTS.

A licensed associate marriage and family therapist is one who has completed the educational requirements in part 5300.0140 and who has passed the written examination specified in part 5300.0240. Licensed associate marriage and family therapists must practice under the supervision of a board qualified supervisor as specified in parts 5300.0160 and 5300.0170. Licensed associate marriage and family therapists must observe the same laws and rules that govern the practice of licensed marriage and family therapists. Licensed associate marriage and family therapist status shall be granted for one year upon completion of the board's application form and payment of the required fee. Licensed associate marriage and family therapist status may be renewed on a yearly basis for up to four additional years.

5300.0180 LICENSURE PROCESS FOR LICENSED MARRIAGE AND FAMILY THERAPISTS.

The process of licensure by the board as a marriage and family therapist is divided into two separate parts: admission to written examination and admission to licensure.

5300.0190 PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.

Subpart 1. **Information required.** To be admitted to written examination, an applicant must submit to the board the information in items A to ~~E~~ D.

- A. The applicant must submit a completed, notarized application for admission to written examination on a form provided by the board. The application must include an affirmation by the applicant that the statements made in the application are true and correct to the best knowledge of the applicant;
- B. The applicant must submit the required, nonrefundable fee for application for admission to written examination specified in part 5300.0360, item A, made payable to the Board of Marriage and Family Therapy; ~~and~~.
- C. The applicant must submit official transcripts of all graduate education of the applicant, including verification of the degree granted. The transcripts must be sent directly to the board from the institution granting the degree.

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

- (2) The institution granting the degree must be regionally accredited at the time the degree is granted.

D. An applicant for licensure must inform the board within 30 days of any changes in name, residential address, or business and residential telephone numbers.

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

Subp. 4. **Admission to written examination.** An applicant shall be admitted to the first regularly scheduled written, objective part of the examination that occurs 60 days or more after the applicant has met the requirements of subpart 1, unless admission is denied under subpart 5. Admission to the examination shall be complete only after receipt by the board from the applicant of the examination fee specified in part 5300.0360, item B.

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

5300.0230 REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130, subpart 1, item D, and 5300.0200, subpart 1, item E, the endorser must:

- A. be licensed by the board; or
- B. be licensed to practice marriage and family therapy by another state or country whose licensure standards are at least equivalent to or exceed the requirements for licensure in Minnesota.

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

5300.0240 EXAMINATION METHODS; SUBJECTS AND PROCEDURES.

Subpart 1. **National written and ~~oral~~ state examination required.** Examination of an applicant for a license as a marriage and family therapist shall be composed of:

A. a written, objective part designed and scored by a professional examination service approved by the Association of Marriage and Family Therapy Regulatory Boards; and

B. ~~an oral~~ a state part conducted by members of the board.

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

Subp. 3. **National written part of examination.** The written examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards. The written examination shall be offered ~~twice per year~~ on dates established by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **Oral State part of examination.** The ~~oral~~ state examination of an applicant shall be held according to those methods determined by the board to be the most practical and expeditious in testing the applicant's qualifications for licensure. The ~~oral~~ state examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board and before the applicant is approved for licensure. The ~~oral~~ state examination of an applicant shall cover:

A. the applicant's knowledge of the laws governing marriage and family therapists;

B. the applicant's knowledge of the code of ethics;

C. the applicant's awareness of the responsibilities to the board and to the public; and

D. other practice-related areas.

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

Subp. 6. **Passing score required on examination.** The passing score of the written part of the examination is the passing score determined by the Association of Marriage and Family Therapy Regulatory Boards. The passing score for the ~~oral~~ state examination shall be determined by the board. An applicant must pass both parts of the examination to qualify for licensure as a marriage and family therapist.

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

5300.0250 RECIPROCIITY.

Subpart 1. **Other states or countries recognized.** The board shall issue a marriage and family therapist license to an individual who holds a current license as a marriage and family therapist from another state or country if the board determines that the standards for licensure in effect when the individual was licensed in the other state or country are at least equivalent to or exceed the current requirements for licensure in Minnesota. If an applicant for licensure by reciprocity was licensed in another state or country without passing the written examination specified in part 5300.0240, subpart 3, but meets all other Minnesota requirements, the applicant may submit an application for licensure by reciprocity after passing the examination according to part 5300.0240, subpart 6. All applicants for licensure by reciprocity must pass the oral examination specified in part 5300.0240, subpart 4.

Subp. 2. **Application required.** An individual who holds a current license as a marriage and family therapist from another state or country must file a completed application for licensure by reciprocity and must pay the fee for application for licensure by reciprocity specified in part 5300.0360, item E. The application must be on a form provided by the board. The application must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant and an agreement by the applicant that the applicant will conduct all professional activities according to the code of ethics in part 5300.0350.

Subp. 3. **Verification from other state or country required.** The applicant must direct the board of examiners of the state or country in which the license is held to send to the board directly a statement that the license is in effect and in good standing on a form provided by the board, and a copy of the state's current licensing law and rules.

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

Subp. 5. **Proof of equivalency.** The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in effect when the individual was licensed in the other state or jurisdiction are at least equivalent to or exceed the current licensing requirements in Minnesota.

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Proposed Rules

5300.0280 RENEWAL OF LICENSE.

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

Subp. 2. **Notice of renewal.** The board shall send the licensee a written renewal notice identifying the amount of the renewal fee. The notice shall be sent to the licensee's last known address on record with the board.

A licensee must notify the board in writing of any change of name ~~or~~, address, or residential or business telephone numbers within ~~45~~ 30 days after ~~moving any change~~.

Failure to receive the renewal notice does not relieve the licensee of the obligation to renew the license.

[For text of subs 3 to 5, see M.R.]

Subp. 6. **Late fee.** A licensee must pay a late renewal fee and the renewal fee specified in part 5300.0360, items F and G, if the licensee's application for renewal is postmarked after December 31, or delivered to the board office by nonpostal means after December 31.

5300.0290 FAILURE TO RENEW.

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

Subp. 2. **Expiration of license.** If the licensee fails to submit to the board the renewal application, information about continuing education requirements, and the renewal and late renewal fees specified in part 5300.0360, items F and G, on or before December 31, the license expires and the licensee's right to practice terminates on December 31.

A. The board shall mail to the former licensee a written notice that the licensee's license has expired and the licensee's right to practice has terminated. The board shall send the notice to the licensee's last known address on record with the board. The board shall instruct the former licensee to promptly return the licensee's board issued license certificate, written in calligraphy, to the board office.

B. A license that expired under this part may be reinstated under part 5300.0300.

5300.0310 VOLUNTARY TERMINATION OF LICENSE.

A license may be terminated at any time upon written request by the licensee to the board, unless a complaint is pending against the licensee. If a complaint is pending against a licensee, a license may not be voluntarily terminated until any indicated action relative to the complaint is concluded. The board must receive the request to terminate before expiration of the license for failure to renew under part 5300.0290, ~~subpart 3~~. A licensee who has voluntarily terminated the license may be relicensed by complying with the requirements for reinstatement of an expired license in part 5300.0300, except that payment of the late renewal fees shall not be required.

5300.0315 EMERITUS LICENSE STATUS.

Subpart 1. Emeritus status; requirements. A marriage and family therapist duly licensed to practice marriage and family therapy in the state under Minnesota Statutes, chapter 148B, who has reached the age of 62 and is retired from the active practice of marriage and family therapy, may apply to the board for emeritus status:

A. by indicating on the licensee's renewal form or by petitioning the board in writing;

B. by indicating the licensee has not been the subject of disciplinary action resulting in the suspension, revocation, qualification, condition, or restriction to practice marriage and family therapy; and

C. by paying the annual emeritus fee.

Subp. 2. Limit on practice. A licensee who has emeritus status shall not engage in marriage and family therapy practice or practice as a mental health professional as defined in Minnesota Statutes, sections 245.462, subdivision 18, and 245.4871, subdivision 27.

Subp. 3. Continuing education not required. Continuing education requirements are not applicable to emeritus status.

Subp. 4. Reactivating license. In the exceptional case that a marriage and family therapist issued an emeritus license should wish to resume practice, the board shall reactivate the license according to the procedure in part 5300.0300 except that the only fee required shall be the reinstatement fee specified in part 5300.0360, item H, and the current annual renewal fee specified in part 5300.0360, item E.

If a licensee has had an emeritus license more than five years, the license may be reactivated only as specified in part 5300.0300, subpart 3.

5300.0320 CONTINUING EDUCATION REQUIREMENTS.

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

Subp. 2. **Number of hours required.** ~~Continuing education is not required during the licensee's initial licensure period, defined in part 5300.0260, subpart 2. After the initial licensure period, the licensee~~ Licensees must complete a minimum of 30 hours of continuing education every two years. The required number of hours shall be prorated for persons who are initially licensed during

a given reporting period. Proof of completion of the required hours must be submitted to the board by December 31 of each odd-numbered year. The initial two-year period begins on January 1, ~~1992~~ of each even-numbered year.

Subp. 3. **Documentation of courses.** When the licensee applies for renewal of the license, the licensee must submit documentation of the licensee's completion of the required hours of continuing education on an appropriate form furnished by the board. A receipt for payment of the fees for the course is not sufficient evidence of completion of the required hours of continuing education. Licensees shall keep attendance certificates for at least five years as the board may conduct random audits to verify compliance with subpart 2.

Subp. 4. **Courses; board approval required.** A course must be approved by the board according to the procedures in this subpart and subparts 5 to 11. Courses may be approved for all attendees when submitted by the sponsor as prescribed in subpart 6 or a licensee may request individual approval as prescribed in subpart 7.

The board shall consider the following factors in determining whether a course should be approved:

A. The course's relevance to the therapeutic practices of marriage and family therapy ~~or the current psychotherapeutic practices of marriage and family therapy.~~

B. Whether the course is structured on sound educational principles ~~and fits into one of the following categories:~~

(1) structured educational programs with an instructor as a part of conventions, workshops, seminars, lectures, interactive media, and graduate and postgraduate courses from regionally accredited institutions. All course work must include the areas described in item D, subitems (1) to (6); and

(2) home study courses related to marriage and family therapy as described in item D. Programs must have an independently graded test component. No more than one-fourth of the required 30 continuing education hours may be earned by this method.

C. Whether the course is at least one hour in length. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format. Time for home study courses shall be based on developer's research on average time to complete.

D. Whether the subject of the course is related to marriage and family therapy with an emphasis upon systemic approaches or the theory, research, or practice of psychotherapeutic work with couples or families. Continuing education for marriage and family therapy generally evolves from the following areas:

(1) historical, theoretical foundations, and contemporary conceptual directions of the field of marriage and family therapy;

(2) assessment, diagnosis, and treatment in marriage and family therapy including both dysfunctional relationship patterns and nervous and mental disorders, whether cognitive, affective, or behavioral;

(3) family studies including the life cycle of the family, the process and modification of family structures over time, and issues related to ethnicity, race, socioeconomic status, culture, gender, and sexuality;

(4) human development including human behavior, personality theory, sexuality, psychopathology, behavior pathology, and physical and mental impairments and disabilities that affect normal development;

(5) ethics and professional studies covering legal responsibilities and liabilities of licensure, clinical practice, research, family law, and confidentiality issues; and

(6) supervision in marriage and family therapy including theories and practices.

E. Whether the course's instructors ~~or developers~~ are qualified by practical or academic experience to teach, lecture, ~~or~~ make presentations ~~of the course, or develop courses.~~

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

Subp. 6. **Sponsor's application for course approval.** Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in items A to D to receive and maintain course approval.

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

B. The application for course approval must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subpart 4:

[For text of subitems (1) to (3), 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.

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(4) a listing of the qualifications of each instructor or developer which shows the instructor's or developer's current knowledge and skill in the course's subject; and

(5) a description of the certificate or other form of verification of attendance distributed to each participant upon successful completion of the course.

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

Subp. 7. A licensee's application for course approval.

~~A.~~ A licensee must apply individually for approval of continuing education courses ~~sponsored by organizations~~ that have not ~~applied and~~ been approved by the board in subpart ~~5 6~~. The licensee must submit information required in item ~~A B~~, as well as other information the board reasonably requires to evaluate the course for approval.

~~A. B.~~ The following information must be submitted to the board, in addition to the form required in subpart 3, by the licensee:

- (1) the name and address of the organization sponsoring the course;
- (2) a detailed description of the course content;
- (3) the name of each instructor ~~making a presentation, or presenter~~ and the ~~instructors' instructor's or presenter's~~ credentials; and
- (4) the location, including the name and address of the facility, at which the course will be conducted.

~~B. C.~~ Licensees seeking approval for a course not previously approved by the board are strongly encouraged to seek board approval before attending the course.

~~C. D.~~ The board shall deny approval for a course if it does not meet the standards in subpart 4. The board shall notify the applicant in writing of its reasons for denying approval of a course under this subpart.

Subp. 8. **Sources of credit.** Continuing education credit may not be applied for ~~self-study~~ marketing the business aspects of one's practice, time management, supervisory sessions, staff orientation, agency activities that address procedural issues, personal therapy, or other methods not structured on sound education principles or contrary to the code of ethics. Continuing education credit may be applied for the following programs that comply with the requirements of subpart 4:

A. ~~conventions~~ programs specifically listed in subpart 4, item B, subitems (1) and (2);

B. ~~workshops and seminars teaching a marriage and family course in an institution accredited by a regional accrediting association.~~ Continuing education hours may be earned only for the first time the licensee teaches the course. The course must be related to marriage and family therapy as described in subpart 4, item D, subitems (1) to (6). Ten continuing education hours may be earned for each semester credit hour taught;

C. ~~lectures~~ research of an original nature directly related to marriage and family therapy as described in subpart 4, item D, subitems (1) to (6). This activity must be preapproved by the board. Hours of credit for this activity shall be negotiated based on the nature of the project. Contact the board office for appropriate preapproval forms;

D. ~~college postgraduate courses; and authoring, editing, or reviewing in an area of marriage and family therapy as described in subpart 4, item D, subitems (1) to (6).~~ Continuing education hours may be earned only in the year of publication. The maximum hours earned are as follows:

- (1) author of a professional book, 30 hours;
- (2) author of a professional book chapter or journal article, 15 hours;
- (3) editor of a professional book or journal, 25 hours; and
- (4) journal article review, one hour per manuscript.

E. ~~graduate study,~~ presentations at workshops, seminars, symposia, meetings of professional organizations, or postgraduate institutes. The presentation must be related to marriage and family therapy as described in subpart 4, item D, subitems (1) to (6). One hour of development time equals one continuing education hour and up to three hours of development time may be claimed for each hour of presentation. Continuing education hours may be earned only for the licensee's first presentation on the subject developed; and

F. individually designed continuing education activity. Licensees may submit proposals for continuing education activities which do not meet other guidelines established within this part. The proposal request must include the following:

- (1) the rationale for pursuing an individually designed activity;
- (2) specific goals and objectives, and an explanation of how the goals and objectives are related to the enhancement of the licensee's professional skills;
- (3) an outline of the topics to be covered;

(4) a description of related resources and activities;

(5) the proposed documentation of completion of activity; and

(6) the estimate of time to be expended on the activity and the number of continuing education hours requested. The board shall have final say in the number of hours credited for completion of such activity.

Items D to F require preapproval. The applicant must obtain preapproval forms from the board.

Subp. 9. **Hours of credit.** Continuing education shall be credited on an hour-for-hour basis except as noted in subpart 8. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

Subp. 10. **Exemption from continuing education requirements.** A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee:

A. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis; ~~or~~

B. is permanently disabled and unable to practice marriage and family therapy, accompanied by a notarized statement from the licensee's physician; or

C. has been granted emeritus status as specified in part 5300.0315.

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

5300.0350 CODE OF ETHICS.

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

Subp. 4. **Integrity.** A marriage and family therapist must act in accordance with the highest standards of professional integrity and competence. A marriage and family therapist must be honest in dealing with clients, students, trainees, colleagues, and the public.

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

P. A therapist shall use only academic degrees from regionally accredited institutions that are related to the practice of marriage and family therapy in any situation or circumstance related to the practice of marriage and family therapy. Those therapists holding current Minnesota mental health professional licenses issued by other Minnesota licensing boards may also use degrees and titles directly related to these licenses as permitted by the other boards when the other licensure is cited with the marriage and family licensure.

Q. A therapist must correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

~~Q. R.~~ A therapist must make certain that the qualifications of a person in a therapist's employ is a student, independent contractor, or an intern represented in a manner that is not false, misleading, or deceptive.

~~R. S.~~ A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or violating those standards of professional behavior that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest.

Subp. 5. **Relations to clients.** A marriage and family therapist's primary professional responsibility is to the client. A marriage and family therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A marriage and family therapist must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately. A marriage therapist is bound by these ethics primarily. These ethics supersede any policies of an employer or contractor that may be contrary to the ethics in this part.

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

N. A therapist must display prominently on the premises of the therapist's professional practice or make available as a handout the bill of rights of clients, including a statement that consumers of marriage and family therapy services offered by marriage and family therapists licensed by the State of Minnesota have the right:

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

(4) to report complaints to the Board of Marriage and Family Therapy, ~~Colonial Park Office Building, 2700 University Avenue West, Suite 67, Saint Paul, MN 55114~~ University Park Plaza Building, 2829 University Avenue SE, Suite 330, Minneapolis, MN 55414-3222;

[For text of subitems (5) to (9), see M.R.]

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

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Subp. 6. **Confidentiality and keeping of records.** A marriage and family therapist must hold in confidence all information obtained in the course of professional services. A marriage and family therapist must safeguard client confidences as permitted by law and rule.

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

K. A client who is the recipient of marriage and family therapy services has the right to access the records related to the service maintained by the licensee on that client, as provided in Minnesota Statutes, section 144.335, subdivision 2, provided the records are not classified as confidential under Minnesota Statutes, section 13.84. A marriage and family therapist must maintain an accurate record for each client. Each record must minimally contain:

- (1) a client personal data record which shall include the presenting problem;
- (2) a treatment plan with a diagnosis and justification for it and treatment goals;
- (3) an accurate chronological listing of all client contacts and a summary of each;
- (4) records of any consultation or supervision received in relation to the client;
- (5) a termination statement indicating the date and reason for termination, the client's condition at the time, and any recommendations made to the client;
- (6) copies of all client authorization for release of information and any other legal forms pertaining to the client; and
- (7) a chronological listing of all fees or charges for services related to the client and to whom the fees were charged. This record may be kept separate from the client's clinical file.

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

5300.0360 FEES.

The following fees in items A to K are nonrefundable and must be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, ~~Colonial Park Office Building, 2700 University Avenue West, Suite 67, Saint Paul, Minnesota 55114~~ University Park Plaza Building, 2829 University Avenue SE, Suite 330, Minneapolis, MN 55414-3222:

- A. application for admission to written examination fee, \$200;
- B. written examination fee, ~~not to exceed \$250~~ determined by the examination supplier;
- C. application for licensure fee, \$100;
- D. initial license fee, not to exceed \$100;
- E. application for licensure by reciprocity fee, \$300;
- F. annual renewal of license fee; ~~\$115~~ not to exceed \$150 with the fee determined annually by the board at its regular June meeting;
- G. late renewal fee, \$50;
- H. reinstatement of license fee, \$150;
- I. sponsor's application for approval of a continuing education course fee, \$50;
- J. penalty fee, \$75; ~~and~~
- K. duplicate license fee, \$25; and
- L. annual emeritus license fee, \$30.

The written examination fee in item B will be determined by the professional examination service approved by the Association for Marriage and Family Therapy Regulatory Boards administering the examination.

The initial license fee in item D will be prorated accordingly, depending on the month in which the applicant is approved for licensure.

Pollution Control Agency

Air Quality Division

Proposed Permanent Rules Relating to Air Quality Monitoring and Testing

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

Proposed Amendments to Air Quality Rules Governing Continuous Monitoring Systems (CMS), *Minnesota Rules* chapters 7007, 7011, 7017, 7019 and 7021.

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, §§ 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on August 26, 1998, a public hearing will be held in the MPCA Boardroom, 520 Lafayette Road North, St. Paul, Minnesota 55155-4197, starting at 9:00 a.m. on September 14, 1998 and continuing until all public testimony is heard. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after August 26, 1998 and before September 14, 1998.

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

Steve Sommer
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
(612) 282-5851
FAX (612) 297-7709
Internet: steve.sommer@pca.state.mn.us

Subject of Rule and Statutory Authority. The MPCA is proposing amendments to *Minnesota Rules* chapters 7007, 7011, 7017, 7019 and 7021 governing Continuous Monitoring Systems (CMS). To understand the rule, the term "CMS" means either a Continuous Emission Monitoring System (CEMS) or a Continuous Opacity Monitoring System (COMS). There are a total of 92 COMSs and 133 CEMs at the 70 air emission facilities in the State of Minnesota. Most CMSs have been installed in order to comply with federal monitoring requirements and some have been installed due to enforcement actions or permit conditions.

All facilities which report CMS derived emissions data to the MPCA will be subject to the installation, operation, and Quality Assurance and Quality Control (QA/QC) requirements of the proposed amendments to the state CMS rule. Facilities must also comply with all applicable federal CMS requirements. Many of the requirements in the proposed amendments are the same or similar to the requirements of the federal regulations. The state CMS requirements apply to CMSs whether or not any federal requirements apply. If both state and federal CMS requirements apply to a CMS at a single facility, the facility must comply with both sets of requirements.

Currently there are a number of locations within Minnesota state rules which have CMS related requirements. The current CMS Rule (*Minnesota Rules* 7017.1000-1020) contains the majority of the state CMS requirements. However, the Performance Test Rule (*Minnesota Rules* 7017.2001-2060) contains the administrative requirements related to the CMS rule; the Excess Emissions Reporting Rule (*Minnesota Rules* 7019.2000) contains reporting requirements related to CMS. This fragmentation makes finding CMS related rules cumbersome. The proposed CMS rule consolidates CMS requirements into one rule in order to alleviate this problem.

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

Comments. You have until 4:30 p.m. on August 26, 1998, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m. on August 26, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

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

Accommodation. 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 rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the MPCA or presented at the hearing and the adopted rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for September 14, 1998, will be canceled if the MPCA does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the MPCA contact person after August 26, 1998 (date comment period ends) to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, §§ 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. An Administrative Law Judge is assigned to conduct the hearing. The judge can be reached at:

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

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rule. 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 be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. 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 will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules* 1400.2000 to 1400.2240, and *Minnesota Statutes* §§ 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The MPCA requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the MPCA contact person at the address stated above.

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

Consideration of Economic Factors. *Minnesota Statutes* § 116.07, subd. 6 requires the MPCA to give due consideration to economic factors in exercising its powers. In proposing these rules, the MPCA has given due consideration to available information as to any economic impacts the proposed rules would have. Facilities with CEMS and/or COMS which currently perform Cylinder Gas Audits (CGAs), Relative Accuracy Test Audits (RATAs), and or Calibration Error Audits (CEAs) will not be significantly affected by this rule. Facilities with CEMS and/or COMS which do not conduct any of these Quality Assurance and Quality Control (QA/QC) activities, will be affected the most by this rule. For example, if a facility has CEMS, which are all subject to the QA/QC requirements of New Source Performance Standard (NSPS), Appendix F, that facility will experience no additional, QA/QC requirements or costs. The facility will only be subject to minimal additional administrative requirements (e.g. test notification and reporting requirements). However, facilities which own CEMS and/or COMS which are not now required to conduct CGAs, RATAs, and CEAs, or are not required to conduct them at the frequency specified in this rule, will experience increased costs due to this rule. Please refer to the SONAR, page 50, Section V., Consideration of Economic Factors, to review the MPCA's estimates of the increased costs associated with the QA/QC requirements, both on a per CMS basis and on an aggregate, statewide basis.

Additional information regarding the MPCA's consideration of economic factors is discussed in Section VI., Items B and C in the statement of need and reasonableness.

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

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

Departmental Charges Imposed by the Rule. *Minnesota Statutes* § 16A.1285 is inapplicable because the proposed rules do not impose any departmental charges or fees.

Lobbyist Registration. *Minnesota Statutes* ch. 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 612/296-5148 or 1-800-657-3889

Request to Have MPCA Board Make Decision on Rule if No Hearing is Required. If a hearing is required, the MPCA Board will make the final decision on whether to adopt the rule. However, even if no hearing is required, you may submit a request to the MPCA Commissioner or an MPCA Board member to have the MPCA Board make the decision on whether to adopt the proposed rule. Your request must be in writing, must state to whom it is directed and must be received by the MPCA contact person by 4:30 p.m. on September 4, 1998. Under Minn.Stat. § 116.02, where a hearing is not required the MPCA Board will only make the decision on the rule if the MPCA Commissioner grants your request or if an MPCA Board member makes a timely request that the decision be made by the MPCA Board.

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

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may 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 it with the Secretary of State, and can make this request at the hearing or in writing to the MPCA contact person stated above.

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

Peder A. Larson
Commissioner

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7007.1130 REGISTRATION PERMIT OPTION D.

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

Subp. 4. **Calculation of actual emissions.** The owner or operator of a stationary source may use a calculation worksheet provided by the commissioner for calculating actual emissions under this part, or may use the calculation methods under items A to E. The owner or operator must calculate actual emissions for each emissions unit, except that similar emissions units may be aggregated for emission calculation purposes. The owner or operator of a stationary source shall use the calculation method in item B instead of the calculation method in item A if the data described in item B are available for the stationary source. The alternative methods described in items C, D, and E may be used by the owner or operator without advance notification to the commissioner. The commissioner shall reject data submitted using the methods described in items B to E if the conditions set forth for the method are not fully met. To prevent double counting of emissions, the owner or operator must select one calculation method under this subpart for each emissions unit at the stationary source. Fugitive dust emissions must be included in the calculations under this subpart, if the stationary source is a category listed in part 7007.0200, subpart 2, item B, subitems (1) to (27).

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

B. If the owner or operator of the stationary source has collected emissions data through use of a continuous emission monitor (CEM) in compliance with the preconditions in subitems (1) and (2), the owner or operator shall use the CEM data to calculate actual emissions, the calculation shall be based on all of the CEM data, and the following requirements shall be met:

(1) the CEM has been certified by the commissioner;

(2) the CEM data have not been rejected by the commissioner due to failure by the owner or operator to comply with all requirements of parts ~~7017.1000, 7019.1000, and 7019.2000~~ 7017.1002 to 7017.1220; all applicable permit conditions; and any other applicable state or federal laws pertaining to CEM operation;

[For text of subitems (3) and (4), see M.R.]

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

[For text of subps 5 and 6, see M.R.]

7011.0120 OPACITY STANDARD ADJUSTMENT.

Subpart 1. **Application for permit modification.** An owner or operator of an emission facility may file an application for a permit modification under parts 7005.0200 to 7005.0280 for adjustment of the opacity standard applicable to an emissions unit. In addition to the items required under parts 7005.0200 to 7005.0280, the application must contain data that demonstrates that:

A. based on tests conducted under parts ~~7017.1000~~ 7017.1002 to 7017.2060, the emissions unit is in compliance with the applicable standard of performance for particulate matter and all other standards of performance, except the opacity standard;

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

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

7011.1260 CONTINUOUS MONITORING.

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

Subp. 4. **Averaging periods.** Except as provided in this subpart and subparts 4a and 5, the requirements of ~~part 7017.1000~~ parts 7017.1002 to 7017.1220 apply to continuous monitoring data collection, reduction, and averaging periods.

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

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

Subp. 5. **Installation and operation of continuous monitors.** The owner or operator of a waste combustor with continuous monitors shall comply with the requirements of ~~part 7017.1000~~ parts 7017.1002 to 7017.1220, except as provided in items A to I.

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

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

7011.1285 OPERATING RECORDS AND REPORTS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Initial compliance report.** Following the initial compliance test as required under part 7011.1270, the owner or operator of a waste combustor shall submit the initial compliance test data, the performance evaluation of the CEMS using the applicable performance specifications in part ~~7017.1000~~ 7017.1070, subpart 1, and the maximum demonstrated capacity and particulate matter control device temperature established during the PCDD/PCDF testing.

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

7011.1420 EMISSION MONITORING.

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

Subp. 2. **Fuel gas combustion devices.** Fuel gas combustion devices:

A. Sulfur dioxide.

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

(5) For the purpose of reports under part ~~7019.2000, subpart 1, item B~~ 7017.1110, subpart 2, periods of excess emissions that shall be reported are defined as any six-hour period during which the average emissions (arithmetic average of six continuous one-hour periods) of sulfur dioxide as measured by a continuous monitoring system exceed the applicable standards of performance in part 7011.1410.

B. Hydrogen sulfide. The owner or operator of a new fuel gas combustion device at a petroleum refinery may elect to install a continuous monitoring system for the measurement of hydrogen sulfide in the fuel gas instead of the sulfur dioxide monitor described in item A. The owner or operator shall notify the commissioner in writing of such election. The owner or operator who elects to install the hydrogen sulfide monitor shall not be required to do so until monitoring requirements for such a system are promulgated; provided, however, the commissioner may require the installation of a sulfur dioxide monitor under the provisions of part ~~7017.1000, subpart 1~~ 7017.1006.

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

7011.1615 CONTINUOUS EMISSION MONITORING.

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

Subp. 8. **Periods of excess emissions.** For the purpose of reports under part ~~7019.2000, subpart 1, item B~~ 7017.1110, subpart 2, periods of excess emissions shall be all three-hour periods (or the arithmetic average of three consecutive one-hour periods) during which the integrated average sulfur dioxide emissions exceed the applicable standards under these parts.

7011.1715 EMISSION MONITORING.

The owner or operator of a nitric acid production unit shall install, calibrate, maintain, and operate a continuous monitoring system for the measurement and recording of nitrogen oxides emissions.

The pollutant gas used to prepare calibration gas mixtures and for calibration checks shall be nitrogen dioxide (NO₂).

Reference Method 7 shall be used for conducting monitoring system performance evaluations.

The span shall be set at 500 ppm of nitrogen dioxide.

The owner or operator of a nitric acid plant shall establish a conversion factor for the purpose of converting monitoring data into units of the applicable standard (kg/metric ton, lb/ton). The conversion factor shall be established by measuring emissions with the continuous monitoring system concurrent with measuring emissions with the applicable Reference Method tests. Using only that portion of the continuous monitoring emission data that represents emission measurements concurrent with the reference method test periods, the conversion factor shall be determined by dividing the reference method test data averages by the monitoring data averages to obtain a ratio expressed in units of the applicable standards to units of the monitoring data, i.e., (kg/metric ton per ppm, lb/ton per ppm). The conversion factor shall be reestablished during any performance test or any continuous monitoring system performance evaluation.

The owner or operator of a nitric acid production unit shall record the daily production rate and hours of operation.

For the purpose of reports under part ~~7019.2000~~ 7017.1110, subpart ~~1~~ 2, item B, periods of excess emissions that shall be reported are defined as any three-hour period during which the average nitrogen oxides emissions (arithmetic average of three contiguous one-hour periods) are measured by a continuous monitoring system exceed the applicable standards under part 7011.1705.

CONTINUOUS MONITORING SYSTEMS

7017.1002 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7017.1004 to 7017.1220, the definitions given in parts 7005.0100, 7007.0100, and 7017.2005, and the definitions given in Code of Federal Regulation, title 40, part 60.2, and in the federal rules incorporated by reference in part 7017.1010, apply unless otherwise defined in this part.

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Proposed Rules

Subp. 2. Calendar quarter. “Calendar quarter” means any of the following four time periods during each year: January 1 to March 31; April 1 to June 30; July 1 to September 30; and October 1 to December 31.

Subp. 3. Certification test. “Certification test” means a test that includes all of the procedures listed in the appropriate performance specifications in *Code of Federal Regulations*, title 40, part 60, appendix B.

Subp. 4. Continuous emission monitoring system or CEMS. “Continuous emission monitoring system” or “CEMS” has the meaning given in *Code of Federal Regulations*, title 40, part 60, appendix B, Performance Specification No. 2, section 2.1.

Subp. 5. Continuous opacity monitoring system or COMS. “Continuous opacity monitoring system” or “COMS” has the meaning given in *Code of Federal Regulations*, title 40, part 60, appendix B, Performance Specification No. 1, section 2.1.

Subp. 6. Data point. “Data point” means the output recorded by a monitoring system after one cycle of sampling and analyzing.

Subp. 7. Excess emissions. “Excess emissions” means emissions that are greater than the numerical emission limit during both the period when the limit applies and any applicable periods of exemption, such as periods of startup, shutdown, and malfunction.

Subp. 8. Linearity check. “Linearity check” means a monitor audit procedure required by the Acid Rain Program at *Code of Federal Regulations*, title 40, part 75, appendix A, section 6.2.

Subp. 9. Monitor bypass or bypass. “Monitor bypass” or “bypass” means the diversion of emissions from their normal route such that the required CEMS or COMS is not able to sample the complete emissions stream.

Subp. 10. Monitor downtime. “Monitor downtime” means time periods when one or more of the following are true, excluding periods of monitor bypass:

- A. the CEMS is not meeting the minimum data availability requirements of part 7017.1160, subpart 2;
- B. the COMS is not meeting the data availability requirements of part 7017.1200, subpart 2;
- C. the CEMS or COMS is out of control; or
- D. the CEMS or COMS is not collecting the recording emissions data.

Subp. 11. Out of control. “Out of control” has the following meanings:

A. for CEMS subject to the federal Acid Rain Program monitoring requirements, the out of control definitions in *Code of Federal Regulations*, title 40, part 75.24, apply;

B. for CEMS which are not subject to *Code of Federal Regulations*, title 40, part 75, the out of control definitions in *Code of Federal Regulations*, title 40, part 60, appendix F, sections 4.3.1 and 5.2, apply; and

C. for COMS, the beginning of the out of control period is the time corresponding to the completion of a calibration error audit in which the calibration error exceeds three percent of the average audit value. The end of the out of control period is the time corresponding to the completion of the next calibration error audit in which the calibration error is three percent or less of the average audit value.

Subp. 12. Recertification test. “Recertification test” means conducting a certification test on a CEMS or COMS which has been previously certified. Recertification tests shall be conducted according to the same procedures and are subject to the same requirements as certification tests, except as noted in parts 7017.1004 to 7017.1220.

7017.1004 APPLICABILITY.

Subpart 1. Applicability. Parts 7017.1002 to 7017.1220 apply to owners and operators of emission facilities that are required by a compliance document, applicable requirement, or order of the commissioner to operate a CEMS or COMS except as listed in items A to C.

A. If equivalent or more stringent requirements are mandated by a compliance document, applicable requirement, or order of the commissioner, those requirements supersede the corresponding requirements in parts 7017.1002 to 7017.1220.

B. CEMS or COMS required by *Code of Federal Regulations*, title 40, part 75, which are only operated for the Acid Rain Program, Title IV of the Clean Air Act, are not subject to parts 7017.1002 to 7017.1220, except for the incorporation by reference of federal requirements in parts 7017.1010 to 7017.1020.

C. CEMS required by *Code of Federal Regulations*, title 40, part 75, which are also required by a compliance document, applicable requirement, or order of the commissioner are not subject to parts 7017.1050 to 7017.1070, 7017.1170, and 7017.1180, subpart 1.

Part 7017.1006 applies to any owner or operator of an emission facility. Parts 7017.1002 to 7017.1130 apply to both CEMS and COMS. Parts 7017.1135 to 7017.1180 apply to CEMS only. Parts 7017.1185 to 7017.1220 apply to COMS only.

Subp. 2. **Transition to new rule.** Parts 7017.1002 to 7017.1220 supersede the requirements of those parts of air emission permits issued by the agency, prior to the effective date of this part, entitled Exhibit B, "Continuous Emission Monitoring Systems (CEMS)," and Exhibit G, "Quality Assurance Program for Continuous Emission Monitors."

7017.1006 REQUIREMENT TO INSTALL MONITOR.

The owner or operator of any emission facility, whether or not a CEMS or COMS is required by another part, may be required to install and operate a CEMS or COMS, upon order of the commissioner, if the commissioner finds that other methods of measurement or calculation do not provide adequate information on the level or variation of emissions to assure compliance with a compliance document or applicable requirement or to reliably estimate whether the emissions may pose a threat to public health or the environment.

7017.1010 INCORPORATION OF FEDERAL MONITORING REQUIREMENTS BY REFERENCE.

Subpart 1. **New Source Performance Standards.** ~~Code of Federal Regulations, title 40, section 60.13, as amended, entitled "Monitoring Requirements,"~~ is The following regulations are adopted and incorporated by reference:

- A. Code of Federal Regulations, title 40, part 60.13, as amended, entitled "Monitoring Requirements";
- B. Code of Federal Regulations, title 40, part 60, Appendix B, as amended, entitled "Performance Specifications"; and
- C. Code of Federal Regulations, title 40, part 60, Appendix F, as amended, entitled "Quality Assurance Procedures."

Subp. 2. **National Emissions Standards for Hazardous Air Pollutants.** The following regulations are adopted and incorporated by reference:

- A. Code of Federal Regulations, title 40, section ~~63.8~~ 61.14, as amended, entitled "Monitoring Requirements," is adopted and incorporated by reference.; and
- B. National Emissions Standards for Hazardous Air Pollutants, Code of Federal Regulations, title 40, section ~~61.14~~ 63.8, as amended, entitled "Monitoring Requirements," is adopted and incorporated by reference.;

Subp. 3. **Submission to commissioner.** All requests, reports, applications, and other communications to the administrator pursuant to subparts 1 and 2 must be submitted to the commissioner.

7017.1030 AGENCY ACCESS TO WITNESS OR CONDUCT TESTS.

Upon request of the agency or the commissioner, the owner or operator of an emission facility shall allow the agency or any authorized employee or agent of the agency to enter upon the premises of the owner or operator for the purposes of conducting or witnessing any of the following activities:

- A. certification tests;
- B. relative accuracy test audits;
- C. cylinder gas audits;
- D. linearity checks;
- E. calibration error audits; and
- F. daily calibration drift checks.

7017.1035 TESTING REQUIRED.

The owner or operator of an emission facility shall arrange to conduct a relative accuracy test audit, cylinder gas audit, or calibration error audit as required to determine the accuracy of a continuous monitoring system at times requested by the commissioner.

7017.1040 INSTALLATION REQUIREMENTS.

Subpart 1. **Notification of installation.** The owner or operator of any facility that intends to install a CEMS or COMS shall notify the commissioner at least 60 days prior to installation of the monitoring system. The notification shall include plans and drawings of the proposed system which show the configuration of the monitoring system including any monitor bypass routes.

Subp. 2. **Representative location.** A CEMS or COMS shall be installed in a location that provides data which is representative of emissions and which is in accordance with the requirements listed in the appropriate performance specifications in Code of Federal Regulations, title 40, part 60, appendix B. If the monitoring system is required by the Acid Rain Program, Title IV of the Clean Air Act, it must be installed according to the installation requirements of Code of Federal Regulations, title 40, part 75.

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Proposed Rules

Subp. 3. Combined or separated emissions. When the emissions from two or more emission units are subject to the same emission limit and are combined before being released to the atmosphere, the owner or operator may install a CEMS or COMS on each emission unit or may elect to monitor the combined emission stream of the emission units. When two or more emission units required to be monitored with a CEMS or COMS are not subject to the same emission limit, a separate CEMS or COMS shall be installed on each emission unit, except in cases where an extractive CEMS or COMS is time-shared between the emission units. When the effluent from one emission unit can be released to the atmosphere through more than one point, the owner or operator shall install a CEMS or COMS on each separate emission stream unless the installation of fewer systems is approved in writing by the commissioner.

7017.1050 MONITOR CERTIFICATION AND RECERTIFICATION TEST.

Subpart 1. Certification time frame. The owner or operator must conduct and complete certification testing within 90 days after the due date of the first excess emissions report required for the CEMS or COMS. This subpart does not require a recertification test of a previously certified continuous monitoring system, unless the monitor has undergone a change which invalidates its certification.

Subp. 2. Changes to a CEMS or COMS which invalidate certification. Any of the following changes to a certified CEMS or COMS invalidates the certification status of the monitoring system:

A. replacement of the analyzer;

B. change in location or orientation of the sampling probe or site;

C. replacement of or modification to the flue gas handling system; or

D. a change that in the commissioner's judgment significantly affects the ability of the system to measure or record the pollutant concentration, volumetric gas flow, or opacity.

Subp. 3. Changes to a CEMS or COMS which do not invalidate certification. The following changes to a monitoring system do not invalidate certification and do not require a recertification test:

A. routine or normal corrective maintenance;

B. replacement of parts on the manufacturer's recommended spare parts list; or

C. software modifications in the automated data acquisition and handling system, where the modification is only for the purpose of generating additional or modified reports.

Subp. 4. Notification of changes requiring recertification. The owner or operator shall notify the commissioner in writing prior to making any planned changes which may invalidate the certification status of a CEMS or COMS. If the change was unforeseen, the owner or operator shall notify the commissioner in writing within two working days after making the change.

Subp. 5. Deadline for recertification. The owner or operator of a CEMS or COMS shall conduct a recertification test on a monitoring system within 90 days of completion of any change which invalidates the monitor's certification status.

7017.1060 PRECERTIFICATION TEST REQUIREMENTS.

Subpart 1. Certification test plan required. Prior to a certification test, the owner or operator of the emission facility shall develop and submit to the commissioner a test plan which contains all of the information required in subpart 2. The certification test plan must be postmarked or received at least 30 days before the certification test date. No certification test may be conducted until a test plan has been submitted and approved by the commissioner.

Subp. 2. Certification test plan contents. The test plan must be submitted in the following format and include the elements in items A and B:

A. General requirements:

(1) name and address of emission facility;

(2) name, title, and telephone number of contact person at facility;

(3) permit number or name and data of applicable compliance document requiring test;

(4) statement of whether the test is an initial certification or a recertification;

(5) drawing of the monitoring system which indicates the location of the reference method ports and monitoring system probe location in relation to the nearest flow disturbances both upstream and downstream of the monitoring system as well as any monitor bypass routes;

(6) make, model, and serial number of the monitor and data recording system;

(7) name and telephone number of testing company; and

(8) planned certification test date.

B. Testing procedures and operating conditions:

(1) a list of the performance specifications from *Code of Federal Regulations*, title 40, part 60, appendix B, which will be followed during the test;

(2) any fuel F-factors to be used;

(3) a list of the reference methods from *Code of Federal Regulations*, title 40, part 60, appendix A, which will be followed during the test;

(4) the units of measurement under which the monitor will be certified, for example, lb/hr, ppm, lb/MMBtu;

(5) the monitoring system's span, range, and calibration levels; and

(6) the planned emission unit operating range, for example, heat input, steam output, during the certification test.

Subp. 3. Certification pretest meeting. The owner or operator of the emission facility shall schedule a meeting with the agency to discuss the details of the proposed certification test. The meeting may be conducted in person or by a telephone conference call. When requested by the commissioner or the owner or operator, an in-person pretest meeting, held at the agency office between authorized employees of the agency and the owner is required. The pretest meeting shall be held at least seven days prior to the certification test date except that a shorter time shall be allowed upon commissioner approval. The commissioner may reject the results of a certification test if the owner or operator of the emission facility refused to participate in a pretest meeting.

7017.1070 CERTIFICATION TEST PROCEDURES.

Subpart 1. Certification test procedure. A CEMS or COMS must be certified according to the appropriate performance specifications listed in *Code of Federal Regulations*, title 40, part 60, appendix B. The certification test shall also be conducted in accordance with the certification test plan approved by the commissioner.

Subp. 2. Determination of certification acceptance. A CEMS or COMS is considered certified only after the complete certification test report has been submitted to the commissioner and the commissioner gives written determination of certification. The commissioner shall provide a determination of certification acceptance if the commissioner finds that the requirements of parts 7017.1060 to 7017.1080 have been met. Upon the commissioner's determination of certification acceptance, the duration of the CEMS or COMS certification status retroactively begins with the completion date of the successful certification test.

7017.1080 CERTIFICATION TEST REPORT REQUIREMENTS.

Subpart 1. Report required. The owner or operator of the emission facility shall prepare and submit a certification test report to the commissioner. A report must be submitted for any certification test that was required, whether or not the test data indicate compliance with the appropriate performance specifications, and whether or not the test was completed according to the approved test plan.

Subp. 2. Report submittal deadline. The certification test report must be postmarked or received within 45 days following completion of the certification test unless an alternate schedule is given in the applicable compliance document.

Subp. 3. Microfiche submittal deadline. The owner or operator of the emission facility shall submit a microfiche copy of the certification test report to be postmarked or received within 105 days following completion of the certification test. A cover letter which certifies that the microfiche is an exact and complete copy of the original test report must be submitted with the microfiche copy of the test report.

Subp. 4. Report contents. Each certification test report shall contain the following information and be in the format shown in items A to D:

A. Introduction:

(1) name and address of the emission facility;

(2) facility permit identification number and the date and title of the compliance document which required the certification test;

(3) date or dates of the test;

(4) name and address of the independent testing company; and

(5) signed and dated certification statement as listed in part 7017.2040, subparts 1 to 5.

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Proposed Rules

B. General information:

- (1) identification of emissions units and pollutants being monitored;
- (2) make, model, and serial number of monitoring system;
- (3) indication of whether certification is initial certification or recertification;
- (4) names and titles of testing and facility personnel who conducted or assisted with the test; and
- (5) drawing of monitoring system probe location for extractive systems, or monitor location for in situ systems, showing its relationship to the nearest flow disturbances both up and downstream of the probe.

C. Test results: a summary table which compares the certification test results to the standards in the applicable performance specifications of Code of Federal Regulations, title 40, part 60, appendix B.

D. Testing procedures:

- (1) list of test methods and performance specifications followed during the certification test;
- (2) list of mathematical equations used to calculate values in the report;
- (3) copies of field data; and
- (4) description of any departures from the approved reference test methods of performance specifications requirements.

7017.1090 MONITOR OPERATIONAL REQUIREMENTS.

Subpart 1. Continuous operation. A CEMS or COMS must be operated and data recorded during all periods of emission unit operation including periods of emission unit start-up, shutdown, or malfunction. This requirement to operate the monitor applies whether or not a numerical emission limit applies during these periods. A CEMS or COMS must not be bypassed except in emergencies where failure to bypass the CEMS or COMS would endanger human health, safety, or plant equipment.

Subp. 2. Acceptable monitor downtime. Monitor downtime is a violation of subpart 1, except for reasonable periods of monitor downtime due to the following causes:

A. damage to the monitoring system due to acts of God such as lightning strikes, tornadoes, or floods which render the monitor inoperative;

B. monitor breakdowns which make it necessary to return monitoring system components to the manufacturer for repair or to order monitor parts not included in the facility's quality assurance plan list of spare monitor parts;

C. scheduled monitor maintenance based on equipment manufacturer's recommended maintenance schedule which cannot reasonably be conducted when the emission unit is not operating; or

D. unavoidable monitor downtime in order to conduct daily drift checks; calibration error audits, relative accuracy test audits, linearity checks, and cylinder gas audits which are required by a compliance document, applicable requirement, or by request of the commissioner.

7017.1100 EVIDENCE OF NONCOMPLIANCE.

Data collected from a CEMS or COMS that is not in compliance with parts 7017.1002 to 7017.1220 may still be used in establishing violations under part 7017.0100 if the data represent credible evidence of such violations.

7017.1110 EXCESS EMISSIONS REPORTS.

Subpart 1. Excess emissions report required. The owner or operator of a facility subject to parts 7017.1002 to 7017.1220 shall submit an excess emissions report each calendar quarter. The report must be submitted even if there were no excess emissions, monitor downtime, or monitor bypasses during the quarter. The report shall be submitted on a form approved by the commissioner within 30 days of the end of each calendar year.

Subp. 2. Contents of excess emissions report. The excess emissions report shall contain at least the information in items A to C.

A. Excess emissions:

(1) the date and time of commencement and completion of each period of excess emissions recorded by the CEMS, COMS, or approved alternative monitoring system including excess emissions even if they occurred during periods when the numerical emission limit was not in effect; for example, periods of excess emissions during periods of start-up, shutdown, and malfunction which are allowed by the applicable regulation;

(2) the cause of the excess emissions;

(3) the magnitude of the excess emissions and any conversion factor used to calculate the excess emissions; and

(4) the corrective action taken or preventive measures taken by the facility in response to the excess emissions.

B. Monitor downtime:

- (1) the date and time of commencement and completion of each period of monitor downtime;
- (2) identification of the cause of each period of monitor downtime, including periods of acceptable monitor downtime; and
- (3) the corrective action taken or preventive measures adopted to stop or reduce monitor downtime.

C. Monitor bypass periods:

- (1) the dates and times of commencement and completion of each period where emissions are generated but the monitor was bypassed;
- (2) identification of the cause of each period of monitor bypass; and
- (3) the corrective action taken or preventive measures adopted to stop or reduce monitor bypasses.

7017.1120 SUBMITTALS.

Subpart 1. Address. All submittals required under parts 7017.1002 to 7017.1220 shall be sent to: Continuous Emissions Monitoring System Specialist, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155-4194.

Subp. 2. Alternate format. The commissioner shall accept paper, hard copy submittals. Submittals shall also be accepted in an alternate format such as electronic mail, computer disk, facsimile, or CD-ROM, provided that the commissioner has given prior approval for the use of the alternate delivery method or medium.

Subp. 3. Date. Submittals must be postmarked or received by the date specified in the applicable compliance document.

Subp. 4. Certification. All submittals, except for certification test-plans and relative accuracy test audits notifications, must be accompanied by a certification statement signed by a responsible official, pursuant to part 7007.0500, subpart 3. When a submittal required to be certified has been made by electronic mail or facsimile, a signed certification clearly indicating the submittal to which it applies shall be mailed or delivered to the agency, postmarked, or received within five days of the electronic mail or facsimile. When a submittal required to be certified is made by CD-ROM or computer disk, it shall be accompanied by a signed certification clearly indicating the submittal to which it applies.

7017.1130 RECORDKEEPING.

The owner or operator of a facility subject to parts 7017.1002 to 7017.1220 shall maintain a file of all of the following CEMS or COMS information at the emission facility in a permanent form suitable for inspection for at least five years from the date of each record: each one-hour emission average recorded by the CEMS; each six-minute opacity average recorded by the COMS; monitor certification test reports; excess emissions reports; cylinder gas audit reports; calibration error audit reports; relative accuracy test audits; linearity check reports; results of daily calibration drift checks; log of adjustments made to the CEMS or COMS and maintenance performed on the CEMS or COMS; and all other monitoring system information required by an applicable compliance document. The owner or operator shall also keep an updated copy of the facility's CEMS or COMS quality assurance plan on site.

7017.1135 APPLICABILITY.

Parts 7017.1140 to 7017.1180 apply only to CEMS.

7017.1140 CEMS DESIGN REQUIREMENTS.

A CEMS shall be designed to complete a minimum of one cycle of sampling, analyzing, and data recording in each 15-minute period.

7017.1150 CEMS TESTING COMPANY REQUIREMENT.

The following CEMS tests shall be conducted by an independent testing company:

- A. relative accuracy test audits; and
- B. the relative accuracy testing portion of any certification test.

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Proposed Rules

7017.1160 CEMS MONITORING DATA.

Subpart 1. Data points. All data points collected by a CEMS shall be used to calculate individual hourly emission averages. Each hourly average starts at the beginning of the hour and ends at the beginning of the following hour.

Subp. 2. Minimum data points. In order for an hour of data to be considered valid, it must contain the following minimum number of data points during the hour:

A. four data points, equally spaced, if the emission unit operated during the entire hour;

B. two data points, at least 15 minutes apart, during periods of monitor calibration, and periods of time to conduct quality control audits or routine maintenance; and

C. one data point if the emission unit operated for 15 minutes or less during the hour.

Subp. 3. Data reduction procedures. Monitoring data shall be recorded in the same units of measurement and averaging period as the facility's emission standard.

7017.1170 QUALITY ASSURANCE AND CONTROL REQUIREMENTS FOR CEMS.

Subpart 1. Exclusion from applicability. The owner or operator of a CEMS may submit to the commissioner a request for a determination of exclusion from the applicability of the requirements of subparts 4 and 5 if the actual emissions of the emission unit or units being monitored by the CEMS are less than ten tons per year or if the emission unit or units being monitored by the CEMS operates less than 120 hours per quarter. The commissioner shall grant such a request if the commissioner finds that the owner or operator has provided an alternative quality assurance plan that will reasonably ensure that the data generated by the CEMS is representative of emissions. The owner or operator of a CEMS that has received a determination of exclusion shall notify the commissioner immediately in the event that the conditions that made the CEMS eligible for the exclusion no longer apply. No determination made under this part affects the owner's or operator's obligation to comply with similar quality assurance provisions that may be imposed under other applicable requirements or compliance documents.

Subp. 2. Quality assurance plan required. The owner or operator of the facility shall develop and implement a written quality assurance plan that covers each CEMS. The plan shall be on site and available for inspection within 60 days after the effective date of this part or within 30 days after monitor certification, whichever is later. The plan shall be revised as needed in order to keep it up to date with the facility's current policies and procedures. The plan shall contain all of the information required by *Code of Federal Regulations*, title 40, part 60, appendix F, section 3. The plan shall include the manufacturer's spare parts list for each CEMS and require that those parts be kept at the facility unless the commissioner gives written approval to exclude specific spare parts from the list. The commissioner may approve requested exclusions if the commissioner determines that it is not reasonable to keep a specific part on site after consideration of the consequences of a malfunction of the part, the likelihood of a malfunction, the time required to obtain the part, and other pertinent factors.

Subp. 3. Daily calibration drift assessment and adjustment. The facility owner or operator shall conduct daily calibration drift assessments and make adjustments as needed according to the procedure listed in items A and B and *Code of Federal Regulations*, title 40, section 60.13(d)(1), for each pollutant concentration and diluent monitor. The calibration drift assessment shall be conducted on each monitor range. The span value specified in the applicable requirement or compliance document shall be used to determine the zero and span calibration points. If no span value is specified in the applicable requirement or compliance document, the owner or operator shall use a span value equivalent to 1.5 times the emission limit.

A. For an extractive CEMS, minimum drift assessment procedures shall include introducing applicable zero and span gas mixtures into the measurement system as near the probe as is practical. Certified master gases (i.e. \pm two percent of tag value) shall be used to perform the assessment. The span and zero gas mixtures shall be the same composition as specified in the applicable performance specification.

B. For a nonextractive, in situ CEMS, minimum drift assessment procedures shall include upscale checks using a certified calibration gas cell or test cell which is functionally equivalent to a known gas concentration. The zero check may be performed by computing the zero value from upscale measurements or by mechanically producing a zero condition.

Subp. 4. Semiannual cylinder gas audit (CGA). The facility owner or operator shall conduct a CGA on each concentration and diluent monitor on each CEMS. The CGA must be conducted on each monitor range. A CGA is required at least once every calendar half year. The initial CGA must be completed within 180 days following the effective date of this part for CEMS which were certified prior to that date or within 180 days following certification of the CEMS for CEMS which are certified on or after that date. The CGAs shall be conducted at least three months apart but no more than eight months apart. A CGA shall be conducted according to the procedures in *Code of Federal Regulations*, title 40, part 60, appendix F, section 5.1.2. If the monitored emission unit was operated for less than 24 hours during the calendar half year, a CGA is not required on that CEMS during that calendar half year.

Subp. 5. Relative accuracy test audits (RATA). An initial relative accuracy test audit (RATA) shall be completed on each CEMS within 365 days following the effective date of this part for CEMS which are certified prior to that date or within 365 days following certification of the CEMS for CEMS which are certified on or after that date. An additional RATA is required on each CEMS periodically according to items A and B.

A. A RATA is required on each monitor range, every calendar year, with the following exceptions:

(1) a RATA is not required in any calendar year if a RATA conducted in the previous year, for that CEMS, demonstrated a relative accuracy value of less than 15 percent; and

(2) a RATA is not required on any monitor whose associated emission unit operated less than 48 hours during the calendar year.

If the facility uses either of the exceptions in subitem (1) or (2), the next RATA shall be conducted during the first half of the following calendar year.

B. RATAs shall be conducted at least three months apart and according to the procedures in *Code of Federal Regulations*, title 40, part 60, appendix F, section 5.1.1.

Subp. 6. Criteria for excessive CEMS audit inaccuracy. The criteria for excessive inaccuracy are:

A. for RATAs, the relative accuracy value specified in the appropriate Performance Specification of *Code of Federal Regulations*, title 40, part 60, appendix B; and

B. for CGAs, the average audit value must be within 15 percent of the cylinder gas value or five ppm, whichever is greater.

Subp. 7. Calibration gases. Gas mixtures must not be used after the manufacturer's certification expiration data. The expiration date must be clearly labeled on the container of each gas.

7017.1180 QUALITY CONTROL REPORTING AND NOTIFICATION REQUIREMENTS FOR CEMS.

Subpart 1. Cylinder gas audit summary. A cylinder gas audit summary must be submitted on a form approved by the commissioner within 30 days following the end of the calendar quarter in which the audit was completed.

Subp. 2. Relative accuracy test audit notification. The owner or operator shall notify the commissioner in writing at least 30 days prior to conducting any relative accuracy test audit. The notification may be made by facsimile, mail, electronic mail, or hand-delivered document.

Subp. 3. Relative accuracy test audit summary. A relative accuracy test audit summary report must be submitted on a form approved by the commissioner within 30 days following the end of the calendar quarter in which the relative accuracy test audit was conducted.

Subp. 4. Linearity check results summary. A linearity check summary report shall be submitted within 30 days following the end of the calendar quarter in which the linearity check was conducted on a form approved by the commissioner.

7017.1185 APPLICABILITY.

Parts 7017.1190 to 7017.1220 apply only to COMS.

7017.1190 COMS DESIGN REQUIREMENTS.

A COMS must be designed to complete a minimum of one cycle of sampling and analyzing in each successive ten-second period and one cycle of data recording each one-minute period.

7017.1200 COMS MONITORING DATA.

Subpart 1. Averaging periods. All COMS data must be reduced to six-minute averages.

Subp. 2. Data points. Compliance must be calculated from all data points collected in the averaging period by the COMS. A six-minute average is valid only if it contains data from at least five of the minutes within the averaging period.

Subp. 3. Opacity data reduction procedures. Six-minute opacity averages must be calculated as follows: each one-minute period, the one-minute average opacity value must be determined by summing the opacity values of the individual data points collected by the COMS and dividing that sum by the number of data points collected. This is the one-minute average opacity value. Next, the sum of the individual one-minute averages in the applicable averaging period must be determined and divided by the

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number of one-minute averages taken. The resulting average must be rounded to the nearest one percent opacity. The resulting value is the six-minute opacity average that shall be recorded by the monitoring system. There are ten individual six-minute averaging periods in each hour. The first six-minute period starts at the beginning of the clock hour and ends at the beginning of minute six of the clock hour. The second six-minute period immediately follows the first, and the pattern continues through the last of the ten six-minute periods in a clock hour.

Subp. 4. **Opacity exceedance.** An opacity exceedance has occurred if, having taken any allowable excursions into account, any six-minute average exceeds the applicable opacity standard. Exceedances must be expressed as the number of nonoverlapping six-minute averages that exceeded the standard.

7017.1210 QUALITY ASSURANCE AND CONTROL REQUIREMENTS FOR COMS.

Subpart 1. **Quality assurance plan requirement.** The owner or operator of the facility shall develop and implement a written quality assurance plan which covers each COMS. The plan shall be on site and available for inspection within 60 days after the effective date of this part or within 30 days after monitor certification, whichever is later. The plan shall be revised as needed in order to keep it up to date with the facility's current policies and procedures. The plan shall contain written procedures which should describe in detail complete, step-by-step procedures and operations for each of the following activities:

A. calibration of a COMS;

B. drift determination and adjustment of a COMS;

C. preventative maintenance of the COMS, including the manufacturer's spare parts list for each COMS, and require that these parts be kept at the facility unless the commissioner gives written approval to exclude specific spare parts from the list. The commissioner may approve requested exclusions if the commissioner determines that it is not reasonable to keep a specific part on site after consideration of the consequences of a malfunction of the part, the likelihood of a malfunction, the time required to obtain the part, and other pertinent factors;

D. data recording, calculations, and reporting;

E. accuracy audit procedures; and

F. program for corrective actions for a malfunctioning COMS.

Subp. 2. **Daily calibration drift assessments and monitor adjustments.** The owner or operator of a COMS shall conduct a daily zero and upscale calibration drift assessment and adjustments according to the requirements of *Code of Federal Regulations*, title 40, part 60.13(d). The zero and upscale calibration levels must be determined by using the span value specified in the applicable requirement. If the applicable requirement does not specify a span value, a span value of 60, 70, or 80 percent opacity must be used unless an alternative span value is approved by the commissioner.

Subp. 3. **Semiannual calibration error audit.** An initial calibration error audit must be completed on each COMS within 180 days following the effective date of this part for a COMS which is certified prior to that date, or within 180 days following certification of the COMS for a COMS which is certified on or after that date. An additional calibration error audit is required on each COMS semiannually, and at least three months apart, but no more than eight months apart, except that a calibration error audit need not be conducted during any semiannual period in which the emission unit operated less than 24 hours. The calibration error audit shall be conducted according to the procedures in *Code of Federal Regulations*, title 40, part 60, appendix B, Performance Specification No. 1, section 7.1.4. The calibration error audit shall be conducted with neutral density filters with an optical density of 0.05, 0.10, and 0.20 unless the commissioner determines that other attenuator values are needed to properly measure the accuracy of the monitor because the pertinent opacity limit is unusually high or low. In that case, the commissioner shall specify the appropriate neutral density filter values. The equations contained in *Code of Federal Regulations*, title 40, part 60, appendix B, Performance Specification No. 1, section 8, shall be used to calculate a COMS audit result. A COMS calibration error audit result shall not exceed three percent opacity.

Subp. 4. **Attenuator calibration.** The owner or operator shall have an independent testing company conduct calibrations of each of the neutral density filters used in the calibration error audit according to the procedure in *Code of Federal Regulations*, title 40, part 60, appendix B, section 7.1.3., within the time frame of opacity stability guaranteed by the attenuator manufacturer. The manufacturer's guarantee of stability shall be on site available for inspection.

7017.1220 QUALITY ASSURANCE AND CONTROL REPORTING REQUIREMENTS FOR COMS.

A summary of the results of each COMS calibration error audit must be submitted on a form approved by the commissioner within 30 days following the end of the calendar quarter in which the audit was completed.

7017.2005 DEFINITIONS.

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

Subp. 4. **Performance test.** “Performance test” means the quantification of emissions or determination of the physical, chemical, or aesthetic properties of those emissions from an emissions unit by means of conducting one or more test runs at an emission facility. ~~This includes conducting test runs for a relative accuracy test on a continuous emissions monitoring system.~~

[For text of subs 5 to 8, see M.R.]

7017.2020 PERFORMANCE TESTS GENERAL REQUIREMENTS.

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

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

D. determine the compliance status of an emission facility following an inspection of the facility by agency staff during which indicators of noncompliance were found; or

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

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

EPA may request a performance test under this part for the reasons listed in items A to ~~F~~ E. When EPA requires a performance test under this subpart, and EPA directly administers the performance test, EPA will make the decisions that the commissioner makes under parts 7017.2001 to 7017.2060 for that performance test.

[For text of subs 2 to 5, see M.R.]

7017.2025 OPERATIONAL REQUIREMENTS AND LIMITATIONS.

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

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

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

B. the worst case condition is not known or calculable. In this case, worst case conditions shall be assumed to be the maximum achievable process or operating rate of the emissions unit; or

C. the owner or operator of the emission facility elects to conduct the performance test at conditions that are not worst case conditions; ~~or~~.

~~D. the performance test is conducted solely for the purpose of completing a relative accuracy test on a continuous emission monitoring system, in which case the emissions unit shall be operated at or above 50 percent of rated capacity.~~

Subp. 3. **Compliance demonstrated at tested conditions.** Upon the commissioner’s written notice that the emission facility has demonstrated compliance under the conditions of the performance test, the owner or operator of the emission facility shall operate the affected emissions unit as specified in item A, B, C, or D, unless another performance test is conducted at alternative conditions and the commissioner gives written notification that the performance test demonstrated compliance at those conditions:

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

D. if the owner or operator conducted the performance test at worst case conditions, the owner or operator shall comply with any applicable compliance document, federal regulation, or *Minnesota rule* or statute.

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

[For text of subs 4 to 6, see M.R.]

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7017.2030 PERFORMANCE TEST PRETEST REQUIREMENTS.

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

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

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

~~E. Part V. CEMS relative accuracy. For performance tests scheduled for the purpose of determining the relative accuracy of a continuous emissions monitoring system, provide:~~

~~(1) unit basis under which the continuous emissions monitoring system will be certified, for example, pounds per hour or parts per million;~~

~~(2) span value of the continuous emissions monitor; and~~

~~(3) identification of recording systems, for example, strip chart recorder or data acquisition system, that will be certified.~~

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

7019.3040 CONTINUOUS EMISSION MONITOR (CEM) DATA.

A. If an emission reporting facility or a facility issued an option B registration permit under part 7007.1120 that chooses to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), has collected emissions data through use of a CEM in compliance with the preconditions in subitems (1) and (2), the facility shall report that data to the agency in its emission inventory. The emission inventory submitted shall be based on all of the CEM data. The requirements in subitems (1) and (2) must be met:

(1) the CEM has been certified by the commissioner; and

(2) the CEM data have not been rejected by the commissioner due to failure by the owner or operator to comply with parts ~~7017.1000, 7019.1000, and 7019.2000~~ 7017.1002 to 7017.1220; all applicable permit conditions; and any other applicable state or federal laws pertaining to CEM operation.

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

7021.0050 ACID DEPOSITION CONTROL REQUIREMENTS IN MINNESOTA.

Subpart 1. **Emission limitations.** Any electric utility whose electric generating facilities located in Minnesota have a total combined net generating capacity greater than 1,000 megawatts may not emit from the emission facilities which it owns, operates, maintains, or controls in Minnesota total emissions of sulfur dioxide in excess of 130 percent of the number of tons of sulfur dioxide emitted from the electric utility's emissions facilities in 1984. This limitation shall apply beginning January 1, 1990. The determination as to the number of tons emitted by an electric utility's emission facilities shall be made by the commissioner based on emission information obtained from the electric utility pursuant to ~~Minnesota Rules, part 7019.2000~~ 7017.1110.

[For text of subs 2 to 6, see M.R.]

REPEALER. Minnesota Rules, parts 7017.1000; and 7019.2000, are repealed.

Pollution Control Agency

Air Quality Division

Proposed Permanent Rules Relating to Concrete Manufacturing Plant Standards of Performance

Notice of Intent to Adopt a Rule Without a Public Hearing

Proposed New Air Quality Rules Governing Concrete Manufacturing Facilities, Minnesota Rules chapters 7011.

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

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

Mary Jean Fenske
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Phone: (612) 297-8701
1-800-657-3843 (MN Toll Free)
FAX: (612) 297-7709
Internet: maryjean.fenske@pca.state.mn.us

Subject of Rule and Statutory Authority. The MPCA is proposing new rules that will establish a concrete manufacturing standard of performance to allow for more efficient and effective regulation of air emissions from this industry and better protection of the environment. The MPCA is seeking to establish a concrete manufacturing standard of performance to ensure the MPCA's goal of environmental protection and at the same time to streamline the methods that concrete manufacturing plants use to show compliance with applicable rules, including eliminating the necessity for an air emissions permit for most concrete manufacturing plants. The concrete manufacturing industry includes ready mixed concrete facilities (Standard Industrial Classification (SIC) Code 3273), concrete block and brick plants (SIC Code 3271), and pre-cast concrete manufacturers and other concrete product manufacturers not elsewhere included (SIC Code 3272). The rule establishes qualification criteria, record keeping and monitoring requirements, and operational practices for facilities that will be regulated under this rule.

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

Comments. You have until 4:30 p.m. on August 26, 1998, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

Request for Rule Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on August 26, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

Request to Have MPCA Board Make Decision on Rule. You have the right to submit a request to the MPCA Commissioner or an MPCA Board member to have the MPCA Board make the decision on whether to adopt the proposed rule. Your request must be in writing, must state to whom it is directed, and must be received by the MPCA contact person by 4:30 p.m. on August 26, 1998. Under *Minnesota Statute* § 116.02, the MPCA Board will only make the decision on the rule if the MPCA Commissioner grants your request or if an MPCA Board member makes a timely request that the decision be made by the MPCA Board.

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

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

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

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Consideration of Economic Factors. *Minnesota Statutes* § 116.07, subd. 6 requires the MPCA to give due consideration to economic factors in exercising its powers. The MPCA has given due consideration to available information as to any economic impacts that the proposed rules would have. Because the MPCA is removing the requirement to apply for and obtain an air emission permit that an owner or operator would otherwise be required to apply for, most eligible owners and operators of concrete manufacturing facilities will not incur the cost of obtaining a permit and paying annual emissions fees. The MPCA estimates the cost to apply for a permit may vary. In addition, the proposed rule will have an impact on concrete manufacturing plants that do not have dust collection equipment to capture emissions created during receiving of cementitious material. Those facilities will be required to purchase dust collection equipment.

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

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

Review by the Commissioner of Transportation. *Minnesota Statutes* § 174.05 requires the MPCA to inform the Commissioner of Transportation of all rulemakings that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. The adoption of the standard of performance governing concrete manufacturing facilities indirectly concerns transportation. The MPCA sent a copy of the Request for Comments notice to the Commissioner of Transportation. In addition, on April 17, 1998, the MPCA sent a copy of the draft rule to Bruce Johnson, Unit Chief, Office of Environmental Services, Minnesota Department of Transportation (MnDOT). The MPCA did not receive a written response from MnDOT on the draft rule, however Mr. Johnson had a telephone conversation with the MPCA contact person on June 2, 1998. Mr. Johnson stated that the rule did not have an impact on MnDOT.

Departmental Charges Imposed by the Rule. *Minnesota Statutes*, § 16A.1285 are inapplicable because the proposed rules do not impose any departmental charges or fees.

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

Peder A. Larson
Commissioner

7011.0850 DEFINITIONS.

Subpart 1. Scope. The definitions in this part apply to the terms used in parts 7011.0850 to 7011.0890. The definitions in parts 7005.0100, 7007.0100, and 7011.0060 apply to the terms used in parts 7011.0850 to 7011.0890, unless the terms are otherwise defined in this part.

Subp. 2. Aggregate. "Aggregate" means any combination of sand, gravel, and crushed stone or other material serving a similar purpose in their natural or processed state.

Subp. 3. Cementitious material. "Cementitious material" means a powdered substance which consists of any combination of the following:

A. material manufactured from calcined carbonate rock (burned lime) and clay;

B. fly ash generated from coal burning that meets the requirements outlined in ASTM C 618-96, as found in the Annual Book of American Society for Testing and Materials Standards (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, volume 4.02 (1996). This document is incorporated by reference and is subject to frequent change. It is available through the Minitex interlibrary loan system;

C. pulverized blast furnace slag; or

D. any other similar fine substance that, when mixed with water, forms a cohesive, adhesive material that will harden into a rigid substance.

Subp. 4. Concrete. "Concrete" means a material consisting of a coarse and fine aggregate bound by a paste of cementitious material and water, with admixtures added to achieve various properties, which then sets into a hard and rigid substance.

Subp. 5. Concrete manufacturing plant. "Concrete manufacturing plant" means a facility that manufactures concrete, both hardened and unhardened, for sale.

Subp. 6. **Fabric filter.** “Fabric filter” means a control device in which the incoming gas stream passes through a porous filter forming a dust cake.

7011.0852 STANDARDS OF PERFORMANCE FOR CONCRETE MANUFACTURING PLANTS.

No owner or operator of a concrete manufacturing plant shall cause to be discharged into the atmosphere from the concrete manufacturing plant any emissions which:

- A. contain particulate matter in excess of the limits allowed by parts 7011.0700 to 7011.0735; or
- B. exhibit greater than 20 percent opacity.

7011.0854 CONCRETE MANUFACTURING PLANT CONTROL EQUIPMENT REQUIREMENTS.

Subpart 1. **Operation of concrete manufacturing plant control equipment.** Unless otherwise allowed in a state or part 70 permit, emissions during cementitious material receiving from cement silos and other cementitious material storage devices shall pass through a fabric filter. For concrete manufacturing plants in operation on the effective date of this part, the owner or operator must install control equipment no later than 12 months after the effective date of this part. For concrete manufacturing plants not in operation on the effective date of this part, the control equipment must be installed prior to operation of any concrete manufacturing plant.

Subp. 2. **Operation and maintenance of fabric filter control equipment.** The owner or operator of a concrete manufacturing plant shall perform the following on each piece of control equipment required in subpart 1:

- A. properly operate and maintain the control equipment to function as it was designed. Proper operation and maintenance includes effective performance, adequate funding, and adequate operator staffing and training;
- B. thoroughly conduct an internal and external inspection of control equipment at least annually, which often requires shutting down temporarily, and maintain a record of the activities conducted in the inspection including the activities completed, the date the activity was completed, and any corrective action taken; and
- C. maintain a record of parts replaced, repaired, or modified.

Subp. 3. **Monitoring of fabric filter control equipment.** During cementitious material receiving, the owner or operator of a concrete manufacturing plant, or a designee, shall observe the outlet of each piece of control equipment required in subpart 1 for any visible emissions once each day cementitious material is received, and record the date and time period during which the observation was made and whether or not any visible emissions were observed. If visible emissions are observed, the owner or operator, or a designee, shall take all practical steps to modify operations to reduce the emissions and shall take corrective action to eliminate visible emissions prior to the following business day. The commissioner may require feasible and practical modifications in the operation to reduce emissions of air pollutants.

Subp. 4. **Record retention.** The owner or operator shall maintain the records required by this part for a minimum of five years from the date the record was made. The owner or operator shall maintain records for the current calendar year of operation at the concrete manufacturing plant. For all years prior to the current calendar year, the owner or operator shall maintain records at either the concrete manufacturing plant or at an office of the owner or operator of the concrete manufacturing plant.

7011.0857 PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE.

No owner or operator of a concrete manufacturing plant shall cause or permit the handling, use, transporting, or storage of any material in a manner which may allow avoidable amounts of particulate matter to become airborne.

No owner or operator of a concrete manufacturing plant shall cause or permit a building or its appurtenances, a road, a driveway, or an open area to be constructed, used, repaired, or demolished without applying all such reasonable measures as may be required to prevent particulate matter from becoming airborne. The owner or operator of a concrete manufacturing plant shall take reasonable precautions to prevent the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate. The commissioner may require such reasonable measures as may be necessary to prevent particulate matter from becoming airborne including, but not limited to, application of water; application of commercially available dust suppressants; paving; frequent cleaning and sweeping of roads, driveways, and parking lots; use of curtains or socks for truck loading operations; use of water sprays during truck loading operations; use of water or commercially available dust suppressants on stockpiles or aggregate transfer points; and the planting and maintenance of vegetative ground cover.

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7011.0858 NOISE.

The owner or operator of a concrete manufacturing plant shall comply with the noise pollution control rules in chapter 7030.

7011.0859 SHUTDOWN AND BREAKDOWN PROCEDURES.

In the event of a shutdown or breakdown of process or control equipment that causes any increase in emissions of any regulated air pollutant, the owner or operator of a stationary source shall comply with the notification, operation changes, and all other requirements in part 7019.1000.

7011.0860 NO PERMIT REQUIRED.

Subpart 1. Criteria. Any owner or operator of a concrete manufacturing plant otherwise required to obtain a permit under part 7007.0200 or 7007.0250 may elect not to obtain a permit under part 7007.0200 or 7007.0250 provided the conditions in items A to D are met.

A. Production shall be limited to less than 300,000 tons of unhardened concrete in any calendar year for owners or operators that elect not to receive emissions reduction credit for road dust control. Production shall be limited to less than 360,000 tons of unhardened concrete in any calendar year for owners or operators that elect to receive credit for road dust control on unpaved roads by:

- (1) recording the date and time of the road dust control action and the initials of the person making the record;
- (2) recording the amount of water or dust suppressant applied; and
- (3) if a commercially available dust suppressant is used, applying it in accordance with the manufacturer's guidelines.

B. The concrete manufacturing plant shall contain only the following emission units and activities:

(1) storage piles, aggregate transfer, cementitious material transfer; weigh hopper loading, mixers, mixer loading; truck loading; block forming equipment; mobile vehicle sources such as trucks, front end loaders, and forklifts; and aggregate heaters used solely to improve the flowability of aggregate used in manufacturing concrete burning only natural gas, propane, and/or No. 1 or No. 2 fuel oil;

(2) indirect heating equipment, as defined in part 7011.0500, subpart 9, with a rated heat input capacity less than 10,000,000 Btu per hour burning only natural gas, propane, and/or No. 1 or No. 2 fuel oil;

(3) nonmobile internal combustion engines, such as emergency generators, burning less than 37,500 gallons per calendar year of gasoline, No. 1 fuel oil, or No. 2 fuel oil combined; or

(4) miscellaneous:

(a) total usage or purchase of less than 500 gallons of VOC-containing material, including hazardous air pollutant-containing VOC, combined in any calendar year from sources such as parts washers, form release agents, painting, and sealers. Under this unit, if the owner or operator ships VOC off site for recycling, the amount recycled may be subtracted from the amount of VOC purchased or used. "Recycling" means the reclamation or reuse, as defined in part 7045.0020, of a VOC. If the owner or operator ships VOC off site for recycling, the owner or operator shall keep records of the amount of material shipped off site for recycling and the calculations done to determine the amount to subtract. Records may be material safety data sheets, invoices, shipping papers, or hazardous waste manifests; or

(b) any of the insignificant activities listed in part 7007.1300, subpart 2 or 3.

C. The concrete manufacturing plant may not be located in areas designated as nonattainment for PM₁₀.

D. Crushing operations may be located at the concrete manufacturing plant site and shall not be considered part of the concrete manufacturing plant unless more than 50 percent of the material processed by the crusher or crushers is used by the concrete manufacturing plant in the manufacture of concrete. The owner or operator of the crusher and associated operations shall obtain an air emissions permit for the crusher or crushers and associated operations if they are described under part 7007.0200 or 7007.0250.

Subp. 2. Recordkeeping. The owner or operator of a concrete manufacturing plant shall comply with the recordkeeping listed in items A to D. The owner or operator shall maintain the records required by this subpart at the concrete manufacturing plant for a minimum of five years from the date the record was made. The owner or operator shall maintain records for the current calendar year of operation at the concrete manufacturing plant. For all years prior to the current calendar year, the owner or operator shall maintain records at either the concrete manufacturing plant or at an office of the owner or operator of the concrete manufacturing plant.

A. The owner or operator shall maintain records of the calendar year production of unhardened concrete in tons to demonstrate compliance with subpart 1, item A.

B. The owner or operator shall maintain records of the gallons of VOC-containing materials, including hazardous air pollutant-containing VOC, used or purchased in each calendar year to demonstrate compliance with subpart 1, item B, subitem (4), unit (a), or records to demonstrate compliance with part 7007.1300, subpart 3, item H, subitem (1).

C. The owner or operator shall maintain records of the types of fuel combusted in nonmobile emissions units in each calendar year to demonstrate compliance with subpart 1, item B, subitems (1) to (3), and maintain records of the amounts of fuel combusted in nonmobile internal combustion engines to demonstrate compliance with subpart 1, item B, subitem (3).

D. If the owner or operator elects to receive emissions reduction credit for road dust control, the owner or operator shall maintain records to demonstrate compliance with subpart 1, item A, subitems (1) and (2).

Subp. 3. Grounds for ineligibility. The following constitute grounds for the agency to require a company to apply for a permit under part 7007.0200 or 7007.0250:

A. the owner or operator fails to meet or comply with any of the conditions or requirements in subpart 1 or 2;

B. there exists at the concrete manufacturing plant unresolved noncompliance with applicable state or federal pollution control statutes or rules administered by the agency or conditions of a previous or existing air emission permit, and the owner or operator will not undertake a schedule of compliance to resolve the noncompliance;

C. an owner or operator has knowingly submitted false or misleading information to the agency;

D. the unpermitted facility or activity would endanger human health or the environment;

E. if air quality specific conditions or limits not contained in parts 7011.0850 to 7011.0860 were assumed:

(1) as a mitigation measure in an environmental impact statement; or

(2) in obtaining a negative declaration in an environmental assessment worksheet; or

F. if the concrete manufacturing plant is subject to a new source performance standard other than *Code of Federal Regulations*, title 40, part 60, subpart Kb, *Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction or Modification Commenced after July 23, 1984*, incorporated by reference in part 7011.1520, item C, if all storage vessels subject to this standard at the stationary source each have a capacity greater than or equal to 40 cubic meters and less than 75 cubic meters.

Subp. 4. Permit requirement procedures. If the agency requires a concrete manufacturing plant to apply for a permit under subpart 3, the agency shall give notice to the owner or operator of its intention to require a permit application. This notice shall require the owner or operator to submit a permit application for the concrete manufacturing plant within three months of the receipt of the notice.

INCORPORATIONS BY REFERENCE: Part 7011.0850, subpart 3: ASTM C 618-96, as found in the Annual Book of American Society for Testing and Materials Standards (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, volume 4.02 (1996). It is available through the Minitex interlibrary loan system.

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.

Official Notices

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

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Office of Administrative Hearings

Administrative Law Judge Position Available

The Minnesota Office of Administrative Hearings is hiring Administrative Law Judges for the child support section of the Office. These positions will conduct contested administrative child support hearings held under *Minnesota Statutes* 518.5511 and will assist in the functions and responsibilities of the Office of Administrative Hearings in the uncontested and contested administrative proceedings for child and medical support orders. This list will not be used for hiring administrative law judges for the administrative law section of the office. The annual salary is \$82,058. Minimum qualifications include admission to the bar and five years of legal experience.

The successful applicants will have significant experience in family law/child support within the last ten years (3 years total family law/child support law experience). Some travel will be required. An application can be obtained from:

Department of Employee Relations
Second Floor, Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone (612) 296-2616; TTY (612) 282-2699.

Applications will be accepted now through August 14, 1998, and must be submitted to the Department of Employee Relations.

Department of Administration

State Designer Selection Board (SDSB)

Meeting Schedule of the Board, July-September, 1998

Pursuant to SDSB *Minnesota Rule* 3200.0400, below is the schedule of State Designer Selection Board meeting dates, times and agenda items as of July 27, 1998:

- **July 28, 1998, 8:00 a.m.**
 1. Interview/Award for project 8-98, Department of Corrections, MCF-St. Cloud
 2. Interview/Award for project 9-98, Department of Corrections, MCF-Oak Park Heights
- **July 30, 1998, 8:00 a.m.**
 1. Interview/Award for project 12-98, University of Minnesota, Crookston
 2. Interview/Award for project 13-98, University of Minnesota, St. Paul
- **August 4, 1998, 8:00 a.m.**
 1. Shortlisting for project 14-98, Department of Transportation, Minnesota State Patrol Training Facility, Camp Ripley, Little Falls
 2. Interview/Award for project 16-98, Veterans, Veterans Home Board, Minneapolis
 3. Interview/Award for project 18-98, Veterans Home Board, Hastings
- **August 6, 1998, 8:00 a.m.**
 1. Interview/Award for project 15-98, Minnesota Center for the Arts Education
 2. Shortlisting for project 17-98, Department of Human Services, Willmar RTC
- **August 11, 1998, 9:00 a.m.**
 1. Shortlisting for project 22-98, MnSCU, Metropolitan State University
- **August 18, 1998, 8:00 a.m.**
 1. Interview/Award for project 17-98, Department of Human Services, Willmar RTC

2. Shortlisting for project 19-98, Department of Public Safety, Bureau of Criminal Apprehension
- **August 20, 1998, 8:00 a.m.**
 1. Interview/Award for project 14-98, Department of Transportation, Minn. State Patrol Training Facility, Camp Ripley, Little Falls
- **August 25, 1998, 8:00 a.m.**
 1. Interview/Award for project 22-98, MnSCU, Metropolitan State University
 2. Shortlisting for project 23-98, MnSCU, Mankato State University
- **September 1, 1998, 9:00 a.m.**
 1. Interview/Award for project 19-98, Department of Public Safety, Bureau of Criminal Apprehension
- **September 8, 1998, 9:00 a.m.**
 1. Interview/Award for project 23-98, MnSCU, Mankato State University

All meetings are held in Conference Room A, G-10 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota. Other matters may come before the Board and be added to the agenda as needed. Call the executive secretary at 651.297.5525 for additional information.

Minnesota Higher Education Facilities Authority

Notice of Public Hearing on Revenue Obligations on Behalf of Augsburg College

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of Augsburg College, a Minnesota nonprofit corporation (the "College"), as owner and operator of Augsburg College, an institution of higher education, at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on August 19, 1998 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original aggregate principal amount of up to approximately \$450,000 to finance the acquisition, improvement, furnishing and equipping of the President's residence and special events center (the "Project"), owned or to be owned and operated by the College and located at 2848 River Parkway West, Minneapolis, Minnesota 55406.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 20 July 1998

By Order of the Minnesota Higher
Education Facilities Authority
J. Luther Anderson
Executive Director

Department of Agriculture

Agronomy and Plant Protection Division

Notice of Special Local Need Registration for Clarity Herbicide

On July 16, 1998, the Minnesota Department of Agriculture issued a Special Local Need (SLN) registration for the use of Clarity herbicide, manufactured by BASF Corporation, Research Triangle Park, NC, 27709, for use as a preharvest application in wheat.

A federal or state agency, a local unit of government, or any person or groups of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commissioner regarding the issuance of the special local need registration.

Objections may be submitted to: John C. Sierk, Minnesota Department of Agriculture, Agronomy and Plant Protection Division, 90 West Plato Boulevard, St. Paul, MN 55107. Comment deadline is August 27, 1998.

Official Notices

Minnesota Comprehensive Health Association

Notice of Meeting of the Actuarial Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Compensation Health Association's (MCHA), Actuarial Committee will be held at 1:00 p.m. on Wednesday, July 29, 1998. The meeting will take place at Blue Cross Blue Shield of MN, RiverPark Bldg., conference room "A", 3400 Yankee Drive, Eagan, MN.

For additional information, please call Lynn Gruber at (612) 593-9609.

Department of Health

WIC Program

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

The Minnesota Department of Health will be holding a public hearing to allow interested parties to provide input concerning the operations of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and the Commodity Supplemental Food Program (CSFP). The public hearing will be held from 9:30 a.m. to noon on Tuesday, August 4, 1998 in the Chesley Room at the Minnesota Department of Health offices located at 717 Delaware Street Southeast in Minneapolis.

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

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

Department of Health

Interagency Long Term Care Planning Committee

Request for Proposals for Exceptions to the Nursing Home Moratorium and Notice of Hearing

Purpose

The Interagency Long Term Care Planning Committee (INTERCOM) is accepting proposals from nursing homes and boarding care homes requesting an exception to the nursing home moratorium. The Commissioner of Health, in coordination with the Commissioner of Human Services, may approve such requests under conditions listed in *Minnesota Statutes*, §144A.073. These conditions refer to categories of exceptions which are defined as:

- (a) "Conversion" means the relocation of a nursing home bed from a nursing home to an attached hospital.
- (b) "Relocation" means the movement of licensed nursing home beds or certified boarding care beds as permitted by state statute to promote equitable access across the state or to move the beds to another site.
- (c) "Renovation" means extensive remodeling of, or construction of an addition to, a facility on an existing site with a total cost exceeding ten percent of the appraised value of the facility or \$200,000, whichever is less.

(NOTE: *Minnesota Statutes*, § 144A.071 allows projects with costs less than \$750,000 to proceed without applying for a moratorium exception under this process.)

- (d) "Replacement" means the demolition, delicensure, reconstruction, or construction of an addition to all or part of an existing facility.
- (e) "Upgrading" means a change in the level of licensure of a bed from a boarding care bed to a nursing home bed in a certified boarding care facility.

Appropriation Available

The amount of the legislative appropriation available for the total additional costs to the medical assistance program for this Request for Proposals (RFP) is \$536,770.

Eligibility to Submit a Proposal

A proposal for an exception to the nursing home moratorium may be submitted by an organization or individual authorized by a facility's governing board or management to prepare and submit a proposal to INTERCOM.

Method for Estimating Proposal Cost

The method that INTERCOM will use in evaluating proposals for approval or disapproval for estimating the cost of a proposal is detailed in the application materials.

Criteria for Review

The following criteria shall be used in a consistent manner, equally weighed, to compare, evaluate, and rank all proposals submitted:

- 1) the extent to which the proposal furthers state long-term care goals designed to maximize independence of the older adult population, and to ensure cost-effective use of financial and human resources;
- 2) the cost effectiveness of the proposal;
- 3) the extent to which the proposal promotes equitable access to long term care services in nursing homes across the state;
- 4) the extent to which the proposal improves the health and safety of residents;
- 5) the extent to which the proposal promotes the comfort or quality of life of residents;
- 6) the extent to which the applicant demonstrates a history of quality care provided in the facility; and
- 7) the extent to which the project reduces the need for waivers from regulations.

Procedure for Receiving Application Materials

The complete request for proposals, including instructions, format and necessary forms, is available upon *written or facsimile* request to:

Yvette Young
MDH - F&PC Division
P.O. Box 64900
St. Paul, MN 55164-0900
Fax # until 8/28/98: (651) 643-2593
Fax # after 9/1/98: (651) 215-8710

Review and Approval of Proposals

INTERCOM has appointed an advisory review panel composed of representatives of consumers and providers to review proposals and provide comments and recommendations to INTERCOM before December 4, 1998. INTERCOM must hold a public hearing on the proposals received that meet review requirements, and must submit recommendations for approval or disapproval of proposals to the commissioner of Health no later than December 24, 1998. The commissioner of health must approve or disapprove a project within 30 days after receiving the committee's recommendations, or no later than January 23, 1999. The commissioner of health must send a written notice of approval or disapproval to the proposer no later than February 2, 1999.

Notice of Hearing

A public hearing on the moratorium exceptions proposals submitted to INTERCOM will be held on Friday, December 4, 1998, from 1:00 p.m. to 4:00 p.m. The public hearing will be held in the Mississippi Room at the Minnesota Department of Health offices at the Snelling Office Park, 1645 Energy Park Drive, St. Paul, Minnesota (at Snelling Avenue and Energy Park Drive).

At the hearing, there will be an opportunity for the facility to provide additional information and to answer questions from INTERCOM on their moratorium exceptions proposal. Further information on the public hearing will be made available to the contact person identified in each moratorium exceptions proposal.

Official Notices

Questions Concerning the RFP

Any questions relating to the RFP process may be submitted by prospective applicants in writing to:

Linda Sutherland
MDH - F&PC Division
P.O. Box 64900
St. Paul, MN 55164-0900
Fax # until 8/28/98: (651) 643-2593
Fax # after 9/1/98: (651) 215-8710

NO ANSWERS WILL BE PROVIDED IN RESPONSE TO PHONE CALLS. Each question must cite the particular RFP page to which it refers. Copies of all questions and their answers will be provided to all prospective applicants who have requested Application materials. Only responses in writing by Linda Sutherland will be considered official. Responses to questions will be mailed August 27, September 17, and October 15, 1998. The closing date for the receipt of questions will be 4:00 p.m., October 9, 1998.

Technical assistance in completing the application forms is available from Duane Elg at Minnesota Health and Housing Alliance, at 651/645-4545, or Patti Cullen at Care Providers of Minnesota at 612/854-2844.

Procedures for Submitting Proposals

The MDH Facility and Provider Compliance Division's main offices will be relocated to the Golden Rule Building in downtown St. Paul on approximately September 1, 1998. Proposals must be submitted to that new location. No proposals submitted by facsimile machine will be accepted.

Five (5) written copies of the completed proposal must be *received* no later than 4:00 p.m. on Friday, October 23, 1998 by:

Linda Sutherland
Minnesota Department of Health
Facility and Provider Compliance Division
85 East Seventh Place, Suite 300
St. Paul, MN 55101

Department of Human Services

Request for Comments on Planned Revision and Rewrite of Rules Governing Adult Foster Care Services and Licensure of Adult Foster Homes (*Minnesota Rules*, parts 9555.5105 to 9555.6265, known informally as DHS Rule 203)

Subject of Rules. The Minnesota Department of Human Services requests comments on its planned rewrite of rules governing adult foster care. The revisions will address health, safety, placement, service, and quality assurance issues. Residents' rights, safeguards for protecting cash resources entrusted to foster home staff or licenseholders, and county board responsibilities for adult foster care services are examples of areas to be addressed in the revision. The revision is needed to update the current rule which was promulgated in 1987.

Persons Affected. The rules revisions will likely affect consumers and providers of adult foster care services, including counties.

Statutory Authority. *Minnesota Statutes*, section 245A.09 directs the commissioner of human services to adopt rules to govern the operation, maintenance, and licensure of programs subject to licensure under *Minnesota Statutes*, sections 245A.01 to 245A.16. *Minnesota Statutes*, section 245A.03, subdivision 1 specifies that a license is required to receive a child or adult for care, supervision, or placement in foster care or adoption.

Public Comment. Interested persons or groups may submit comments or information on the planned revisions in writing or orally until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules. The department will convene an advisory committee to assist in developing the revised rules. The committee will represent consumer and advocate groups, services providers, associations with an interest in adult foster care, and counties. The committee will likely be convened for the first time in September or October of 1998.

Rules Drafts. The department has not yet completed a draft of the planned revisions but anticipates that a draft will be available by December 31, 1998.

Agency Contact Person. Written or oral comments, questions, requests to receive a free copy of the draft revisions to the rule when the draft is available, and requests for more information on the planned revisions should be addressed to:

Jean Patzner Mueller
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3843
Phone: 651-297-1216.
TTY users can call the Department at 1-800-627-3529.

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 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: 21 July 1998

David S. Doth, Commissioner
Department of Human Services

Department of Labor and Industry

Labor Standards Division

Notice of Addition to Prevailing Wage Rates

An additional class of labor, **Code 410, Lathers**, has been determined for the Commercial Prevailing Wage Rates in **Rock County** which were certified 10/20/97.

An additional class of labor, **Code 430, Wiring System Technician, and 431 Wiring System Installer**, has been determined for the Commercial Prevailing Wage Rates in **Marshall County** which were certified 10/20/97.

Copies of the additional certification may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306 or by calling (651) 296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and \$.50 for each additional page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich
Commissioner

Office of the Secretary of State

Elections Division - Open Appointments

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies in multi-member state agencies will be published once a month on the Secretary of State's World Wide Web site at www.sos.state.mn.us, as provided in *Minnesota Statutes* 15.0597, subdivision 4. A copy of the monthly listing of vacancies and application form may be obtained from the Office of the Secretary of State, Election Division, 180 State Office Building, 100 Constitution Ave., St. Paul, MN 55155-1299; (651)297-5845, or in person at Room 174 of the State Office Building.

In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State. The deadline date for applications will be indicated in the monthly listing of vacancies and on the Secretary of State's Web Site. Appointing Authorities

Official Notices

for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The Annual Compilation is available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the fiscal year. The Annual Compilation information is also available on the Secretary of State's Web Site.

To order copies of the Annual Compilation please call the Minnesota Bookstore at (651)297-3000 or 1-800-657-3757.

Public Utilities Commission

Request for Comments on Planned Amendment to Rules Governing the Regulatory Treatment of Competitive Local Exchange Carriers (CLECs), *Minnesota Rules*, Chapters 7811 and 7812

Subject of Rules. The Minnesota Public Utilities Commission requests comments on its planned amendment to rules governing the regulatory treatment of competitive local exchange carriers (CLECs), Chapters 7811 and 7812, in Docket No. P-999/R-98-1081.

The Commission previously sought public comment on the Planned Promulgation of Rules Governing the Competitive Provision of Local Telephone Service, including issues related to Universal Service, Regulatory Treatment of Competitive Local Exchange Carriers (CLECs), Service Quality, and Emergency Service (911), and opened Docket No. P-999/R-97-609 for this purpose. In the interest of accelerating the adoption of rules governing CLECs, the Commission now contemplates conducting a separate rulemaking dedicated to this purpose, and has opened Docket No. P-999/R-98-1081.

Persons Affected. The promulgation of these rules would likely affect local telephone companies, the firms that would like to compete with them, and consumers of telecommunications services. The commission will appoint an advisory committee representing a cross-section of interests likely to be affected. The Commission will also establish a list of persons who wish to receive notices pertaining to this rulemaking.

Statutory Authority. *Minnesota Statutes*, section 216A.05, grants the Commission the authority to prescribe rules with respect to the control and conduct of the businesses coming within its jurisdiction. Section 237.10 gives the Commission the duty to prescribe uniform rules and classifications pertaining to the conduct of intrastate telephone business. Section 237.16 requires the Commission to adopt rules applicable to all telephone companies and telecommunications carriers required to obtain or having obtained a certificate for provision of telephone service.

Public Comment. The Commission invites interested persons or groups to submit comments or information on these planned rules in writing or orally until 4:30 p.m. on August 28, 1998. In particular, the Commission seeks comment on the following questions:

- How quickly should a rate change become effective when a CLEC proposes to raise a rate? Lower a rate? Introduce a new service?
- How many days notice must a CLEC provide before each of these events? Who should receive this notice? What form should this notice take?
- Under what circumstances should a CLEC submit a cost study to the Commission?
- With respect to the preceding questions, should the Commission have the same requirements for CLECs as it has for incumbent telephone companies (LECs)?
- With respect to the preceding questions, should CLECs be subject to the same regulation in areas served by LECs with fewer than 50,000 subscribers (governed by *Minnesota Rules* chapter 7811) as in areas served by LECs with 50,000 or more subscribers (governed by *Minnesota Rules* chapter 7812)?
- Should the Commission's CLEC rule for areas served by LECs with fewer than 50,000 subscribers serve as a model for

how CLECs should be regulated in areas served by LECs with more 50,000 or more subscribers? A copy of this rule, *Minnesota Rule 7811.2200*, follows this Request for Comments.

Interested persons or groups may also request to be included on the advisory committee, or on the Commission's list of persons who wish to receive notices pertaining to this rulemaking. Written or oral comments, questions, requests to join the advisory committee, requests to receive a draft of the amendments when they are prepared, and requests for more information on this planned rulemaking should be addressed to Eric Witte, Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, Minnesota 55101-2147, 651/296-7814. **All communications in this matter should include a reference to Docket No. P-999/R-98-1081.**

Burl W. Haar
Executive Secretary

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (612) 297-4596 (voice), (612) 297-1200 (TTY), or 1-800-627-3529 (TTY relay service).

Minnesota Rules part 7811.2200, COMPETITIVE LOCAL EXCHANGE CARRIER; NEW SERVICE INTRODUCTION AND RATE CHANGES.

Subpart 1. Generally. The local services provided by a competitive local exchange carrier (CLEC) are subject to *Minnesota Statutes*, chapter 237, and the commission's rules in the same manner as the local services provided by a local exchange carrier (LEC), except:

- A. the CLEC is not subject to *Minnesota Statutes*, section 237.22;
- B. the CLEC is not subject to rate-of-return regulation or earnings investigations under *Minnesota Statutes*, section 237.075;
- C. the CLEC is not subject to rate-of-return regulation or earnings investigations under *Minnesota Statutes*, section 237.081;
- D. the CLEC is not subject to automatic requirements to file cost studies with tariff filings; and
- E. as otherwise provided in this chapter.

A competitive local exchange carrier's local service is also subject to *Minnesota Statutes*, sections 325F.692 and 325F.693.

Subp. 2. Filing requirements. Every CLEC shall elect and keep on file with the department either a tariff or a price list for each service on or before the effective date of the tariff or price, containing the rules, rates, and classifications used by it in the conduct of the telephone business. The filings are governed by *Minnesota Statutes*, chapter 13. The department shall require each CLEC to keep open for public inspection at designated offices so much of these rates, tariffs, price lists, and rules as the department considers necessary for public information.

Subp. 3. Special pricing. Except as prohibited by *Minnesota Statutes*, section 237.60, subdivision 3, prices unique to a particular customer or group of customers may be allowed for services when differences in the cost of providing a service or a service element justify a different price for a particular customer or group of customers. The commission may allow individual pricing for services when it determines that a uniform price should not be required because of market conditions.

Subp. 4. Rate decrease without notice. A CLEC may decrease the rate for a service, or make any change in a tariff or price list that results in a decrease in rates, effective without notice to its customers or the commission.

Subp. 5. Notice of change in service. A CLEC may offer a new service, increase the rate for a service, or change the terms, conditions, rules, and regulations of its service offering effective upon notice to its customers pursuant to subpart 7.

Subp. 6. Service promotion. A CLEC may promote the use of service by offering a waiver of part or all of the recurring or non-recurring charge, a redemption coupon, or a premium with the purchase of a service. The customer group to which the promotion is available must be based on reasonable distinctions among customers. No single promotion may be effective for longer than 90 days at a time. The service being promoted must have a price that is above the incremental cost of the service, including amortized cost of the promotion. A promotion may take effect the day after the notice is filed with the commission.

Subp. 7. Reasonable notice. A CLEC may give notice to its customers by bill insert, by publication in newspapers of general circulation, or by any other reasonable means. Written notice of a price increase must be made via bill insert or direct mail at least 20 days before the effective date of the price increase. The CLEC shall also provide to the commission written notice of a price increase at least 20 days before the effective date of the price increase.

State Grants & Loans

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

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

Department of Children, Families and Learning

Office of Lifework Development

Notice of Request for Youth Employer Grants

The following grants are available through the Office of Lifework Development:

Eligible applicants: (1) A community of under 50,000 involving several employers from different industries who employ one or more school-age youth, (2) a community with one or more employers from a selected industry that is employing several school age youth, and (3) an employer that employs youth in several communities or school districts.

Grant requirements: Grants must assist in the enhancement of the work experience of employed youth by integrating appropriate academic and work skills components, linked to the Minnesota Graduation Standards.

Grant applications must address at least two of the following:

- 1) A process to provide mentoring for employed youth.
- 2) A process that integrates learner academic and work skills to be achieved in the youth employment.
- 3) A process to assess authentic performance in youth employment.
- 4) A process for documenting accomplishment of work skills in youth employment.
- 5) A process that links and reports accomplishment of academic and work skills to Graduation Standards.
- 6) A process for connecting youth employment to career exploration activities and lifework plans.
- 7) A process for training employers and employees that employ youth.

Target population: Youth ages 16-21

Total available funding: \$200,000 FY99

Estimated size of awards: Up to \$7,500

Matching fund requirement: 25% of grant request (Non-state funds or in-kind services)

State legislative authority: 1997 K-12 Omnibus Education Bill, Article 3 Section 25; 1995, First Special Session Chapter 3, Article 4, Section 28

Application review methods: Panel review

The full request for proposals and grant application are available on request from:

Minnesota Department of Children, Families and Learning
Office of Lifework Development
Capitol Square Building
550 Cedar Street
Saint Paul, MN 55101-2273
Phone: (651)296-2960 FAX: (651)296-3348
Greater Minnesota: (888)234-5120

Proposals must be received no later than 2:00 PM on August 25, 1998. Faxes WILL NOT be accepted.

Department of Children, Families and Learning

Office of Lifework Development

Notice of Request for Minnesota School-to-Work Funding & Application Guide

The following grants are available through the Office of Lifework Development:

Agricultural Education School-to-Work Improvement Grants

Lifework Learning Site Grants

Work Study Program Grants

Youth Apprenticeship Grants

Youth Employer Grants

Youth Entrepreneurship Grants

Other Funding Options:

School-to-Work Employer Rebates

Federal School-to-Work Effective Practice Grants

The Office of Lifework Development has created a Funding and Application Guide detailing the requirements of each grant. Deadline for applications is 2:00 PM on August 25, 1998. Total funding available for FY 99 is \$4,033,000. Please Contact the School-to-Work Information Line at (612) 296-2960 or (888) 234-5120.

Department of Children, Families, and Learning

Request for Proposals for Grants New Residential Academies for Students in Grades 4 through 12

General Statement of Purpose:

The State of Minnesota, Department of Children, Families & Learning is seeking proposals to establish at least 3 Residential Academies in Minnesota. The Academies will serve students in one or more grades between grades 4 through 12. The Department will award a total of up to \$12 million in grants to public organizations or collaborations of public and private organizations for startup and capital costs associated with Residential Academies. The Academies may begin accepting students in either 1998 or 1999. (*Minnesota Laws 1998*, Chapter 398, Article 5, sections 46 and 54, subdivision 3).

The purpose of the Academies is to provide students with solid academic opportunities, supportive learning environments and stable residential experiences. The Academies should maximize a student's potential for personal, academic, social and economic success. The Academies are targeted to serve students who demonstrate an interest in learning, a potential for academic achievement and who may perform or are at risk of performing below the academic performance level for students of the same age or ability. Students who have experienced homelessness or an unstable home environment are also targeted. The best interests of each student should be the core focus of the Academies.

This Request for Proposals does not obligate the State to complete the project and the State reserves the right to withdraw the solicitation if it is considered to be in its best interest and reserves the right to amend this Request for Proposals. Applicants should consult relevant Federal and State laws in developing proposals.

Proposals will be reviewed by a panel selected by the Commissioner of the Department of Children, Families & Learning. Proposals will be reviewed and awarded up 165 points based on each of the following:

Qualifying Organizations (15 points):

One or more public organizations, or a collaboration of public and private organizations including not for profit organizations, may submit a proposal to operate an Academy. A private organization must submit a proposal with the participation of one or more public organizations. Applicants must include a description of their experience serving children and youth. The proposal must provide explicit detail about the involvement, responsibilities and role of each participating organization. The organization that will receive state revenue must be identified.

State Grants & Loans

Location of the Academy (15 points):

The Academy shall be located in Minnesota. The location must be accessible to parents, families and guardians where appropriate. There should be convenient access to health and social services, community programs, recreation, work and other opportunities that enhance student learning. Applicants must have a site identified in their proposal and have a duty to be informed about local regulations, particularly zoning.

Governance Structure and Staffing (10 points):

The proposal must describe the governing structure for the operation and management of the Academy. In addition, the plan for hiring, compensating and retaining staff must be described in detail. All staff should have access to professional development opportunities that are appropriate and relevant to working with students at the Academy. Policies pertaining to student expectations, behavior, attendance, discipline and expulsion and how they will be communicated to students, parents, families and guardians should be addressed.

Enrollment (10 points):

The proposal must describe the number and age of students expected to be served, the process for retaining students for more than one year and the geographic area from which students will attend. If the Academy intends to phase in the program by grade level, that process must be described. Applicants should include information about how they intend to collect, report and use student enrollment data.

Enrollment in the Academy shall be voluntary. A parent or guardian, the student's county of residence, the student's school, a health care provider, the judicial system, or others may refer a student to an Academy. Students may not be sentenced by the judicial system to an Academy. In order to qualify for enrollment, students must be entering grades 4 through 12.

Each proposal should identify enrollment criteria and the process that will be followed if more students want to enroll than there are places at the Academy. Prior to a student's enrollment, the Academy may want to consider establishing a contract with the student that outlines mutual responsibilities and expectations.

Educational Program (25 points):

The Academy must provide Minnesota students in one or more grades between grades 4 through 12, with an educational program that is designed to: increase student achievement, increase student attendance, enable students to meet state graduation requirements and provide for secondary students' transition to post-secondary education or the transition from school to work, or both. The program may be provided by a school district, charter school, or other means approved by the Commissioner. The educational program should be challenging and meet the needs of individual students.

Proposals should include a plan that offers students year round learning opportunities. During the summer, students may attend school as well as participate in a variety of other activities that enhance their learning potential.

Residential Housing (20 points):

Housing accommodations for students attending the Academies shall be safe, comfortable and age and gender appropriate. Accommodations must provide appropriate on site adult supervision. Housing must be located in a place that provides convenient access to the educational and other programs provided by the Academy.

Healthcare, Social Services and Nutrition (20 points):

Students attending the Academy must have regular, convenient and confidential access to healthcare and social services including mental health services, whether on site or at a convenient location. Applicants should describe how they intend to provide nutritious and regular meals for students.

In order to access foster care funds for children in out-of-home placement and who desire to attend the Academy, the facility must be licensed by the Department of Human Services, or must be licensed or approved by a tribal government to provide 24 hour out-of-home care for children. Additionally, in order to access Title IV-E foster care funds for eligible children, the facility:

- A. must be either 1) a private, non-medical group home or residential facility, or 2) a public, non-medical group home or residential facility which is licensed for 25 or fewer children; and
- B. must not be 1) a medical facility licensed by the Department of Health, or 2) primarily a secure, physically restricting detention facility licensed by the Department of Corrections.

Extended Day and After School Enrichment Opportunities (10 points):

The academy should offer programs that supplement learning that occurs during the regular school day. Scheduling should enable students to have ample time available for and access to recreation, athletics, community service, spiritual enrichment and any other activities that may enhance a student's character and personal well being.

Parent and Community Involvement (10 points):

The proposal must address how the Academy will provide appropriate opportunities for regular and ongoing parent, family, guardian and community involvement, including holidays and summer vacations. The Academy should provide students with a variety of opportunities to become part of both the school and local communities. Each student should have exposure to and a positive relationship with an adult mentor while they are attending the Academy.

Evaluation (10 points):

Applicants must agree to participate in any evaluations required by the Commissioner. Proposals must describe the plan for evaluating the effectiveness of the Academy's program, particularly the impact on student achievement outcomes. Both measurable academic and non academic student outcomes should be identified. In addition, the methods by which progress will be assessed must be included.

Budget and Funding (20 points):

Proposals must reflect the total grant amount that the applicant is seeking from the State, as well as a time line for expenditures. Grant funds may be used for startup operating and capital costs. Applicants must provide a detailed plan for budget and finance including: capital and building costs, staff compensation, education, social services, nutrition, health, recreation, transportation and other costs associated with initial startup and ongoing operation of the Academy.

Applicants must separate capital expenditures such as renovation and construction, from other expenditures associated with startup and ongoing operation. Proposals must clearly identify the use of state funds obtained with the grant, other state or local funds, private funds and any other funds. The plan must show how the Academy will sustain itself financially after initial startup. The Academy may accept private funding and receive any gift, bequest or devise. A five year budget plan is required.

Education and social services funding shall follow each student from the student's school district or county of residence to the academy as provided in law. The cost of the residential program may be covered under a sliding fee program based on student need.

Additional Information:

Interested applicants may attend either of two informational meetings on July 23, 1998, 2:30 - 4:30 p.m. at the Capitol View Conference Center, Capitol Room, 70 West County Rd. B2, Little Canada, MN, phone 612-415-5413 and on July 24, 10:00 a.m. - noon at the Brainerd School District Administrative Offices, Staff Development Room, 300 Quince Street, Brainerd, MN, phone 218-828-5300. A copy of the full Request for Proposals will be published in the *State Register* on Monday, July 27, 1998. Requests for Proposals and further information may also be obtained by contacting:

Susan Heegaard
Minnesota Department of Children, Families & Learning
713 Capitol Square
550 Cedar Street
St. Paul, Minnesota 55101
Phone: 612-215-0604
E-mail: susan.heegaard@state.mn.us

Applicants must submit one original proposal signed by the participating organizations and 6 copies of the proposal, along with any letters of support, to The Department of Children, Families & Learning at the above address. Proposals must be received by 4:30 p.m. on Tuesday, September 15, 1998. Proposals that are late, faxed or E-mailed will not be accepted.

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 Administration

State Designer Selection Board

Request for Proposals for the Mankato State University for the Design of Renovations to the Campus Indoor and Outdoor Athletic Facilities (Project 23-98)

IN AN ATTEMPT TO FACILITATE COMMUNICATION, THE STATE DESIGNER SELECTION BOARD HAS MADE SOME CHANGES IN THEIR STANDARD RFP LANGUAGE. PLEASE READ CAREFULLY THE SECTIONS THAT ARE IN BOLD TYPE AS THEY CONTAIN REVISIONS TO THE RFP.

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, August 10, 1998, to:

Lisa Blue, Acting Executive Secretary
State Designer Selection Board
Department of Administration
50 Sherburne Avenue, **Room 200**
St. Paul, Minnesota 55155-3000
651.297.5526

Questions concerning the Board's procedures herein described or the schedule in Item 7.h may be referred to the Executive Secretary at 651.297.5526. Questions relating to the project may be referred to the project contact(s) in Item 7.i.

NOTE TO RESPONDERS: IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL:

1. Eight (8) copies of the proposal shall be submitted plus one (1) additional unbound copy in black and white for micro fiche purposes only.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
 - c. Front and back covers of proposals shall not be counted as faces.
 - d. **None of the statutory or mandatory information, except as requested in Item 3 below, shall appear on the dividers or covers.**
3. **The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.**
4. Brief Proposal Summary:

All proposals shall begin with a summary which includes only the following items:

 - a. Name of firm and its legal status;
 - b. Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, and Minnesota registration number for each person and consultant (e.g., architects, civil/electrical/mechanical/structural engineers, registered fire protection engineer, landscape architects, land surveyors, and geoscientist);

Professional, Technical & Consulting Contracts

- c. A statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;
- d. A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in Item 4.b above, along with adequate staff to meet the requirements of work;
- e. A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above.

NOTE: Please call the Executive Secretary at 651.297.5526 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. **Minnesota Statutes, Section 363.073, subd. 1, in part, requires: "No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights." THEREFORE, THE PROPOSAL SHALL INCLUDE ONE OF THE FOLLOWING:**
 - 1) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - 2) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
 - 3) A statement certifying that the firm has applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or
 - 4) A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.
- 5. Additional Mandatory Proposal Contents:
 - a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
 - b. Expanded resumes showing qualification of individuals, listed in Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
 - c. A discussion of the firm's understanding of and approach to the project.
 - d. A listing of relevant past projects.
- 6. Design firms wishing to have their proposals returned after the Board's review shall follow one of the following procedures:
 - a. Enclose a *self-addressed, stamped* postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
 - b. Enclose a *self-addressed, stamped* mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

In accordance with existing statutes, the Board shall retain one copy of each proposal submitted.

Professional, Technical & Consulting Contracts

7. PROJECT 23- 98

**Mankato State University
Student Athletic Facility
Mankato, Minnesota**

a. PROJECT DESCRIPTION:

Mankato State University is requesting proposals for purposes of selecting a designer with demonstrated experience in projects of similar use, size, type and complexity for the design of Phase I and Phase II renovations and additions to the campus indoor and outdoor athletic facilities. The project will involve construction and renovation work in: Highland Center, Highland North, Otto Arena, Blakeslee Stadium, tennis courts and the outdoor track.

Mankato State University's instruction in physical education, intercollegiate athletics, intramural sports and recreational activities take place in 386,000 sq. ft. of playing fields and buildings constructed between 1963 and 1979 and in the Pennington Building with 4,000 sq. ft. (built in 1986). The College of Allied Health & Nursing, intramural athletics, intercollegiate athletic offices, coaches offices, and training rooms are also located in these facilities. The College of Allied Health and Nursing is one of the six colleges that make up Mankato State University. Weekly student contact hours in the Student Athletic Facility not counting sporting event attendance, average 6,358 with most spaces used from 7:00 a.m. to 10:00 p.m. seven days a week. Annual attendance at University and community sporting events totals 132,000.

A majority of the building components that make up these facilities have exceeded their anticipated useful life expectancies and are worn out from many years of use by Mankato State students and the area community and must be upgraded to properly support learning and provide venues for NCAA competition. Major portions of the facilities do not meet current NCAA standards, the requirements of the Americans with Disabilities Act and current life safety and building codes. Some of the facilities like the outdoor running track, field venue and a number of the tennis courts have deteriorated to the degree that they cannot be safely used for practice or competition.

While there are two building additions equating to approximately 35,000 GSF of new construction, the project primarily addresses the large backlog of deferred maintenance in the existing facilities. Most of these buildings are over 30 years old and are still operating with the original equipment, systems and finishes. The project will also include the reprogramming, renovation and renewal of the interior space to meet current academic and athletic program needs.

After renovation Otto Arena will provide Mankato State students with:

- A fitness center.
- A jogging track.
- Multi-purpose rooms to be used by Recreational Sports, Athletics and Human Performance.
- A laboratory for the Human Performance Department.
- Locker rooms.
- Office space for Recreational Sports and Human Performance
- University Security relocated from its present, inaccessible location in Wiecking Center to Otto Arena, to provide improved security to this important facility and 24-hour per day public walk-in and drive-up access.
- Two conference rooms.
- A first aid room.
- Administrative space for Athletics, Human Performance and Recreational Sports.
- A student lounge space.

b. REQUIRED CONSULTANT SERVICES:

The selected design firm and their associated firms must demonstrate experience in athletic and recreation facility design for higher education institutions, outdoor track/field venues, turf re-establishment, stadiums, field lighting and experience in major renovation projects including indoor air quality improvements. It will be necessary for the design team to evaluate the site, building infrastructure, major utilities, drainage, soils and interface with existing buildings to provide cost-effective solutions within the available funding.

The full scope of services for the project includes architectural, mechanical engineering, electrical engineering, civil engineering, structural engineering, fire protection engineering, acoustical design, landscape architecture, scheduling and professional cost estimating services. Fire protection engineering services shall be demonstrated by proven competency in fire protection.

Professional, Technical & Consulting Contracts

The successful designer will be responsible for the complete design of both Phase I and II and provide construction documents for both phases. The designer shall include construction administration services for Phase I with this proposal. It is Mankato State University's intent to extend the contract with the selected designer to include Phase II construction administration services after Phase II has been successfully funded during the FY 2000 Capital Bonding session.

c. SERVICES PROVIDED BY OTHERS:

None

d. SPECIAL CONSIDERATIONS:

Because this project will impact such a large portion of the campus over an extended period of time, it will be necessary for the designer to work cooperatively with multiple user groups and the campus community at large as well as state and university administrations.

The designer will be expected to provide detailed scheduling of work items arranged to maximize the university's ability to maintain operation to the greatest extent possible. Some portions of the work will need to commence immediately in order to facilitate use requirements. Construction will be phased to minimize the impact on instructional, competitive and recreational activities taking place within the facilities. On weekdays the facilities support academic programs, men's and women's intercollegiate athletic sports, intramural/recreational sports programs, student fitness and leisure activity taking place from 7:00 a.m. until the building closes at 10:30 p.m. On weekends the facility is host to intercollegiate athletic events, community events, and K-12 Minnesota State High School League sanctioned sport tournaments and play-off events. Careful scheduling and coordination with these functions will be a key role of the selected designer.

e. PROJECT BUDGET/FEES:

Construction for Phase I is projected to cost \$8.7 million. Construction for Phase II is projected to cost \$8.8 million. Professional service fees are expected to be 6.5 percent of construction costs.

f. PROJECT SCHEDULE:

Development of an overall project schedule for planning and phasing will be a requirement for the successful firm.

Mankato State University's goal is to complete Phase I of the project by June 30, 2000 and expects the selected firm to begin work on this project immediately after the award of the design.

g. PROJECT INFORMATIONAL SITE VISIT:

A site tour has been scheduled for 10:00 a.m. on July 31, 1998. Copies of the pre-design study are available for review from Lisa Blue, Acting Executive Secretary, Designer Selection Board, 200 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155 phone: 651.297.5526.

h. STATE DESIGNER SELECTION BOARD SCHEDULE:

Project Site Visit:	July 31, 1998
Project Proposals Due:	August 10, 1998
Project Short List:	August 25, 1998
Project Interviews & Award:	September 8, 1998

i. PROJECT CONTACT:

Joseph P. Metro
Vice President for University Operations
Mankato State University, MSU Box 105
P.O. Box 8400
Mankato, MN 56002-8400
Phone: (507)389-2267
Fax: (507)389-5862
e-mail: joseph.metro@mankato.msus.edu

Douglas Wolfangle, P.E., Chair
State Designer Selection Board

Professional, Technical & Consulting Contracts

Colleges and Universities, Minnesota State (MnSCU)

Notice of Advertisement for Bids for Learning Resources Service Center at St. Cloud State University

Project ID Number: SC1-92-M1
Department: Minnesota State Colleges and Universities
Sealed Proposals for: **Learning Resources Service Center
St. Cloud State University
St. Cloud, Minnesota**
Will be received by: **Steve Ludwig
Administrative Services, #120
720 4th Avenue South
St. Cloud, Minnesota 56301**

Until **2:00 p.m., August 27, 1998**, at which time the proposals will be opened and publicly read aloud.

Work includes construction of a new \$23M, 210,000 GSF library facility. Proposal Forms, Contract Documents, Plans and Specifications as prepared by the Project Architect/Engineer, The Leonard Parker Associates, are on file at the office of the:

- 1.) Above named Project Architect/Engineer.
- 2.) Following Builders Exchanges: St. Cloud, St. Paul, Minneapolis, Duluth and Fargo.
- 3.) National Association of Minority Contractors of Minnesota.
- 4.) Construction Bulletin Plan Room.
- 5.) Dodge Plan Room.

A single general prime bid will be accepted. Sets of Proposal Forms and Plans and Specifications for use by general, mechanical and electrical contractors in submitting a bid may be obtained by contacting CPMI, the Owner's Representative, at (612) 854-3663. Documents will be available 29 July 1998. Three sets of documents are allowed for each general contractor, if requested. Postage, delivery or like charges will be paid for by the Owner. The bid documents are available at no cost. If the complete set of documents, including addenda, is not returned to Saint Cloud State University within ten (10) calendar days after award of contract, a charge of \$100 per set will be assessed.

Each bid which totals over \$15,000.00 must be accompanied by either a certified check, payable to the State of Minnesota, in the sum of not less than five percent (5%) of the total bid or a corporate surety bond for the same amount by a surety company authorized to do business in the State of Minnesota.

A pre-bid meeting will be held at 1:00 p.m., Wednesday August 12, 1998, at the Atwood Memorial Center, Glacier Room, Saint Cloud State University.

Colleges and Universities, Minnesota State (MnSCU)

Request for Proposals for System-Wide Facilities Utilization Study

The Minnesota State Colleges and Universities (MnSCU) is soliciting proposals from qualified firms to assist with the development of a facilities utilization program for all of the thirty-six colleges and universities. Specifically the consultant will be responsible for performing the functional space inventory, analyzing existing utilization data, and recommending uniform space utilization standards. The dates of service are anticipated to be August 17, 1998 through December 31, 1998.

This RFP does not obligate MnSCU to complete the proposed project and MnSCU reserves the right to cancel the solicitation if it is considered in its best interest.

To receive a full request for proposal write or call:

Elaine Bellew
Minnesota State Colleges and Universities
500 World Trade Center
30 East 7th Street
St. Paul, MN 55101
Phone: (651) 296-7083
FAX: (651) 296-8488
E-Mail: elaine.bellew@so.mnscu.edu

Completed proposals are due by 4:00 P.M. Wednesday, August 5, 1998.

Department of Human Services

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

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

The *1997 Laws of Minnesota* amended *Minnesota Statutes* Section 256B.434. Effective July 1, 1997, the Commissioner is required to issue a request for proposals (RFPs) from nursing homes to provide services on a contract basis at least twice annually. The Commissioner may select the number of proposals that can be adequately supported with state resources and may contract with all facilities submitting a proposal provided that the proposal meets eligibility requirements outlined in the RFP. The nursing facility may be required to negotiate with the State any modifications to the proposal as required by the State to make the terms of the proposal more favorable to the State.

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

Requests for copies of the complete RFP, "Alternative Payment for Nursing Facility Services," should be directed to Maren Valley at 612/296-2666. The original and five (5) copies of the proposal in response to the RFP must be submitted to the Nursing Home Contract Project, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3836, no later than 4:00 p.m. on Wednesday, September 16, 1998.

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

Legislative Coordinating Commission

Contract Available for Respect in the Workplace Training for the Minnesota Legislature

The Minnesota Legislative Coordinating Commission (LCC) is soliciting proposals from qualified individuals and organizations interested in providing respect in the workplace training to employees of the Minnesota Legislature. This training must encompass, but not be limited to, the following areas: valuing differences; heightening cultural awareness and sensitivity; and resolving conflicts.

All proposals must satisfy the criteria as outlined in the Request For Proposals. The LCC estimates that the cost of this project shall not exceed \$30,000. It is anticipated that the contract period will begin in September 1998 and continue through February 15, 1999.

For a copy of the full text of the Request For Proposal, please contact:

Chad Thuet, Assistant Director
Mn Legislative Coordinating Commission
100 Constitution Avenue
St. Paul, Minnesota 55155
(612) 296-1121 (voice)

Professional, Technical & Consulting Contracts

Proposals must be received by August 28, 1998, at 4:00 p.m. No late applications will be accepted. This request does not obligate the Minnesota Legislative Coordinating Commission to complete the work contemplated in this notice, and the LCC reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the respondent.

State Lottery

Proposals Sought for Caribbean Cruise Travel Packages

The Minnesota State Lottery will issue a Request for Proposal (RFP) to qualified cruise lines for the purpose of entering into a joint marketing promotion for the fulfillment of Caribbean cruise travel packages related to a lottery instant game. Anyone interested in receiving a copy of the RFP should write or call:

Tom Barrett, Admin. Services Manager
2645 Long Lake Road
Roseville, MN 55113
Phone: (651) 635-8108
Fax: (651) 635-8188

Public Employees Retirement Association

Request for Proposals for Administration of PERA Board of Trustees Election

Public Employees Retirement Association of Minnesota (PERA) is soliciting proposals from an independent organization to act as election administrator for the PERA Board of Trustees election for January 1999. The primary duties will include the actual designing, printing, collating, and mailing of the ballots and election material. The election administrator will also receive and securely store the ballots until the election closes; validate the ballots; tabulate the results; and report the results to the Board of Trustees within the requirements established for conduct of this election by the Secretary of State's office.

Prospective responders should request a copy of the complete Request for Proposals by calling or writing to:

Sally Kupferschmidt, Executive Secretary
PERA
Suite 200 - Skyway Level
514 St. Peter Street
St. Paul, MN 55102
Telephone: (651) 296-7489
Fax: (651) 297-2547
E-mail: sally.kupferschmidt@state.mn.us

All proposals must be received by the Public Employees Retirement Association no later than 4:00 p.m. on Monday, August 31, 1998.

Department of Transportation

Engineering Services Division

Request for Proposal for District Detail Design Services

The Minnesota Department of Transportation (Mn/DOT) is soliciting general qualifications and interest proposals for Detail Design Services. These services will be used on an as-needed basis by Mn/DOT's District Detail Design Units and will be used to assist in delivering quick turn around detailed designs.

This program will be a Transportation Contract Program (T-Contract) involving multiple Contractors with Master Detail Design Agreements. It is estimated that the total program will be \$27,000,000.00 over three years. It is anticipated that each Out State District will have a minimum of three Contractors under this T-Contract program and the Metro District will have a minimum of four Contractors. This T-Contract program is developed for the purpose of providing professional and technical short term rapid response Detail Design Services.

Non-State Public Bids, Contracts & Grants

To receive a copy of the complete Request for Proposal, Contractors will be required to submit a written request either by direct mail or fax to the address indicated below through August 4, 1998. After August 4, 1998, Contractors will have to pickup in person from our offices a copy of the complete Request for Proposal.

Complete Request for Proposals can be obtained from:

Joseph D. Pignato, P.E.
Agreements Administrator
Minnesota Department of Transportation
395 John Ireland Boulevard, Mail Stop 680
St. Paul, MN 55155-1899
Phone: (612) 297-1172, Fax: (612) 282-5127

The responses to the Request for Proposals must be received by 2:00 PM August 14, 1998.

Late Submittals will not be considered. No time extensions will be granted.

Firms will be selected and placed on the T-Contract program list from this solicitation.

The successful responders will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting as prime contractors will receive the equivalent of a 6% preference in the evaluation, and certified Economically Disadvantaged Businesses submitting as prime contractors will receive the equivalent of 4% preference in evaluation.

This request does not obligate the Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation at any time. All expenses incurred by submitting contractors responding to this notice will be borne by the responder.

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.

Mower County Human Services

Request for Proposals for Administrative Services

NOTICE IS HEREBY GIVEN that the Counties of Brown, Dodge, Freeborn, Goodhue, Mower, Sibley, Steele, Wabasha, and Waseca are soliciting proposals from administrative service organizations to provide administrative services necessary to support a program designed to provide prepaid care services to the eligible Medical Assistance (MA) and General Assistance Medical Care (GAMC) populations. This program is being developed under the authority of *Minnesota Statutes*, Sections 256B.69 and *Laws of Minnesota, 1997*, Chapter 203, Article 4, sections 49 and 56. Services needed include, but are not limited to: information systems capable of maintaining and reporting on data that includes client utilization information, claims process and purchasing data, provider data, and data necessary to evaluate quality of care; claims processing; provider contracting, credentialing and the development and implementation of medical policies and procedures; support of enrollment and enrollee education process; care management that might include prior authorization, referral management, utilization review; and compliance with all state and federal reporting requirements related to this program.

The project is expected to serve between 12,000 and 16,000 enrollees per year.

Proposals are due September 1, 1998. The project hopes to select the vendor by October 1, 1998 and complete the contracting process during that month. Development would begin as soon as possible after that date so that all systems are in place when enrollment and care delivery begin. Care delivery is to begin October 1, 1999 with enrollment beginning July 1, 1999.

Interested organizations are asked to submit a bid on a per member per month rate for the projected cost of delivering the administrative services that are being sought.

Non-State Public Bids, Contracts & Grants

For a copy of the full Request for Proposal which will be sent free of charge to interested vendors, call or write to:

Linda Stein
1752 James Rd.
Mendota Heights, MN 55118
(651) 452-4113

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

Metropolitan Council

Notice of Request for Proposals (RFP) for Developing a Fair-Share Financial Model for MetroGIS

The Metropolitan Council is requesting proposals for technical and professional services to develop a fair-share financial model for MetroGIS. The object of MetroGIS is to create a stakeholder-governed mechanism that supports sustainable, widespread sharing of geographically-referenced data among public sector organizations that serve the seven-county, Minneapolis-St. Paul Metropolitan Area. General information about MetroGIS can be obtained at www.metrogis.org.

The objectives of this project are to identify the basic costs of achieving the data collaboration goals of MetroGIS, to develop alternative financing models for MetroGIS, and to document their long-term feasibility. Project results will be used to help shape future policy for MetroGIS and as a model for other collaborative GIS efforts comprising the National Spatial Data Infrastructure (NSDI). The project, in particular, will investigate whether the added costs associated with collaboration offer enough value to collaborating organizations that they will provide long-term financial support of the MetroGIS effort.

A NSDA Framework Demonstration Grant from the US Geological Survey (USGS) supports this project. The consultant-assisted portion of the project is proposed to commence October 1, 1998.

Proposals should be submitted to the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota, 55101. Attention: Contracts And Documents Unit. **Eight hard copies and one unbound original should be submitted. All proposals must be received no later than 1:00 PM, August 20, 1998.**

Copies of the RFP are available by contacting Jan Bevins at 651-602-1132; 651-602-0904 (TTY); 651-602-1138 (FAX); or e-mail jan.bevins@metc.state.mn.us. Inquiries should be directed to Joe Edwards at 651-602-1300; 651-602-1138 (FAX).

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600, will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the Project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Metropolitan Council

Environmental Services

Public Notice for Proposals for MWWTP Workspace Improvements Project Design-Build Services MCES Project Number 950500

NOTICE IS HEREBY GIVEN that the Environmental Services Division of the Metropolitan Council (Minneapolis-St. Paul, MN Metropolitan Area) is soliciting proposals from design-build services teams for the Metropolitan Wastewater Treatment Plant (MWWTP) Workspace Improvements Project. It is anticipated this project will be undertaken as a Design-Build project, with a single, negotiated, lump sum contract being awarded. The successful Proposer will perform and provide, as the single source of responsibility, all design and construction discipline, management, and administration services for an approximately 30,000 gross square foot Laboratory and Water Quality Workspace at MWWTP.

Non-State Public Bids, Contracts & Grants

The tentative schedule for this procurement process is:

ACTIVITY	DATES
Receive Letters of Interest from Design-Build Teams	through August 7, 1998
Issue Request for Proposal (RFP)	August 6, 1998
Pre-Submittal Conference/General Information Meeting	August 18, 1998
Proposals Due	September 8, 1998
Proposal Presentations	September 24, 1998
Best and Final Offers Due	October 20, 1998
Environment Committee Acts on Contract Award	November 24, 1998
Council Acts on Contract Award	December 10, 1998
Issue Notice To Proceed	January 4, 1999

All Design-Build Teams interested in submitting a proposal for this project are invited to send a Letter of Interest requesting a copy of the RFP package. Letters of Interest should be mailed to: Contracts and Documents Unit, Attn: Administrative Assistant, Metropolitan Council, 230 East Fifth Street, St. Paul, MN 55101; or FAXed to (651) 602-1138; or may be requested by e-mail at: jan.bevins@metc.state.mn.us

All other inquiries are to be addressed to Joseph Edwards at (651) 602-1300 or may be e-mailed to: joe.edwards@metc.state.mn.us

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600, will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the Project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

The Council reserves the right to cancel this request for proposals at any time.

Metropolitan Council

Request for Proposal for Consultant Services for the Provision of Energy Management Services and Energy Supply Pricing

Request for Proposals will be accepted at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota, 55101, until 4:00 P.M., on Friday, August 21, 1998, for consultant(s) with expertise in energy management services including natural gas, electric and energy supply pricing.

Information packets are available and can be obtained by calling 651-602-1032 or via fax request at 651-602-1083.

A contract will be awarded to the consultant(s) that meets the specifications and is in compliance with all terms and conditions contained in the information packet.

The Metropolitan Council reserves the right to reject any and all proposals, or any part of any proposal, to waive minor defects or technicalities or to advertise for new offers as in their best interest.

Metropolitan Council

Invitation for Bid on Sludge Grinders

Sealed bids will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota, 55101, on August 10, 1998, at 4:00 P.M., at which time and place they will be publicly read, for the acquisition of Sludge Grinders with Motors and Control Panels.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 651-602-1499 or via Fax request at 651-602-1083. All bids to be considered must be submitted on Council approved bid forms.

The award will be based upon, but not necessarily limited to, factors of price, lead time, agreement to the Metropolitan Council's terms and conditions and past experience with the Metropolitan Council.

The Metropolitan Council reserves the right to accept or reject any and all bids, or any part of any bid, and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

Non-State Public Bids, Contracts & Grants

Metropolitan Council

Invitation for Bid on Security Camera Equipment

Sealed bids will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota, 55101, on August 10, 1998, at 2: P.M., at which time and place they will be publicly read, for the acquisition of Security Camera Equipment.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 651-602-1499 or via Fax request at 651-602-1083. All bids to be considered must be submitted on Council approved bid forms.

The award will be based upon, but not necessarily limited to, factors of price, lead time, agreement to the Metropolitan Council's terms and conditions and past experience with the Metropolitan Council.

The Metropolitan Council reserves the right to accept or reject any and all bids, or any part of any bid, and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

Metropolitan Council

Invitation for Bid on NEC Laptop Computers and Accessories

Sealed bids will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota, 55101, on August 10, 1998, at 3:00 P.M., at which time and place they will be publicly read, for the acquisition of NEC Laptop Computers and Accessories.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 651-602-1499 or via Fax request at 651-602-1083. All bids to be considered must be submitted on Council approved bid forms.

The award will be based upon, but not necessarily limited to, factors of price, lead time, agreement to the Metropolitan Council's terms and conditions and past experience with the Metropolitan Council.

The Metropolitan Council reserves the right to accept or reject any and all bids, or any part of any bid, and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.