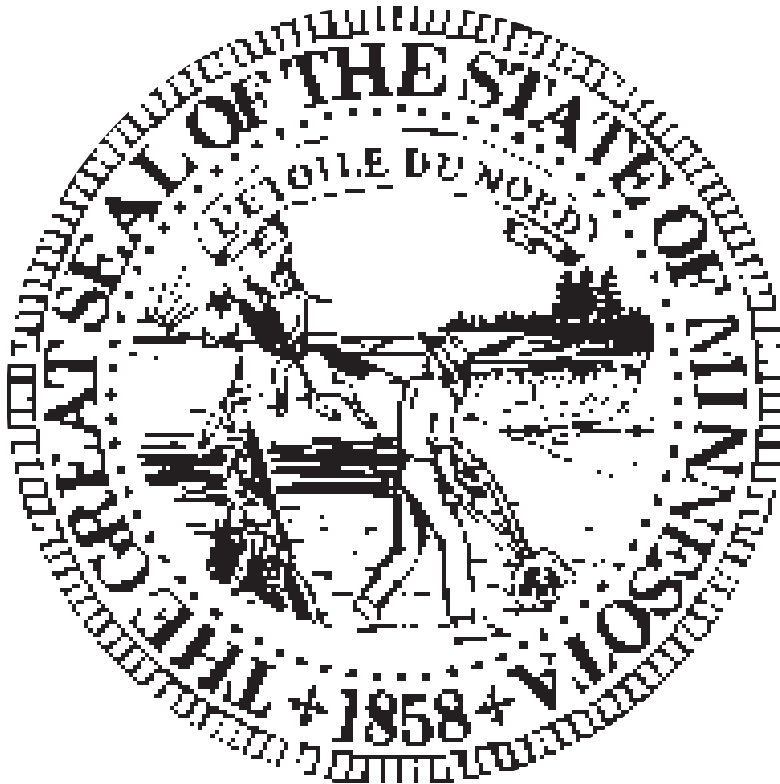


State of Minnesota

State Register

Rules and Official Notices Edition



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

Monday 27 September 1999

Volume 24, Number 13

Pages 419-472

State Register

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

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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Printing Schedule and Submission Deadlines

Vol. 24 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
#13	Monday 27 September	Noon Wednesday 15 September	Noon Tuesday 21 September
#14	Monday 4 October	Noon Wednesday 22 September	Noon Tuesday 28 September
#15	Monday 11 October	Noon Wednesday 29 September	Noon Tuesday 5 October
#16	Monday 18 October	Noon Wednesday 6 October	Noon Tuesday 12 October

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Publication Number: 326630. (ISSN 0146-7751)

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FOR LEGISLATIVE NEWS

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

Contact: Senate Public Information Office (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

Minnesota Rules: Amendments & Additions		Office of Secretary of State	
Volume 24, Issues #1-13.....	422	Comments sought on planned amendment to rules for:	
Proposed Rules		• training of county auditors, local election officials, and	
Education Board		election judges	461
Scores for state basic skills tests	424	• voter registration; petitions; absentee and mail voting;	
Adopted Rules		voting systems; recounts; ballots; redistricting; and	
Pollution Control Agency		precinct boundary changes	462
Individual sewage treatment systems.....	426	State Grants & Loans	
Public Safety Department		Health Department	
One call excavation notice system.....	448	Proposals sought for lead-safe housing grants.....	464
Official Notices		Human Services Department	
Minnesota Comprehensive Health Association		Proposals sought for services to elderly refugees from the	
Meeting of the Enrollee Appeal Committee Tuesday		former Soviet Union and East Africa	465
5 October 1999	448	Natural Resources Department	
Health Technology Advisory Committee		Proposals sought for Metro Greenways planning grants	465
Availability of preliminary “New Vaccinations: Rotavirus,		Professional, Technical & Consulting Contracts	
Hepatitis A, Pneumococcal Disease, and Lyme Disease”		Administration Department	
Evaluation Report; and solicitation of written comments ...	448	InterTechnologies Group seeks proposals for	
Health Department		telecommunications systems planning, design and	
Comments sought on planned repeal of rules for local		development consulting contract	466
organizations that seek department funds to distribute		STAR Program offers contract for legal protection and	
nutritional supplements to mothers and children; rules on		advocacy services for people with disabilities in acquiring	
staff qualifications of and the nutrition education provided		assistive technology	466
by local agencies in the special supplemental nutrition		Colleges and Universities, Minnesota State (MnSCU)	
program for women, infants and children (WIC Program);		Riverland Community College, Austin Campus, seeks	
and rules establishing minimum standards and procedures for		proposals for architectural services for building code	
department approval of child health screening programs....	449	compliance and site improvements.....	467
Higher Education Services Office		Minnesota Historical Society	
Comments sought on planned amendment to rules on private		Bids sought for annual report printing	467
career schools	451	Non-State Public Bids, Contracts & Grants	
Human Services Department		City of Moorhead	
Additions to the current list of all health services added,		Proposals sought for planning and engineering services	468
changed, or deleted from authorization as a condition of		Dakota County Community Corrections Department	
Minnesota Health Care Programs (MHCP) payment	457	Proposals sought to provide crew supervisors and equipment	
Intermediate care facilities for persons with mental		for operation of the sentencing-to-service work crew	
retardation payment rates participating in the Medical		program.....	468
Assistance Program	458	Metropolitan Council	
Request for comments on county-based purchasing		Proposals sought for engineering services for the East Area	
federal waiver amendment request	458	Master Planning and Facility Planning Rosemount and	
Labor and Industry Department		Empire Wastewater Treatment Plants service areas.....	469
Comments sought on planned amendments to rules for		Qualifications sought for design-build services on the	
boilers and boiler engineers, certain boats for hire, and		Metropolitan Wastewater Treatment Plant fluidized bed	
high pressure piping permits and licenses	459	incineration and air pollution control system	469
Additions to commercial prevailing wage rates for		University of Minnesota	
flagperson in Itasca County, millwright in Polk County,		Bid Information Service (BIS) available for all potential	
and tile setters in Hubbard County	460	vendors.....	470
Nursing Board		Certificates of Assumed Name	
Comments sought on proposed amendments to rules on:		Just the Facts Fantasy Football: file # 0225980 (Second Run) ..	470
requirements for licensure by examination, requirements for		Statement of Ownership, Management,	
licensure without examination, registration renewal		and Circulation	471
requirements, registration renewal procedures,		Commodity, Service, and Construction contracts are published in	
substantiation of participation in continuing education,		a bulletin, the <i>State Register Contracts Supplement</i> , published	
reregistration requirements, reregistration procedures,		Tuesday, Wednesday and Friday. Award results are available	
change of name and address on records, registration fees,		from the Materials Management Helpline (651) 296-2600.	
dishonored checks, AND proposed new rules on fetal		Individual copies and subscriptions are available through	
alcohol education and repeal of rules on professional		Minnesota’s Bookstore, (651) 297-3000, or 1-800-657-3757.	
nursing organizations with authority to certify.....	460		

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.

Volume 24, Issues # 1-13

Accountancy Board

1100.0100; .0200; .0500; .0600; .0700; .0800; .1000; .1100; .1300; .1400; .1700; .1750; .1900; .2110; .2115; .2150; .2200 .3250; .3400; .3550; .3600; .4000; .4200; .4300; .4650; .4900; .6500; .6700; .7200; .9150; .9300; .9800 (adopted).....	237
1100.1900 s. 1 (repealed).....	237

Agriculture Department

1505.0730; .0732; .0740 (adopted).....	299
--	-----

Arts Board

1900.0310; .0410; .1010; .1620; .1710; .1810; .1910; .2010; .2110; .4010 (proposed).....	167
--	-----

Barber Examiners Board

2100.9300 (proposed).....	203
---------------------------	-----

Chiropractic Examiners Board

2500.3000 (proposed).....	205
2500.5050 (proposed).....	206

State Board of Education

3501.0180 (proposed).....	424
---------------------------	-----

Children, Families and Learning Department

3535.0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180 (adopted).....	77
3535.0200; .0300; .0400; .0500; .0600; .0700; .0900; .1100; .1200; .1300; .1500; .1700; .2000 (repealed).....	77

Lola and Rudy Perpich Minnesota Center for Airts Education

3600.0010; .0020; .0030; .0045; .0055; .0065; .0075; .0085 (adopted).....	388
3600.0010 s.4; .0030 s.3,5; .0040 s.1,2; .0050; .0060; .0070 (repealed).....	388

Health Department

4668.0003; .0012; .0050; .0805; .0810; .0815; .0825; .0835; .0840; .0855; .0860; .0865 (adopted).....	141
4720.0012; .0350; .0450; .2300; .3920; .3950 (adopted).....	301

Higher Education Services Office

4830.0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190; .0200; 4850.0012; .0014 (adopted).....	389
4830.0300 (proposed).....	105
4880.1500; .1700; .1800; .1900; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800 (comments sought).....	451

Human Rights Department

5000.3200; .3300; .3400; .3410; .3415; .3420; .3450; .3460; .3480; .3500; .3520; .3530; .3535; .3540; .3550; .3552; .3555; .3557; .3560; .3570; .3580; .3600 (adopted).....	273
5000.3400 s.23 (repealed).....	273

Labor and Industry Department

5205.0010 (adopted exempt).....	274
5219.0500; 5221.4020 (adopted exempt).....	302

Natural Resources Department

6100.0100; .0200; .0300; .0500; .0525; .0550; .0600; .0650; .0700; .0800; .0900; .1000; .1100; .1200; .1250; .1350; .1355; .1400; .1500; .1600; .1650; .1700; .1710; .1900; .1950; .2350; .2400 (adopted)...	208
6100.0400; .0500 s. 3a, 5c, 5d, 7c; .0800 s. 3, 4; .1300; .1610; .1800; .1905; .1910; .1920; .1930; .2000; .2100; .2300 (repealed).....	208
6213.0100; .0200; .0300; .0310; .0320; .0400; .0410; .0420; .0500; .0510; .0600; .0700; .0800 (adopted).....	238
6216.0350 (adopted expedited emergency).....	240
6230.0200; .0400; .0600; 6232.0900; 6234.0800; 6236.0900; 6240.0300; .0700; .1200; .1500; .1600; .1700; .1750; .1850 (adopted expedited emergency).....	275
6232.0300; .0500; .0600; .0700; .0800; .1200; .1250; .1600; .1750; .1800; .1900; .1950; .2100; .2450; .2500; .4700; 6240.0610 (adopted expedited emergency).....	354
6236.0700 (adopted expedited emergency).....	181
6240.0200; .0600; .0950; .1000; .1100; .1150; .1900 (adopted expedited emergency).....	367
6264.0050 (adopted exempt).....	303

Minnesota Rules: Amendments and Additions

Pollution Control Agency		Public Utilities Commission	
7039.0010 .0050; .0070; .0080; .0090; .0110 (adopted).....	179	7825.2100 (proposed repealer).....	177
7050.0185 ; 0200; .0210; .0211; .0213; .0214; .0218; .0220; .0221; .0222; .0224; .0227; .0420; .0470 (proposed).....	5	State Lottery	
7050.0020 s. 3, 4, 5, 6 (proposed repealer)	5	7857.4010 (adopted)	180
7077.0720 ; 7080.0020 , s.17a, 27, 28f, 37, 46, 47, 49a, 53; .0030, s.2; .0060, s.4; .0125, s.3, 4; .0190; .0300; .0305, s.7, 8; .0350; .0820, s.3; .0855, s.2; .0910 (repealed).....	426	Minnesota State Retirement System	
7080.0020 ; .0400; .0450 (adopted).....	426	7905.0100 ; .0200; .0800; .0900; .1100; .1700; .1900; .2100; .2200; .2300; .2400 (adopted exempt).....	79
Public Safety Department		7905.0100 s. 11, 18; .3000 (repealed exempt)	79
7403.1300 (adopted).....	144	Revenue Department	
7560.0100 ; .0125; .0225; .0400; .0500; .0600; .0800 (adopted)	448	8122.0510 ; .0550; .0600 (proposed).....	123
7560.0200 (repealed)	448		

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*.

State Board of Education

Proposed Permanent Rules Relating to Passing Scores for State Basic Skills Tests

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 Amendment to Rules Relating to Passing Scores for State Basic Skills Tests, *Minnesota Rules*, 3501.0180

Introduction. The State Board of Education 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. 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 October 27, 1999, a public hearing will be held in Room 205, Capitol View Conference Center, 70 West County Road B-2, Little Canada, Minnesota 55117, starting at 9 a.m. on Monday, November 8, 1999. 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 October 27, 1999 and before November 8, 1999.

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: Laura Nehl-Trueman at the Department of Children, Families & Learning, 1500 Highway 36 West, Roseville, Minnesota 55113-4266, 651-582-8628, and FAX: 651-582-8725. TTY users may call the department at 651-582-8201.

Subject of Rules and Statutory Authority. In July 1997, the State Board of Education published amended Rules Relating to Passing Scores for State Tests of Basic Requirements. This amendment was made using the exempt rule process as directed by *Minnesota Laws* 1997, Ch. 138, Sec. 2(a), to keep the passing score for the tests of mathematics and reading at the 75 percent level. These exempt rules are temporary; therefore, the Board plans to permanently amend the rules to keep the passing score at the 75 percent using the full Chapter 14 rulemaking procedures.

The statutory authority to adopt the rules is *Minnesota Laws* 1997, Ch. 138, Sec. 2(b). 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 Wednesday, October 27, 1999, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules 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 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 October 27, 1999. 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/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, 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 agency or presented at the hearing 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.

Cancellation of Hearing. The hearing scheduled for November 8, 1999, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 651-582-8628 after October 27, 1999 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Allan W. Klein is assigned to conduct the hearing. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/341-7609, and 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 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. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency 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 agency contact person at the address stated above.

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. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State 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 651-296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. 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

<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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Adopted Rules

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.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law 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, and can make this request at the hearing or in writing to the agency contact person stated above.

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

Dated: 14 September 1999

Marsha Gronseth, Executive Director
Minnesota State Board of Education

3501.0180 PASSING SCORES FOR STATE TESTS OF BASIC REQUIREMENTS.

Subpart 1. **Setting scores.** The scores in this part are established for each grade 9 class beginning with the class entering in 1996. Once set, the basic requirements passing scores shall not change for a particular group of entering grade 9 students.

Subp. 2. **Mathematics.** The passing score for the state test of mathematics is 70 percent for students entering grade 9 in 1996; and is 75 percent for students entering grade 9 in 1997; ~~and is 80 percent for students entering grade 9 in 1998~~ and thereafter.

Subp. 3. **Reading.** The passing score for the state test of reading is 70 percent for students entering grade 9 in 1996; and is 75 percent for students entering grade 9 in 1997; ~~and is 80 percent for students entering grade 9 in 1998~~ and thereafter.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

Exempt Rules

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

Emergency Expedited Rules

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

Pollution Control Agency

Adopted Permanent Rules Relating to Individual Sewage Treatment Systems

The rules proposed and published at *State Register*, Volume 23, Number 35, pages 1756-1759, March 1, 1999 (23 SR 1756) and Volume 23, Number 40, page 1927, April 5, 1999 (23 SR 1927), are adopted with the following modifications:

7080.0020 DEFINITIONS.

Subp. 1b. **Additive, individual sewage treatment system.** "Additive, individual sewage treatment system" means a product added to the wastewater or to the system with the intent to improve the performance of an individual sewage treatment system.

Subp. 3a. **Alarm device.** "Alarm device" means a device which clearly alerts the system operator of malfunction by use of visual or audible methods; it is intended to prevent sewage overflows.

Subp. ~~3a.~~ 3b. **Alternative local standards.** "Alternative local standards" means individual sewage treatment system standards that are less restrictive than the technical standards and criteria in this chapter and adequately protect public health and the environment.

Subp. 4. **Alternative system.** “Alternative system” means an individual sewage treatment system employing methods and devices presented in part 7080.0172 or as designated by the commissioner in part 7080.0400, subpart 2.

~~Subp. 4. [See repealer.]~~

Subp. 4a. **Applicable requirements.** “Applicable requirements” means local individual sewage treatment system ordinances that comply with this chapter or, in areas without ordinances to regulate individual sewage treatment systems, the requirements of this chapter.

Subp. 6. **Bedrock.** “Bedrock” means the layer of parent material that is composed of consolidated and or cemented rock particles or composed of interlocking mineral crystals and is either in a weathered or unweathered condition. Bedrock also includes layers of which greater than 50 percent by volume consists of unweathered in-place consolidated bedrock fragments.

Subp. 10a. **Certificate of compliance.** “Certificate of compliance” means a document written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.

Subp. 12b. **Disclosure.** “Disclosure” means any conclusions or statements regarding an ~~existing~~ ISTS or abandoned ISTS made by the owner of a property with or served by an ISTS to fulfill the requirements of *Minnesota Statutes*, section 115.55, subdivision 6. ISTS information provided by someone other than the property owner must meet the requirements in part 7080.0315, subpart 2, item ~~E~~ E.

~~Subp. 16b. **Existing system.** “Existing system” means a system that was constructed before any local permitting program existed or a system that was issued a permit and an initial approval or certificate of compliance by the permitting authority.~~

Subp. ~~16e.~~ 16b. **Failing system.** “Failing system” means a seepage pit, cesspool, drywell, leaching pit, other pit, a tank that obviously leaks below the designated operating depth, a soil system that is loaded greater than 1.2 gallons per square foot per day, a soil system with a pressure head no greater than 30 inches, or any system with less than the required vertical separation as described in part 7080.0060, subpart 3.

Subp. ~~16d.~~ 16c. **Fine sand.** “Fine sand” means a sand soil having more than 50 percent sand having a particle size range of 0.05 millimeters (sieve size 270) to 0.25 millimeters (sieve size 60).

Subp. ~~16e.~~ 16d. **Floodplain.** “Floodplain” means the area covered by a 100-year flood event along lakes, rivers, and streams as published in technical studies by local, state, and federal agencies, or in the absence of these studies, estimates of the 100-year flood boundaries and elevations as developed pursuant to a local unit of government’s floodplain or related land use regulations.

Subp. ~~16f.~~ 16e. **Flood fringe.** “Flood fringe” means that portion of the floodplain outside the floodway. Flood fringe is synonymous with the term “floodway fringe” used in flood insurance studies.

Subp. ~~16g.~~ 16f. **Floodway.** “Floodway” means the bed of a wetland or lake, the channel of a watercourse, and those portions of the adjoining floodplain that are reasonably required to carry or store the regional flood discharge.

Subp. ~~16h.~~ 16g. **Flow measurement.** “Flow measurement” means any method to accurately measure water or sewage flow, including water meters, event counters, running time clocks, electronically controlled dosing, or any combination thereof.

Subp. ~~16i.~~ 16h. **Food, beverage, and lodging facility.** “Food, beverage, and lodging facility” means an establishment engaged in the business of conducting a food and beverage service, hotel, motel, inn, resort camp, lodge, hostel, or other similar establishment, and required to obtain a license under *Minnesota Statutes*, section 157.16, subdivision 1.

Subp. 17a. ~~[See repealer.]~~

Subp. 21a. **Inner wellhead management zone.** “Inner wellhead management zone” means the drinking water supply management area for a public water supply well that does not have a delineated wellhead protection area approved by the Minnesota Department of Health under part 4720.5330.

~~[For text of subps 21a and 21b, see M.R.]~~

[ReNUMBER subps 21a and 21b as subps 21b and 21c]

Subp. ~~21e.~~ 21d. **Licensee.** “Licensee” means a person to whom a license is issued under part 7080.0705.

Subp. 22d. **Local unit of government.** “Local unit of government” means a township, statutory or home rule charter city, or county with jurisdiction over individual sewage treatment systems through a local ordinance.

Subp. 22f. **Medium sands.** “Medium sands” means soil particles which range in size between 0.25 millimeters and 0.5 millimeters.

<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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Adopted Rules

Subp. 22g. **Mitigation plan.** “Mitigation plan” means a planned course of action to be used in the event that a system fails to meet performance expectations established in part 7080.0310, subpart 7.

Subp. 22h. **Monitoring plan.** “Monitoring plan” means a plan which requires the periodic examination or testing of system performance established in part 7080.0310, subpart 7.

Subp. 22f, 22i. **More restrictive standards.** “More restrictive standards” means the modification of technical standards and criteria in a local ordinance to provide an additional measure of public health or environmental protection, additional margins of safety, or greater system longevity.

Subp. 23. [See repealer.]

Subp. 23. **Mottling.** “Mottling,” as applied to soils, means a zone of chemical and reduction activity, appearing as splotchy patches of red, brown, or gray in the soil. In subsoils with a color value of four or more, the term mottling also includes soil having matrix colors with a chroma of two or less as described in “Keys to Soil Taxonomy” 5th Edition, 1992 Soil Management Support Services, technical monograph No. 49, which is incorporated by reference. This document is provided by the Agency for International Development, United States Department of Agriculture Soil Conservation Service, Soil Management Support Services. The document was printed by Pocahontas Press, Inc., P.O. Drawer F, Blacksburg, Virginia 24063-1020. It can be found at the Minnesota State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155, and is not subject to frequent change. means the same as redoximorphic features in subpart 28e.

Subp. 24. **Mound system.** “Mound system” means a soil treatment system constructed on with a rock bed elevated above the original soil with clean sand to overcome soil limitations.

Subp. 24b. **New construction.** “New construction” means installing or constructing an entirely new individual sewage treatment system or collector system; or altering, extending, or adding capacity to a system under a currently active permit and before issuance of the that has been issued an initial certificate of compliance.

Subp. 24c. **New technology.** “New technology” means a product or design, combination of components, component of a product, or modification to existing components treatment and disposal process that has been approved by the agency in accordance with this chapter and is to be considered as a standard system before actually being included by amendment into this chapter designated as such by the commissioner in part 7080.0400.

Subp. 25a. **Other pit.** “Other pit” means any pit or other device which is greater than 30 inches in height and used for sewage treatment or disposal.

Subp. 25a, 25b. **Other systems.** “Other systems” means systems described in part 7080.0178 that do not meet technical standards and criteria and rely on soil treatment and disposal.

Subp. 25b, 25c. **Owner.** “Owner” means any person having possession of, control over, or title to property with an individual sewage treatment system.

Subp. 27. [See repealer.]

Subp. 28f, 28g. **Replacement.** “Replacement” means the removal or discontinued use and installation of a sewage tank, holding tank, dosing chamber, privy, collector system, or soil treatment system.

Subp. 28f. [See repealer.]

Subp. 31a. **Septic tank.** “Septic tank” means any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquid, digest organic matter, store liquids through a period of detention, and allow the clarified liquids effluent to discharge to a soil treatment system.

Subp. 31b. **Serial distribution.** “Serial distribution” means distribution of sewage by gravity flow that progressively loads one section of a soil treatment system to a predetermined level before overflowing to the succeeding section. This progressive loading does not place a dynamic head on lower section of the soil treatment system, nor does the distribution medium function as a conveyance medium to the next section.

Subp. 33. **Sewage.** “Sewage” means waste produced by toilets, bathing, laundry, or culinary operations, and or the floor drains associated with these sources. Household cleaners in sewage are restricted to amounts normally used for domestic purposes.

Subp. 38. **Shoreland.** “Shoreland” means land adjacent to public waters that has been designated and delineated as shoreland by local ordinance as approved by the Department of Natural Resources.

Subp. 41a. **Soil dispersal system.** “Soil dispersal system” means a system whose main function is to dispose of effluent while providing some unsaturated treatment to protect the public health and the environment.

[For text of subp 44, see M.R.]

Subp. 44. **Soil treatment system.** “Soil treatment system” means a system where sewage ~~tank~~ effluent is treated and disposed of into the soil by percolation and filtration, and includes trenches, seepage beds, drainfields, at-grade systems, and mound systems.

Subp. 45. **Standard system.** “Standard system” means an individual sewage treatment system specified in parts ~~7080.0020, 7080.0060 to 7080.0176, 7080.0065 to 7080.0170, and 7080.0600~~ and as designated by the commissioner under part 7080.0400, subpart 4.

Subp. 45b. **Subsoil.** “Subsoil” means a soil layer that has a moist color value of 3.5 or greater.

7080.0025 ADVISORY COMMITTEE.

Subp. 4. **Nonvoting members.** The following agencies and associations shall each have at least one nonvoting member to assist the advisory committee and to be advised, in turn, on matters relating to ISTS: the agency, ~~Minnesota Department of Health,~~ United States Department of Agriculture Natural Resource Conservation Service-Soil Survey Program, Minnesota Association of Professional Soil Scientists, Metropolitan Council, Association of Minnesota Counties, Minnesota Association of Townships, League of Minnesota Cities, Minnesota Society of Engineers, Association of Small Cities, Minnesota Association of Campground Operators, Inc., Minnesota Association of Realtors, Minnesota County Recorders’ Association, Minnesota Environmental Health Association, ISTS supplier representative, Minnesota On-site Sewage Treatment Contractor’s Association, ~~and the American Society of Home Inspectors,~~ and the Minnesota Lakes Association.

7080.0030 ADMINISTRATION BY STATE AND FEDERAL AGENCIES.

Subpart 1. **Federal regulation.** All ~~new or existing~~ subsurface ~~or surface~~ discharging systems that are designed to receive a flow from a dwelling or group of dwellings with ten or more bedrooms, or to receive any substance not included in the definition of sewage in part 7080.0020, subpart 33, and any other establishment are regulated under Title 40 of the *Code of Federal Regulations*, parts 144 and 146, and minimum state requirements described in part 7080.0600.

Subp. 1a. **SDS and NPDES permits required.** The agency issues State Disposal System (SDS) and National Pollutant Discharge Elimination System (NPDES) permits. All ~~new or existing~~ systems that discharge to surface waters or above the ground surface must obtain either an NPDES/SDS or an SDS permit from the agency and shall comply with all permit requirements.

Subp. 3. **Variance procedures.** In certain cases, the owner or other person responsible for an ISTS which requires a variance by the agency may submit a request for a variance from the standards in this chapter as described in items A to D.

B. Variances to separation distances from wells and water supply pipes may only be issued by the Minnesota Department of Health. In areas where the Minnesota Department of Health has designated the well program to a local governmental unit, a variance is required from the local delegated program. Variances to separation distances from water supply pipes may only be issued by the Minnesota Department of Health or Plumbing Code administrative authority.

C. Before granting a requested variance, the commissioner or agency must find that by reason of exceptional circumstances the strict enforcement or strict conformity with parts 7080.0305 to 7080.0315 would be unreasonable, impractical, or not feasible under the circumstances; ~~or not reasonable due to proximity of systems.~~ The agency may permit a variance under part 7000.7000 upon conditions as it may prescribe for prevention, control, or abatement of pollution in harmony with the general purpose of this chapter and the intent of applicable state and federal laws. ~~Variances to separation distances from wells and water supply pipes can only be issued by the Minnesota Department of Health.~~ The variance request must contain, as applicable:

Subp. 4. **Administration by all state agencies.** Individual sewage treatment systems serving establishments licensed or otherwise regulated by Minnesota shall conform to the requirements of this chapter. Use of systems designed under part 7080.0172, 7080.0178, or 7080.0179 for new construction or replacement of systems that serve establishments licensed or otherwise regulated by the ~~state of Minnesota~~ is Department of Health are allowed only in areas where a standard system cannot be installed or is not the most suitable treatment and only where allowed and enforced under ordinance and permit of the local unit of government. Any individual sewage treatment systems requiring approval by the state shall also comply with applicable local codes and ordinances. Plans and specifications must receive the appropriate state and local approval before construction is initiated.

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Adopted Rules

7080.0060 COMPLIANCE CRITERIA.

Subp. 3. **Compliance criteria.** Individual sewage treatment systems shall be considered in compliance if the provisions in items A to E are satisfied.

A. General:

(2) the system is not a failing system; and

(3) the system meets the performance expectations of any applicable monitoring plan; ~~and~~ as required under parts 7080.0178 and 7080.0179.

~~(4) B. (1) all existing~~ (1) all existing systems built after ~~April 1, March 31,~~ April 1, March 31, 1996, shall have a three-foot vertical separation as measured outside the area of system influence in an area of similar soil; and

~~B. (2) all systems built before April 1, 1996, in non-SWF areas must have at least two feet of vertical separation as measured outside the area of system influence in an area of similar soil.~~

D. Performance systems designed under part 7080.0179 must also meet ~~the performance~~ all requirements of the operating permit specified in part 7080.0310, subpart 6.

E. Other systems designed under part 7080.0178 must also meet the requirements of the monitoring and mitigation plans specified in part 7080.0310, subpart 7.

7080.0065 ACCEPTABLE AND PROHIBITED DISCHARGES.

Subp. 3. **System influent.** Footing or roof drainage; ~~clear water;~~ and chemically treated hot tub and pool water shall not enter any part of a system. Products containing hazardous waste and hazardous substances must not be discharged to a system other than in normal amounts of household products and cleaners designed for household use. Substances not intended for use in household cleaning, including solvents, pesticides, flammables, photo finishing chemicals, and dry cleaning chemicals, must not be discharged to the system.

7080.0110 DESIGN PHASE I: SITE EVALUATION.

Subp. 2a. **Preliminary evaluation.** A preliminary evaluation shall include:

B. location of proposed or existing:

(1)(a) water supply wells within 100 feet of the proposed individual sewage treatment system;

(b) noncommunity transient public water supply wells within 200 feet of the proposed individual sewage treatment system if alternative local standards are in effect; or

(c) community or noncommunity nontransient water supply in a drinking water supply management area if alternative local standards are in effect;

(2) buildings or improvements on the lot; and

E. floodplain designation and flooding elevation from published data or data that is acceptable to and approved by the ~~permitting authority~~ local unit of government or the DNR;

H. soil classifications and applicable characteristics at the proposed soil treatment areas. The soil survey report, if available, shall be consulted. Justification shall be made of the soils characteristics identified on the site which substantially differ from the characteristics identified in the soil survey report;

I. legal description and lot dimensions; ~~and~~

J. names of property owners; and

K. inner wellhead management zone or wellhead protection area of a public water supply.

Subp. 4. **Field evaluation.** A field evaluation shall consist of the items described in items A to F.

C. Soil observations. The number of soil observations required is based on the professional judgment of the individual conducting the site evaluation or the permitting authority with a minimum of one observation per soil treatment area. Soil observations shall be performed in an exposed pit, or by hand augering, or by probing. Underground utilities must be located before soil observations are undertaken. Required safety precautions must be taken before entering soil pits. Flite augers ~~that are noncontinuous or that disturb~~ extracted soil samples must not allowed to be used for soil observation. Soil observations shall be conducted prior to any required percolation tests to determine whether the soils are suitable to warrant percolation tests and, if suitable, at what depths percolation tests shall be conducted. The depth of the soil boring shall be to the seasonally saturated layer, the bedrock, or three feet below the proposed depth of the system, whichever is less.

D. Soil description. Each soil observed at the proposed soil treatment area shall be evaluated under adequate light conditions with the soil in a moist state for the characteristics in subitems (1) to (8).

(1) The depth of each soil horizon measured from the ground surface. Soil horizons are differentiated by changes in soil texture, soil color, redoximorphic features, bedrock, consistence, and any other characteristic that may affect water percolation or treatment of effluent.

(3) A description of the soil texture and consistence using the United States Department of Agriculture (USDA) soil classification system as specified in the Soil Survey Manual, Agricultural Handbook No. 18 (October 1993), which is incorporated by reference. The manual is issued by the United States Department of Agriculture and is available through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. It can be found at the Minnesota State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155, and is not subject to frequent change.

(5) Depth to the seasonally saturated soil for new construction or replacement as determined by redoximorphic features:

(a) in subsoils redoximorphic features include:

i. distinct iron accumulations as described in part ~~7080.0029~~ 7080.0020, subpart 13a, or distinct iron depletions;

(6) Depth to the seasonally saturated soil for all existing systems is determined by redoximorphic features in subitem (5), except for unit (b), subunit i; and unit (c), subunits i and iv as measured outside the area of system influence in an area of similar soil.

(8) Any other soil characteristic that may need to be described to properly design a system such as hardpans or restrictive layers must be classified in accordance with chapter 3 of the Soil Survey Manual, Agricultural Handbook No. 18, which is incorporated by reference in subitem (3).

Subp. 5a. **Phase I: site evaluation reporting.** A written report on the site evaluation shall be prepared and include the following:

A. preliminary and field evaluation results from subpart 2a, items A to G and I to ~~J~~ K, and 4, items A to F;

C. a map drawn to scale or dimension, with a north arrow, and including:

(1) horizontal and vertical reference point of the proposed soil treatment area or areas, soil ~~observation~~ observations and percolation tests and distance from the proposed ISTS to all required setbacks, lot improvements, easements, ordinary high water mark of public waters, property lines, direction, and percent slope;

7080.0115 DESIGN PHASE II.

Subpart 1. **Design report.** A completed design report shall be considered the second phase for an individual sewage treatment system design. ~~Design requirements are stated in the technical standards and criteria.~~ Phase II design reports shall include drawings, design flows, system component sizings and calculations, hydraulic and organic loading rates, setbacks, construction considerations, and, as applicable, maintenance contracts, operational requirements, monitoring, and mitigation plans.

7080.0120 BUILDING SEWERS.

Subpart 1. **Plumbing and well codes.** The design, construction, and location of; ~~and the materials for use in;~~ building sewers shall comply with the Minnesota Plumbing Code, chapter 4715, and *Minnesota rules* relating to wells and borings, chapter 4725. Only polyvinyl chloride (PVC) plastic pipe meeting the specification methods and testing protocol described in parts 4715.0530 and 4715.2820 shall be used.

7080.0125 SEWAGE FLOW DETERMINATION FOR DWELLINGS.

Subp. 2. **Design flow.** Average design flow shall be used to size soil treatment systems. The estimated average design flow for any dwelling shall provide for at least two bedrooms. For multifamily dwellings, the average design flow shall consist of the sum of the average design flows for each individual unit.

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Adopted Rules

Table I
Average Design Flow (gallons per day)

Number of Bedrooms	Classification of Dwelling			
	I	II	III	IV
2 or less	300	225	180	*
3	450	300	218	*
4	600	375	256	*
5	750	450	294	*
6	900	525	332	*

* Flows for Classification IV dwellings shall be 60 percent of the values as determined for Classification I, II, or III systems.

Table I is based on the following formulas:

Classification I: Classification I dwellings are those with more than 800 square feet per bedroom, when the dwelling's total floor area is divided by the number of bedrooms, or more than two of the following water-use appliances are installed or anticipated: automatic washer, dishwasher, water conditioning unit, whirlpool bath, garbage disposal, or self-cleaning humidifier in furnace. The average design flow for classification I dwellings is determined by multiplying 150 by the number of bedrooms.

Classification II: Classification II dwellings are those with 500 to 800 square feet per bedroom, when the dwelling's total floor area is divided by the number of bedrooms, and no more than two of the water-use appliances are installed or anticipated as listed in Classification I. The average design flow for classification II dwellings is determined by adding one to the number of bedrooms and multiplying this result by 75.

Classification III: Classification III dwellings are those with less than 500 square feet per bedroom, when the dwelling's total floor area is divided by the number of bedrooms, and no more than two of the water-use appliances are installed or anticipated as listed in Classification I. The average design flow for classification III dwellings is determined by adding one to the number of bedrooms, multiplying this result by 38, then adding 66.

Classification IV: Classification IV dwellings are dwellings designed under part ~~7080.0172~~ 7080.0170, subpart 4 7.

7080.0130 SEWAGE TANKS.

Subp. 2. **Design of septic tanks.** All tanks, regardless of material or method of construction, shall meet the criteria in items A to P.

H. The outlet baffle and the baffles between compartments shall extend below the liquid surface a distance equal to 40 percent of the liquid depth except that the penetration of the indicated baffles or sanitary tees for horizontal cylindrical tanks shall be 35 percent of the total liquid depth. They shall also extend above the liquid surface as required in item D. In no case shall these baffles extend less than six inches above the liquid surface. ~~A gas deflecting baffle or effluent screen shall be installed at the outlet of the final septic tank.~~

L. The nearest point on the inlet baffles other than sanitary tees, shall be no less than six inches and no more than 12 inches from the end of the inlet pipe. The nearest point on the ~~outlet baffle~~ outlet baffle, other than sanitary tees, shall be no closer than six inches and no more than 12 inches from the beginning of the outlet pipe to the baffle. Sanitary tees used as inlet or outlet baffles shall be at least four inches in diameter.

O. Multiple tanks:

(3) For new construction, the first tank shall be equal to or larger than any subsequent tank in the series.

P. Outlet pipe from septic tank:

(1) ~~The outlet pipe from the septic tank must not be cast iron.~~

(2) ~~The outlet pipe extending from the septic tank must be of sound and durable construction and not subject to corrosion or decay.~~ design, construction, and location shall comply with the Minnesota Plumbing Code, chapter 4715. Only polyvinyl chloride (PVC) plastic pipe meeting the specification methods and testing protocol described in parts 4715.0530 and 4715.2820 shall be used.

(3) (2) The outlet pipe extending from the septic tank to the undisturbed soil beyond the tank must meet the strength requirements of American Society for Testing and Materials (ASTM), schedule 40 plastic pipe and must be supported so there is no deflection during the backfilling and subsequent settling of the soil between the edge of the septic tank and the edge of the excavation.

(4) (3) The soil around the pipe extending from the septic tank must be compacted to at least original density for a distance of three feet beyond the edge of the tank excavation.

Subp. 3. **Liquid capacity of septic tanks.** Any liquid depth that is greater than 78 inches shall not be used when calculating the septic tank liquid capacity. Liquid capacity of septic tanks is described in items A to D.

B. Garbage disposals. If a garbage disposal unit is anticipated or installed in a dwelling, the septic tank capacity must be at least 50 percent greater than that required in item A and must include either multiple compartments; or multiple tanks; ~~or an effluent screen at the outlet end of the last septic tank~~ must be provided.

C. Pumping of sewage. If sewage is pumped from the dwelling to a septic tank, either subitem (1); or (2); ~~or (3)~~; must be used.

~~(3) A dosing volume of up to five percent of the liquid capacity required under item A of the first tank or compartment of multiple tanks or compartment installations is allowed if an effluent screen is installed at the outlet end of the last septic tank.~~

Subp. 6. **Aerobic tanks.** Aerobic tank treatment systems shall comply with subparts 1 and 4, and with items A to E.

B. Aerobic tanks shall comply with the ~~most recent~~ 1999 version of the National Sanitation Foundation International Standard (NSF International), No. 40, which is incorporated by reference. The publication is available through the National Sanitation Foundation International, P.O. Box 130140, Ann Arbor, Michigan 48113. The publication can be found at the Minnesota State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155 and is not subject to frequent change. Effluent quality shall meet or exceed NSF International No. 40 class II standards.

C. No additional reduction in trench or bed bottom area or absorption area shall be allowed with the use of an aerobic tank except for systems meeting the requirements in part 7080.0178, 7080.0179, ~~or 7080.0400~~, or 7080.0450.

E. Owners of an aerobic tank shall maintain an effective maintenance service contract, acceptable to the ~~permitting authority~~ local unit of government at all times.

7080.0150 DISTRIBUTION OF EFFLUENT.

Subpart 1. **General.**

B. Supply pipes and distribution pipes must meet the strength requirements of American Society for Testing and Materials (ASTM) schedule 40 plastic pipe, and be supported in a manner so that there is no deflection or longitudinal bending during the backfilling and subsequent settling of the soil.

Subp. 2. **Gravity distribution.**

B. If drop boxes are used for serial distribution, subitems (1) to (6) apply:

(4) When sewage tank effluent is delivered to the drop box by a pump, the pump discharge shall be directed against a wall or side of the box on which there is no outlet or directed against a deflection wall, baffle, or other energy ~~dissipator~~ dissipater.

C. Systems using valve boxes shall comply with the requirements in part 7080.0170, subpart 3. If valve boxes are used, subitems (1) to (5) apply.

(3) When sewage tank effluent is pumped to a valve box, either a baffle wall must be installed in the valve box or the pump discharge must be directed against a wall ~~or~~ side of the box on which there is no outlet, or directed against a deflection wall, baffle, or other energy dissipater. The baffle must be secured to the box and extend at least one inch above the crown of the inlet pipe.

D. Distribution boxes must meet the standards in subitems (1) to (6).

(6) When sewage tank effluent is delivered by pump, either a baffle wall must be installed in the distribution box or the pump discharge must be directed against a wall, baffle, ~~or~~ side of the box on which there is no outlet, or directed against a deflection wall, baffle, or other energy dissipater. The baffle must be secured to the box and must extend at least one inch above the crown of the inlet pipe.

Subp. 3. **Pressure distribution.**

A. Pressure distribution must be used for:

(3) ~~systems where the soil percolation rate is 0.1 to five minutes per inch, where the soil has a medium sand texture or coarser, or where the effluent is pumped to a seepage bed or to trenches that are all at the same elevation all seepage beds where the soil percolation rate is 0.1 to five minutes per inch or where the soil has a medium sand texture or coarser, and all trench systems if the trenches are at the same elevation and placed in soils where the percolation rate is 0.1 to five minutes per inch or where the soil has a medium sand texture or coarser; and~~

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Adopted Rules

E. Perforation holes must be drilled straight into the pipe and not at an angle. The perforated pipe laterals must be installed level with the perforations downward. Perforation holes must be free of burrs. Holes shall be spaced no ~~further~~ more than five feet apart. ~~One perforation must be drilled into the upper portion of the end cap to allow for the introduction of A method to introduce air into the pipe after dosing~~ must be provided.

7080.0160 DOSING OF EFFLUENT.

Subp. 1a. **Dosing chamber, pump pit, wet well, or lift station.**

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

E. The inlet of pumps shall be elevated at least ~~three~~ four inches from the bottom of the dosing chamber or protected in some other manner to prevent the pump from drawing excessive settled solids. The pump, pump controls, and pump discharge line shall be installed to allow access for servicing without entering the dosing chamber.

Subp. 2. **Dosing devices for gravity distribution.** Dosing devices for gravity distribution:

B. For dwellings, the dosing device shall discharge at least ten gallons per minute but no more than 45 gallons per minute.

7080.0170 FINAL TREATMENT AND DISPOSAL.

Subpart 1. **In general.**

C. Soil treatment systems shall not be placed in floodways. Soil treatment systems ~~may be~~ installed in flood fringes ~~in accordance with~~ must meet the requirements in part 7080.0172, subpart 1. Soil treatment systems should not be placed in areas subject to excessive run-on. All soil treatment systems located on slopes greater than one percent must have a diversion constructed immediately upslope from the system to intercept and direct runoff.

D. Before discharge to a soil treatment system designed under this part, the pretreated effluent shall have a biochemical oxygen demand of ~~475~~ 220 or less and a total suspended solids concentration of 65 mg/l or less and an oil and grease concentration of 30 mg/l or less.

F. Individual sewage treatment systems shall be set back as specified in Table IV.

Table IV. Minimum setback distances (feet).

Feature	Sewage Tank, Holding Tank, or Sealed Privy	Absorption Area or Unsealed Privy	Building Sewer or Supply Pipes
Water supply <u>wells</u>	*	*	*
Wells	⌘	⌘	⌘
Buried water lines	*	*	*
Buildings**	10	20	
Property lines***	10	10	
The ordinary high water level of public waters	****	****	

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

**For structures other than buildings, these setbacks may be reduced if necessary due to site conditions, but in no case shall any part of the individual sewage treatment system be located under or within the structure.

***Infringement on property line setbacks shall be made through accepted local procedures.

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

Subp. 2. **Trenches and seepage beds.**

C. Sizing of trenches and seepage beds.

(1) Drainfield rock media.

(a) Table V and Table Va specify the soil sizing factors used to calculate trench bottom area assuming six inches of drainfield rock below the distribution pipe. Incorporation by reference of this chapter does not include adoption of Table Va. If a local unit of government chooses to adopt Table Va, it must do so expressly. The local unit of government may use the following format: "Minnesota Rules, Table Va, is incorporated by reference into Ordinance" If there is a discrepancy between the soil texture and the percolation rate in Table V, the larger soil sizing factor should be used, or a justification for a smaller sizing shall be submitted in the design report. Soil sizing determined using Table Va must be based on an undisturbed soil sample from which an evaluation of the soil structure can be made. The trench bottom area is calculated by multiplying the average design flow by the appropriate soil sizing factor. If gravity distribution is used in seepage beds, the seepage bed bottom area is calculated by multiplying the average design flow by the soil sizing factor (Table V or Va) multiplied by 1.5. If pressure distribution is used in seepage beds, the seepage bed bottom area is determined by multiplying the soil sizing factor in Table V or Va by the average design flow.

(b) The bottom area may be reduced, for trenches only, by 20 percent for 12 inches of drainfield rock below the distribution pipe; 34 percent for 18 inches; and 40 percent for 24 inches. Reductions may be interpolated for other depths of rock.

Table V
Soil Sizing Factors for Determining Bottom Area for
Trenches and Seepage Beds Using Percolation Tests

Percolation Rate (Minutes per Inch)	Soil Texture	(Square Feet of Trench Bottom per Gallon of Average Design Flow per Day)
Faster than 0.1*	Coarse sand	<u>0.83</u>
0.1 to 5**	<u>Medium Sand,</u> Loamy Sand	0.83 ****
0.1 to 5	Find Sand	1.67
6 to 15	Sandy Loam	1.27
16 to 30	Loam	1.67
31 to 45	Silt Loam, Silt	2.0
46 to 60	Sandy Clay Loam, Silty Clay Loam, Clay Loam	2.2
61 to 120***	Silty Clay, Sandy Clay, Clay	4.2
Slower than 120*****		

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Adopted Rules

Table Va
Soil Sizing Factors for Determining Bottom Area for
Trenches and Seepage Beds Using Detailed Soil Descriptions
and
Absorption Ratios for Determining Mound Absorption
Areas Using Detailed Soil Descriptions

Soil Texture	Soil Structure	(Square feet of Trench or Seepage Bed Bottom per Gallon of Average Design Flow per Day)	Absorption Ratio for Mounds
Coarse sand*	Single grain	.83	1.0
<u>Medium sand**</u>	Single grain	.83	1.0
<u>loamy sand**</u>	Single grain	.83	1.0
Fine sand	Single grain	1.67	1.0
<u>loamy fine sand</u>	Single grain	1.67	1.0
<u>Loamy fine sand</u>	Single grain	2.0	1.0
<u>Very fine sand</u>	Single grain	2.0	1.0
<u>Loamy very fine sand</u>	Single grain	2.0	1.0
Sandy loam	Moderate Weak to strong	1.27	1.5
Sandy loam	Weak Massive or platy	1.67	2.0
Sandy loam	Massive	2.0	2.4
Loam	Moderate to strong	1.67	2.0
Loam	Weak or platy	2.0	2.4
Loam	Massive	2.5	3.0
Silt loam	Moderate to strong	2.0	2.4
Silt loam	Weak or platy	2.5	3.0
Silt loam	Massive	3.0	3.6
Sandy clay loam***	Moderate to strong	2.2	2.6
<u>clay loam***</u>			
<u>silty clay loam***</u>			
Sandy clay loam***	Weak or platy	3.2	3.8
<u>clay loam***</u>			
<u>silty clay loam***</u>			
Sandy clay loam, <u>clay loam, silty clay loam</u>	Massive	-	-
Clay loam	Moderate to strong	2.2	2.6
Clay loam***	Weak or platy	3.2	3.8
Clay loam***	Massive	-	-
Silty clay loam***	Moderate to strong	2.2	2.6

Silty clay loam***	Weak or platy	3.2	3.8
Silty clay loam****	Massive	-	-
Sandy clay** ₁ clay*** silty clay***	Moderate to Strong	4.2	5.0
Sandy clay**** ₁ clay**** silty clay****	Massive, Weak to moderate, massive, or platy	-	-
Clay***	Moderate to strong	4.2	5.0
Clay****	Massive, weak or platy	-	-
Silty clay***	Moderate to strong	4.2	5.0
Silty clay****	Massive, weak or platy	-	-

*See subpart 4, item B, for soil treatment systems that are suitable for these soils.

**See subpart 4, item A, for soil treatment systems that are suitable for these soils.

***See subpart 5 for soil treatment systems that are suitable for these soils.

****Systems with these soils must meet installed into or on these soils are not standard systems and must be designed in accordance with the requirements in part 7080.0178 or 7080.0179.

D. Design and construction of trenches and seepage beds:

(1) The absorption area of trenches and seepage beds shall be in original soils and designed and constructed with at least three feet of vertical separation above saturated soil or bedrock. In no case shall the bottom of the distribution medium be deeper than 48 inches from the final grade. If effluent is distributed by gravity it shall not be loaded above the natural ground surface and must meet the following requirements:

Subp. 3. Dual field systems.

A. Dual field systems shall be used only where the percolation rate is slower than five minutes per inch or the soil sizing factor is greater than 0.83 square feet per gallon per day in Table V or Va, unless the provisions of subpart 4 are employed.

Subp. 4. Rapidly permeable soils.

A. Three feet of soil with a texture of medium sand or finer must exist below the distribution medium. Soil absorption areas with a soil percolation rate of 0.1 to five minutes per inch that is not a fine sand (Table V) or soil absorption areas with a soil texture of medium sand or loamy sand (Table Va) must use at least one of the following treatment techniques:

Subp. 5. Mounds.

B. Mound design and construction.

(2) The system should be as long and narrow as practical and the width of the rock bed must not exceed ten feet. If the soil within the upper foot of the absorption area has a soil sizing factor of 3.2 square feet per gallon per day or greater as described in subpart 2, item C, Table Va, or has a percolation rate slower than 60 minutes per inch, the rock bed length shall be determined by dividing the average design flow by 4.5 and the rock bed width determined by dividing the bottom area by the rock bed length. The rock bed width shall be calculated by multiplying the linear loading rate by 0.83. The linear loading rate shall not exceed 12 gallons per lineal foot per day. The linear loading rate shall be determined by the relationship between the vertical and horizontal water movement in the original soil of the absorption area.

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Adopted Rules

(3) ~~A minimum of 12 inches of clean sand must be placed where the rock bed is to be located.~~ Clean sand shall consist of sound, durable material that conforms to the following requirements:

Sieve Size	Percent Passing
No. 4	95-100
No. 8	80-100
No. 10	0-100
No. 40	0-100
No. 60	0-40
No. 200	0-5

Clean sand shall also contain less than three percent deleterious substances and be free of organic impurities.

(6) Distribution of effluent over the rock bed must be by level perforated pipe under pressure in accordance with parts 7080.0150, subparts 1 and 3, and 7080.0160, ~~subparts 2 and 4~~ subpart 3.

(14) ~~Clean sand must come into contact with the bottom of the rock bed and~~ A minimum of 12 inches of clean sand must be placed where the rock bed is to be located and must cover the entire absorption area.

(24) ~~Whenever mounds are located on slopes greater than one percent, a diversion must be constructed immediately upslope from the mound to intercept and direct runoff.~~

(25) A vegetative cover must be established over the entire area of the mound. The mound shall be protected against erosion and freezing until a vegetative cover is established. The vegetative cover shall not interfere with the hydraulic performance of the system and shall provide adequate frost and erosion protection.

~~(26)~~ (25) Shrubs, deep-rooted plants, or hydrophilic plants must not be planted on the top or sideslopes of the mound.

Subp. 6. At-grade systems.

A. Location of at-grade systems.

(4) Setbacks must be in accordance with subpart 1, item F, Table IV. Setbacks shall be measured from the edge of the ~~rock bed~~ absorption area.

B. Design of at-grade systems.

(1) ~~The bottom area of the rock bed shall be calculated by multiplying the average design flow~~ Rock bed absorption width shall be calculated by multiplying the linear loading rate by the soil sizing factor identified in subpart 2, item C, Table V; ~~or using the percolation rate or soil sizing factors in subpart 2, item C, Table Va of the upper 12 inches of soil in the proposed absorption area. The system should be as long and narrow as practical but the rock bed absorption width shall be no greater than ten feet. If the soil within the upper foot of the absorption area has a soil sizing factor of 3.2 square feet per gallon per day or greater as described in subpart 2, item C, Table Va, or has a percolation rate slower than 60 minutes per inch, the rock bed length shall be determined by dividing the average design flow by 4.5 and the rock bed width determined by dividing the bottom area by the rock bed length. The linear loading rate shall be as determined by the relationship between vertical and horizontal water movement in the soil and shall not exceed a linear loading rate of 12 gallons per foot per day.~~ The total rock bed width for sloping ground shall consist of the rock bed absorption width plus enough rock on the upslope side to provide stability.

(3) At-grade systems shall be pressurized in accordance with parts 7080.0150, subparts 1 and 3, and 7080.0160, ~~subparts 2 and 4~~ subpart 3. Distribution pipe shall be installed in the center of the rock bed on slopes less than one percent and on the upslope edge at the rock bed absorption width on slopes one percent or greater.

C. Construction of at-grade systems.

(9) ~~Whenever at grade systems are located on slopes greater than one percent, a diversion must be constructed immediately upslope from the at grade system to intercept and direct runoff.~~

Subp. 7. Greywater systems.

A. Toilets. A toilet waste treatment device or privy shall be used in conjunction with a greywater system. Greywater or garbage shall not be discharged to any toilet waste treatment device except as specifically recommended by a manufacturer.

B. Greywater system plumbing. The drainage system in a dwelling or other establishments served by a greywater system shall be based on a pipe diameter of two inches to prevent installation of a water flush toilet. There shall be no openings or connections to the drainage system, including floor drains, larger than two inches in diameter. The existing drainage system may be used if a greywater system is to be installed for an existing dwelling. Garbage disposals shall not be connected to the greywater system.

C. Building sewer. The building sewer shall meet all requirements of part 7080.0120, except that the building sewer for a greywater system shall be no greater than two inches in diameter.

D. Sewage tank. Greywater septic tanks shall meet all requirements of part 7080.0130, subparts 1 to 4, except that the liquid capacity of a greywater septic tank serving a dwelling shall be based on the number of bedrooms existing and anticipated in the dwelling served and shall be at least as large as the capacities given in Table Vb.

TABLE Vb

<u>Number of Bedrooms</u>	<u>Tank Liquid Capacity (gallons)</u>
<u>2 or less</u>	<u>300</u>
<u>3 or 4</u>	<u>500</u>
<u>5 or 6</u>	<u>750</u>
<u>7, 8, or 9</u>	<u>1,000</u>

For ten or more bedrooms or other establishments, the greywater septic tank shall be sized as for any other establishment (see part 7080.0600, subpart 4, item C) except that the minimum liquid capacity shall be at least 300 gallons.

Greywater aerobic tanks shall meet all requirements of part 7080.0130, subpart 6.

E. Flow determination. The flow for greywater systems shall be 60 percent of the amount calculated in part 7080.0125. The absorption area shall be determined in accordance with subpart 2, 5, or 6.

F. Distribution and dosing. Distribution and dosing of greywater shall meet all requirements of parts 7080.0150 and 7080.0160.

G. Final treatment and disposal. A greywater soil treatment system shall meet all requirements of this part.

7080.0172 ALTERNATIVE SYSTEMS.

Subpart 1. **Floodplain areas.** ISTS shall not be located in the floodway, and whenever possible, placement within any part of the floodplain should be avoided. If no alternative exists, the ISTS may be placed within the flood fringe if the following requirements in items A to H are met.

B. Individual sewage treatment systems shall be located on the highest feasible area and shall have location preference over all other improvements except the water supply well. If the ten-year flood data are available, the bottom of the distribution medium shall be at least as high as the elevation of the ten-year flood.

D. When it is necessary to raise the elevation of the soil treatment system to meet the vertical separation distance requirements, a mound system as specified in part 7080.0170, subpart 5, may be used with the additional requirements in subitems (1) to (3).

(1) The elevation of the bottom of the rock bed shall be at least one-half foot above the ten-year flood elevation if ten-year flood data are available.

Subp. 2. **Privies.**

B. Privies shall be set back from surface waters, buildings, property lines, and water supply wells as required under part 7080.0170, subpart 1, item F, Table IV.

Subp. 3. **Holding tanks.**

A. Holding tanks for new construction are prohibited unless approved by the permitting authority, with a monitoring and disposal plan contract signed by the owner and administered and enforced by the permitting authority a licensed pumper. The contract must guarantee the removal of the tank contents prior to overflow or any discharge.

G. Holding tanks shall be monitored have an alarm device to minimize the chance of accidental sewage overflows. Techniques such as visual observation, warning lights or audible alarms, or unless regularly scheduled pumping shall be is used. Mechanical or electrical monitoring shall identify when the holding tank is at 75 percent capacity.

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Adopted Rules

Subp. 4. Greywater systems.

A. **Toilets.** A toilet waste treatment device shall be used in conjunction with a greywater system. Greywater or garbage shall not be discharged to the toilet waste treatment device except as specifically recommended by a manufacturer.

B. **Greywater system plumbing.** The drainage system in a dwelling or other establishments served by a greywater system shall be based on a pipe diameter of two inches to prevent installation of a water flush toilet. There shall be no openings or connections to the drainage system, including floor drains, larger than two inches in diameter. The existing drainage system may be used if a greywater system is to be installed for an existing dwelling.

Garbage disposals shall not be connected to the soil treatment system.

C. **Building sewer.** The building sewer shall meet all requirements of part 7080.0120, except that the building sewer for a greywater system shall be no greater than two inches in diameter.

D. **Sewage tank.** Greywater septic tanks shall meet all requirements of part 7080.0130, subparts 1 and 4, except that the liquid capacity of a greywater septic tank serving a dwelling shall be based on the number of bedrooms existing and anticipated in the dwelling served and shall be at least as large as the capacities given in Table Vb.

Number of Bedrooms	Tank Liquid Capacity (gallons)
2 or less	300
3 or 4	500
5 or 6	750
7, 8, or 9	1,000

For ten or more bedrooms or other establishments, the greywater septic tank shall be sized as for any other establishment (see part 7080.0130, subpart 3, item B) except that the minimum liquid capacity shall be at least 300 gallons.

Greywater aerobic tanks shall meet all requirements of part 7080.0130, subpart 6.

E. **Flow determination.** The flow for greywater systems shall be 60 percent of the amount calculated in part 7080.0125. The absorption area shall be determined in accordance with subpart 2, 5, or 6.

F. **Distribution and dosing.** Distribution and dosing of greywater shall meet all requirements of parts 7080.0150 and 7080.0160.

G. **Final treatment and disposal.** A greywater soil treatment system shall meet all requirements of this part.

7080.0175 MAINTENANCE.

Subp. 2. **Frequency of assessment.** The owner of an individual sewage treatment system or the owner's agent shall regularly, but in no case less frequently than every three years:

A. assess whether the sewage tank leaks below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects; and

Subp. 3. Removal of material.

C. If no maintenance hole exists on a sewage tank, the owner or the owner's agent shall install maintenance holes in sewage tanks in accordance with part 7080.0130, subpart 2, item M, subitem (1), to allow for maintenance to take place through the maintenance hole. If the owner or owner's agent refuses to allow the removal through a maintenance hole, the licensed pumper must obtain a signed statement from the owner or owner's agent that the owner or agent was informed of correct removal procedures and the reason for refusal.

Subp. 4. **Toilet waste treatment devices.** The owner or owner's agent shall operate a toilet waste treatment device in accordance with manufacturer's requirements. For primitive dwellings and dwellings using toilet waste treatment devices in low density areas, septage disposal must not be to surface waters, drainageways, or in a manner or volume harmful to the environment or public health or that creates a nuisance if allowed under local ordinance. For all other uses of toilet waste treatment devices, septage disposal must meet the requirements of subpart 6.

Subp. 8. **System rejuvenation.** Any maintenance activity used to increase the acceptance of effluent to a soil treatment system must:

A. not be used on failing systems, unless the activity meets the requirements of part 7080.0179;

7080.0176 SYSTEM ABANDONMENT.

Subpart 1. **Tank abandonment.** Tank abandonment procedures for sewage tanks, cesspools, leaching pits, drywells, seepage pits, vault privies, pit privies not serving primitive dwellings, and distribution devices are as follows:

C. tanks buried close to the ground surface must be removed or crushed to permit drainage through the tank.

7080.0178 OTHER SYSTEMS.

Subpart 1. **General.** Other systems may be designed under this part that do not meet technical standards and criteria if the requirements under this part are met. Systems designed under this subpart must be operated under the permit requirements of part 7080.0310. Reasonable assurance of performance of the system must be submitted to the ~~permitting authority~~ local unit of government. The engineering design of the system must be submitted and approved by the ~~permitting authority~~ local unit of government.

Subp. 2. **Minimum requirements.** Systems designed, constructed, and operated under this part shall meet the requirements of part 7080.0179, subpart 2, items B; and D; ~~and E~~, and:

A. be designed with a vertical separation of three feet or greater and with a soil texture of medium sand or finer ~~with a minimum of one foot of original soil~~ immediately below the distribution medium;

7080.0179 PERFORMANCE.

Subpart 1. **Incorporation by reference of this part.** Past or current incorporation by reference of this chapter into a local ordinance of the ~~minimum technical standards and criteria for individual sewage treatment systems~~ does not include adoption of this part. If a local unit of government chooses to adopt this part, it must do so expressly. The local unit of government may use the following format: "Minnesota Rules, part 7080.0179, is incorporated by reference into Ordinance"

Subp. 2. Performance systems.

A. Each system's design report, monitoring plan, and mitigation plan under this part must be operated under the permit requirements of part 7080.0310, subpart 6. Reasonable assurance of performance of the system must be submitted to the ~~permitting authority~~ local unit of government. The engineering design of the system must be submitted and approved by the ~~permitting authority~~ local unit of government.

C. Groundwater and surface water protection.

(1) Soil dispersal treatment systems must be designed with a ~~minimum of one foot of vertical separation distance~~; appropriate for the sewage treatment system design, including effluent quality, loading rates, loading methods, soil conditions, and other site-specific considerations as established in the operating permit. An unsaturated zone must be maintained between the bottom of the dispersal soil treatment system and the seasonally saturated soil or bedrock during loading of effluent.

(2) The sewage effluent/groundwater mixture plume shall contain: ~~(a) no viable fecal organisms; or (b) concentrations of viable fecal coliforms; and shall not exceed background concentrations~~ 25 feet horizontally from the soil dispersal treatment area. This limit shall not be exceeded during typical periods of climatic stress and/or under typical maximum designed flow volumes.

(3) If the system is located on a lot which adjoins a lake, the sewage effluent/groundwater mixture plume shall:

(a) have a total phosphorus concentration of 1 mg/l or less 50 feet or greater from the soil ~~system~~ treatment area; or

(b) have concentrations of total phosphorus less than 1 mg/l above background concentrations 50 feet or greater from the soil ~~system~~ treatment area.

(4) Local units of government may enact nitrogen standards for sewage effluent/groundwater plumes from an ISTS. Local units of government may also require additional standards for local resource protection.

E. ~~Systems designed and constructed under this part shall be considered in compliance if they meet the conditions of the approved monitoring plan.~~

7080.0305 GENERAL REQUIREMENTS FOR LOCAL ORDINANCES.

Subpart 1. **Compliance with this chapter.** All counties must adopt ordinances that comply with this chapter unless all towns and cities in the county have adopted local ordinances that also comply with this chapter and are as strict as the applicable county ordinance.

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Adopted Rules

Subp. 2. **General requirements for county, town, and city local ordinances.** Local ordinances to regulate individual sewage treatment systems shall incorporate provisions of parts 7080.0020 and 7080.0060 to 7080.0176. Counties may adopt alternative local standards in local ordinances if the requirements of subpart 6 are met. For all local ordinances, items A to E apply.

C. Local ordinance requirements regulating vertical separation for ~~existing~~ systems built prior to April 1, 1996, in non-SWF must meet the requirements in part 7080.0060, subpart 3, item B, subitem (2).

Subp. 3. **Variances.**

B. Variances to technical standards and criteria may be granted by the local unit of government if applicable local variance procedures are followed, ~~except for the required vertical separation~~. Less restrictive vertical separation ~~must be granted under ordinance provisions meeting the requirements of part 7080.0179, or granted a variance under part 7080.0030, subpart 3 is allowed if the requirements of Minnesota Statutes, section 115.55, subdivision 7, are met or if the requirements in part 7080.0179 are met.~~

Subp. 4. **Administrative requirements for local ordinances.** Administration of local ordinances regulating individual sewage treatment systems shall comply with parts 7080.0305 to 7080.0315. Local ordinances shall include items A to H.

C. A provision requiring that the owner has five years from the date of the bedroom addition permit issuance to upgrade, replace, repair, or discontinue use of the system. This upgrade criterion applies only if:

(4) the system does not comply with ~~applicable requirements~~ part 7080.0060; and

G. A provision that requires abandonment in accordance with part 7080.0176 of an existing individual sewage treatment system, or part thereof, that will no longer be used ~~as a component of new construction or replacement~~.

Subp. 6. **Requirements for alternative local standards.** Counties may adopt and enforce by ordinance alternative local standards for an existing system or new construction or replacement. The alternative local standards must protect public health and the environment in accordance with *Minnesota Statutes*, section 115.55, subdivision 7, paragraphs (a) and (b), and must comply with items A to E.

B. Any alternative local standard must include references to ~~applicable~~ requirements under other state laws or rules or local ordinances.

D. Alternative local standards for new construction or replacement. Counties may adopt alternative local standards for new construction or replacement in areas of sustained and projected low population density where conditions render conformance to ~~applicable requirements~~ this chapter difficult or otherwise inappropriate. Counties seeking to adopt alternative local standards for new construction or replacement must submit the following information:

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

Subp. 10. **Incorporation by reference** ~~parts part 7080.0179 and 7080.0450~~. Past or future incorporation by reference into a local ordinance of ~~all or part of this chapter or the minimum technical standards and criteria for individual sewage treatment systems, parts 7080.0060 to 7080.0176~~, does not include adoption of part 7080.0179, the part establishing standards for performance ~~or part 7080.0170, subpart 2, item C, subitem (1), unit (b), Table Va~~. If a local unit of government chooses to adopt that part, it must do so expressly. The local unit of government may use the following format: "*Minnesota Rules*, part 7080.0179, is incorporated by reference into Ordinance" ~~or for part 7080.0450; "Minnesota Rules, part 7080.0450, is incorporated by reference into Ordinance"~~

7080.0310 PERMIT PROGRAM FOR INDIVIDUAL SEWAGE TREATMENT SYSTEMS.

Subp. 2. **ISTS permit application requirements.** ISTS permit applications issued by the ~~permitting authority~~ local unit of government must require the submittal of exhibits described under subpart 4, items A, B, D, and E, along with general requirements for identifying the property and owners, a site evaluation report, a design report, and any other information requested by the ~~permitting authority~~ local unit of government pertinent to this process. Exhibits for site evaluation, design, and applicable construction information must be complete and include a certified statement from the person who conducted the work. The local unit of government must have an approval process to address changes in the approved design that served as the basis for issuing a permit.

Subp. 3. **Permit approval requirements and procedures.** The permit program must include the requirements in items A to C.

B. The local unit of government must review and approve or deny the application. Construction shall not be initiated until ~~preliminary approval~~ a permit is granted. Final approval shall be evidenced by issuance of a certificate of compliance.

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

- D. monitoring plans and results for approved monitoring plans (subpart ~~6 or~~ 7); and
- E. mitigation plans and actions on approved mitigation plans (subpart ~~6 or~~ 7).

Subp. 5. **Reporting requirements.** Local units of government must submit annual reports to the commissioner to demonstrate enforcement of the local ordinance. The reports shall be submitted by March 1, 2001, and contain information from the previous calendar year and shall be received by the commissioner no later than March 1 of each succeeding year. At a minimum, the reports must include:

D. the number and type of systems, including number of mound systems; at-grade systems; seepage beds; gravelless, chamber, and drainfield rock trenches; alternative, warrantied, and performance systems; and other systems; estimated total number of systems and estimated percentage in compliance within their jurisdictional boundaries; and

Subp. 6. **Operating permit.** Local units of government must issue and enforce an operating permit for systems designed under part 7080.0179, and as described in items A ~~and B~~ to E.

~~A.~~ At a minimum, the operating permit shall include:

~~(1)~~ A. maintenance requirements;

~~(2)~~ B. monitoring and ~~mitigative~~ mitigation plans as described in subpart 7;

~~(3)~~ C. compliance limits and compliance boundaries;

~~(4)~~ D. reporting frequency, not less than annually;

~~(5)~~ E. requirements that the permittee notify the ~~permitting authority~~ local unit of government when monitoring plan requirements are not met; and

~~(6)~~ F. disclosure of the status and condition of replacement ISTS.

~~B. If item A is not complied with, the system is in violation of its operating permit.~~

Subp. 7. **Monitoring and mitigation plans.**

A. General.

(2) Monitoring and mitigation plans required by parts 7080.0178 and 7080.0179 shall be developed and approved before the issuance of a permit for the system. Monitoring and mitigation plans must be signed by the permittee and approved by the ~~per-~~ mitting authority local unit of government.

B. Monitoring plan.

(2) Monitoring results shall be submitted by the permittee to the ~~permitting authority~~ local unit of government. The ~~per-~~ mitting authority local unit of government must maintain the monitoring results. Monitoring plans must require the permittee to notify the ~~per-~~ mitting authority local unit of government within 30 days if monitoring results do not meet monitoring plan requirements.

7080.0315 INSPECTION PROGRAM FOR INDIVIDUAL SEWAGE TREATMENT SYSTEMS.

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

A. to ensure compliance with applicable requirements. Persons conducting compliance inspections for disclosures shall also meet the requirements of item ~~E~~ F;

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

E. for all new construction and replacement. A licensed inspector or licensed designer I who inspects an existing system may subsequently design and install a new system for that property, provided the inspector or designer also has an installer license; and

~~E.~~ F. for any evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure if conducted by a party who is not the property owner. This disclosure action shall constitute a compliance inspection and must be conducted in accordance with this chapter.

<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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Adopted Rules

Subp. 3. Certificate of compliance; notice of noncompliance.

A. General.

(3) A certificate of compliance or notice of noncompliance must include a certified statement from the licensee or qualified employee who conducted the compliance inspection. The certificate or notice shall identify the type of system inspected, and indicate whether the individual sewage treatment system is in compliance with ~~applicable requirements part 7080.0060.~~

(4) If a compliance inspection indicates that the system is not in compliance with ~~applicable requirements part 7080.0060~~ or presents an imminent threat to public health or safety, the notice must also contain a statement to this effect and specify why the owner must upgrade, replace, or discontinue use of the system ~~within the required time period.~~

B. New construction or replacement.

(1) A certificate of compliance for new construction or replacement shall include documentation showing that the individual sewage treatment system ~~reasonably~~ complies with applicable requirements. The inspection requirement may be satisfied by a review by the designated local official of video, electronic, photographic, or other evidence to show ~~reasonable~~ compliance as provided by the installer.

C. Existing systems.

(1) ~~A certificate of compliance~~ An inspection report for existing systems shall include the methodology used to determine vertical separation ~~distance~~, tank ~~water tightness~~ leakage, and ~~if whether~~ an imminent threat to public health or safety exists. If the original installation took place under a local unit of government permit process that included the following verification procedure, then there is no further need to verify the vertical separation for the life of the system. Under the local permit process, this verification must be made by in-field measurements of the redoximorphic features determined and documented during the original soil testing, governmental review and as-builts, or by documentation of in-field measurements of the redoximorphic features and the in-place systems determined during a construction inspection.

(2) Certificates of compliance for existing systems remain valid for three years from the date of issuance unless the local unit of government finds evidence of an imminent threat to public health or safety ~~or that other supporting verifications are no longer valid. The certificate of compliance remains valid for the three years from the date of issuance even if a supporting verification as described in subitem (1) used to issue the certificate has expired.~~

7080.0400 NEW TECHNOLOGY.

Subpart 1. ~~Procedures for approval designation.~~ The commissioner may ~~approve designate~~ a new ~~technologies~~ as meeting the ~~technical standards and criteria of this chapter if documentation submitted to the commissioner demonstrates that the new technology~~ technology as standard or alternative if the submittal meets the requirements of this part.

Subp. 2. Alternative designation. To be designated as an alternative system, the new technology must:

A. ~~meets meet or exceed~~ the requirements of part 7080.0179, subpart 2, items ~~A B~~ and ~~B;~~ and this part C;

B. ~~has long-term treatment and hydraulic reliability while serving typical domestic households under adverse climatic conditions and varied soil conditions through in-field testing have structural components that meet or exceed a 25-year design life and have soil treatment that meets or exceeds a seven-year design life when loaded at maximum design flows established in part 7080.0125 or 7080.0600. The new technology must be tested at its design maximum hydraulic and organic loading rates. Structural and soil treatment testing must be adequate to extrapolate the life expectancies required in this item;~~

C. ~~may~~ be readily operated and maintained ~~to meet the conditions described in item B;~~ and

D. ~~presents~~ identify conditions under which its use is recommended and conditions where its use is limited.

~~Subp. 2. 3. Submittal requirements. The submittal shall be accompanied by data and information to document that the new technology will meet the performance criteria in part 7080.0179; subpart 2; items B to D. The submittal shall include; A request for alternative designation must be accompanied by the following documentation, as applicable:~~

C. testing protocol ~~as appropriate~~ for the system;

D. testing ~~or research~~ data with extrapolating calculations;

E. limits of reliable operation in terms of capacity and longevity as described in subpart 2, item B;

H. ~~capital costs;~~

~~I. design, installation, and operation and maintenance costs stated in present value;~~

~~J. operation and maintenance requirements and schedules;~~

~~K. I. documented review by an independent professional with extensive knowledge of ISTS engineering principles, soil science, construction processes, and material quality, as applicable; and~~

~~J.~~ additional data and information as requested by the commissioner.

Subp. 4. Standard system designation. For a new technology to be designated as a standard system, the following criteria must be met:

A. The new technology must be designated as an alternative system in subpart 2.

B. A minimum of 100 of each new technology and soil treatment or dispersal systems must be installed, operated, monitored, and distributed across all major soil classifications and under normal use for a minimum of seven years.

C. The frequency and type of monitoring must be approved by the commissioner.

~~Subp. 3. 5. Approval Designation.~~ New technology designation shall be based on whether the new technology successfully demonstrates performance as described in this part. If upon review, the commissioner determines that the new technology complies with this part, the agency shall issue ~~an approval~~ the designation in writing. If it has been determined that the new technology has limitations for its use, the commissioner shall impose conditions under which ~~an approval~~ the designation is granted. Within 90 days ~~of approval after designation,~~ the applicant must submit to the commissioner fact sheets, which can then be offered directly to ISTS professionals. The fact sheets must include a general description of the new technology and clearly written instructions and graphical representations for design, construction, inspection, operation, and maintenance requirements. If ~~an approved designated~~ new technology; component, or design is modified or additional assertions of function or performance are made, modification and additions are not covered by the approval shall be considered null and void; designation unless the change is changes are submitted to the agency for review and ~~the approval~~ designation is reaffirmed. After obtaining a commissioner ~~approval~~ approval designation letter or modified designation letter, new technology ~~may~~ must be employed as designated unless specifically prohibited in local ordinance.

~~Subp. 4. 6. Denial.~~ If upon review, the commissioner determines that the performance, documentation, or data ~~is~~ are insufficient to grant ~~approval~~ designation, or that for any other reason a new technology does not meet the requirements of this part, the request for ~~approval~~ designation shall be denied in writing.

7080.0450 WARRANTIED INDIVIDUAL SEWAGE TREATMENT SYSTEMS.

Subpart 1. **Adoption and use.** Warrantied individual sewage treatment systems meeting the requirements under this part may be employed unless specifically prohibited in local ordinance. ~~Past or current incorporation by reference of this chapter into a local ordinance of the minimum technical standards and criteria for individual sewage treatment systems does not include adoption of this part. If a local unit of government chooses to adopt this part, it must do so expressly. The local unit of government may use the following format: "Minnesota Rules, part 7080.0450, is incorporated by reference into Ordinance :....."~~

Subp. 2. **Submittal requirements.** ~~Warrantied individual sewage treatment systems may be employed provided~~ The manufacturer or designer ~~submits~~ must submit satisfactory information to the commissioner as follows to qualify for placement on the warrantied systems list:

Subp. 3. **Administrative requirements.**

E. Warrantied individual sewage treatment systems may be submitted for ~~approval under designation~~ if they meet the requirements of part 7080.0400.

7080.0600 OTHER ESTABLISHMENTS.

Subp. 4. **Technical requirements, design.** Systems shall be designed in accordance with applicable portions of technical standards and criteria, or under part 7080.0178 or 7080.0179, and as modified in this subpart.

B. Design flows.

(3) Estimated or measured average concentrations of biochemical oxygen demand, total suspended solids, and oil and grease shall be determined.

C. Septic tanks and holding tanks.

(2) Septic tank liquid capacity must be in accordance with units (a) and (b).

(c) ~~For restaurants, laundromats, and other nonsewage discharge facilities,~~ Sufficient detention time or pretreatment must be provided to produce an effluent quality suitable for discharge to a soil treatment system as defined in part 7080.0170, subpart 1, item D.

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.

Adopted Rules

(3) ~~An effluent screen shall be used on the last septic tank prior to discharge to a soil treatment system.~~ For laundromats, the outlet baffle of all septic tanks and baffles between compartments must be submerged to a depth of 50 percent of the liquid depth of the tank.

D. Dosing devices, dosing chambers, pump pits, wet wells, or lift stations.

(1) Dosing chambers, pump pits, wet wells, or lift stations shall meet all requirements in part 7080.0160 with the pump discharge capacity based upon the perforation discharges for a minimum average head of 2.0 feet.

(3) Dosing chambers shall include a separate alarm ~~system~~ device for each dosing device to warn of dosing device failure, overflow, or other malfunction.

E. Conventional collector system design.

(2) Collection systems shall be designed based on the sum of all flows for dwellings and other establishments as described in item B. Flows shall be increased to allow for 200 gallons of infiltration per inch of pipe diameter per mile per day. ~~If the system shall be is designed with each dwelling or other establishment having a sewage tank, or designed with a common sewage tank serving ten bedrooms or more or serving another establishment, the liquid capacity of the tanks shall be in accordance with item C. If a common septic tank is used, the capacity of the septic tank shall be the sum of the tanks sized according to part 7080.0130, subpart 3, item A.~~ All sewage tanks shall meet the applicable requirements of part 7080.0130.

(7) There shall be no physical connection between sewers and water supply systems. Sewers shall be set back from water supply systems and piping as required for building sewers. ~~Where it is not possible to obtain proper separation distances, the sewer connections shall be watertight and pressure tested.~~

7080.0700 LICENSES.

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

B. an individual who, after ~~consulting with~~ obtaining a signed design report from a designer I or II, constructs a system on land that is owned or leased by the individual and functions solely as a dwelling or seasonal dwelling for that individual. The system must be inspected before being covered and a certificate of compliance or notice of noncompliance must be provided to the local unit of government after the inspection;

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

C. installer license for constructing, installing, altering, extending, or maintaining ISTS; ensuring all work is done according to a written design report; notifying the local unit of government with jurisdiction to ensure inspections are conducted for new construction or replacement; ensuring site conditions allow for construction; providing evidence to verify compliance with applicable requirements; maintaining quality control/quality assurance records; identifying problems related to ISTS and making repairs; providing upgrade, repair, and replacement advice; and maintaining and submitting to the ~~permitting authority~~ local unit of government as-builts of all work;

7080.0710 BONDING AND INSURANCE FOR LICENSES.

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

C. the bond must cover work to be done under all individual sewage treatment system licenses to be held by the business; and

7080.0715 LICENSE CONDITIONS.

Subp. 2. **Conditions for designated registered professional.**

B. Requirements for designated registered professionals in each specialty area.

(2) Installers must:

(b) ~~be present during inspections;~~

(~~e~~) be on the worksite:

(4) Pumpers must verify the adequacy of pumpouts and land application or septage disposal. This verification may be fulfilled by periodic evaluations. Pumpers must provide a report to the property owner that includes the pumpout date, gallons removed, tank leakage, access point used to remove the septage, location and method of land application or disposal, and any troubleshooting or repairs conducted.

7080.0815 EXPERIENCE.

Subpart 1. **Options to gain experience.** The experience needed to qualify for a specialty area can be acquired by one of the methods in items A to C.

B. If the individual ~~is seeking~~ obtains a restricted license, qualifying experience may be completed under an experience plan which includes direct and personal supervision with a qualified employee, a designated registered professional who has a specialty area registration endorsement that is the same as the specialty area sought by the individual acquiring the experience, a designer I, or an inspector.

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

7080.0820 CONTINUING EDUCATION.

Subpart 1. **Renewal requirements.**

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

D. In each registration period, individuals must accrue continuing education hours specified in items A to C. At least six hours of this required training must be directly related to the administrative and technical parts of this chapter.

7080.0850 ISTS PROFESSIONAL REGISTRATION.

Subp. 5. **Specific responsibilities.** The requirements in items A to F provide the minimum basis of professional responsibility.

F. A person who designs, installs, alters, repairs, maintains, pumps, or inspects all or part of an individual sewage treatment system shall comply with applicable requirements ~~and the most restrictive standards within the county.~~

7080.0950 SEEPAGE PITS, DRYWELLS, AND LEACHING PITS.

Subp. 2. **Requirements for seepage pits, drywells, and leaching pits.** A seepage pit, drywell, or leaching pit is a system which:

A. has a ~~watertight septic tank~~ sewage tank that does not obviously leak below the designed liquid capacity preceding the pit;

D. has an absorption area which has been determined by:

(1) ~~multiplying the average design flow (under part 7080.0125, subpart 2, Table I or under part 7080.0600, subpart 4, item B) by the soil sizing factor (under part 7080.0170, subpart 2, item C, Table V or Va) based on the weighted average of each vertical stratum penetrated by the seepage pit, drywell, or leaching pit; and~~

(2) ~~using the sidewall area below the inlet, exclusive of any hardpan, rock, or clay formations and based on the outer diameter of the pit lining plus 12 inches of rock in the annular space, with no reduction for increased filter material below or around the pit;~~

E. has a pit ~~which that~~ has not been placed in soils where the percolation rate of any stratum is faster than one-tenth minute per inch ~~(or in coarse sand);~~

REPEALER. *Minnesota Rules*, parts 7077.0720; 7080.0020, subparts ~~23~~ 17a, 27, 28f, 37, 46, 47, 49a, and 53; 7080.0030, subpart 2; 7080.0060, subpart 4; 7080.0125, subparts 3 and 4; 7080.0190; 7080.0300; 7080.0305, subparts 7 and 8; 7080.0350; 7080.0820, subpart 3; 7080.0855, subpart 2; and 7080.0910, are repealed.

<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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Official Notices

Department of Public Safety

Adopted Permanent Rules Relating to the One Call Excavation Notice System

The rules proposed and published at *State Register*, Volume 23, Number 46, pages 2159-2162, May 17, 1999 (23 SR 2159), are adopted with the following modifications:

7560.0125 ABANDONED AND OUT-OF-SERVICE FACILITIES.

Subpart 1. **Duty of operators to provide readily available information.** Operators shall provide readily available information, as shown on maps, drawings, diagrams, or other records used in the normal course of business, on the approximate location of abandoned and out-of-service facilities to an excavator by the excavation date and time noted on the excavation or location notice unless otherwise agreed between the excavator and the operator. An operator fulfills an obligation to provide information on these facilities by doing one or more of the following:

A. locating and marking the approximate location of the facility according to the current color code standard used by the American Public Works Association, as required in *Minnesota Statutes*, section 216D.04, subdivision 3, with an abandoned or out-of-service facility identified by an uppercase A surrounded by a circle;

Subp. 3. **Verification of abandoned or out-of-service facility.** Upon receipt of notice notification by an excavator pursuant to subpart 2, an operator shall verify that an underground facility is abandoned or out of service, by either reference to installation records, testing, or other comparable standard of verification, before an excavator is allowed to move, remove, or otherwise alter an underground facility.

Subp. 4. **Liability.** An operator providing information pursuant to Minnesota Statutes, section 216D.04, subdivision 3, is not responsible to any person for any costs, claims, or damages for information provided in good faith regarding abandoned and out-of-service underground facilities.

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making 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.

Minnesota Comprehensive Health Association

Notice of Meeting of the Enrollee Appeal Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Enrollee Appeal Committee will be held at 1:00 p.m. on Tuesday, October 5, 1999 **by conference call**. Members of the public interested in monitoring the conference call, should come to the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

This meeting may be closed to the public, if so requested by the appellant, pursuant to *Minnesota Statutes* 62E.10, subd. 4.

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

Health Technology Advisory Committee

Notice of: 1) Availability of Preliminary "New Vaccinations: Rotavirus, Hepatitis A, Pneumococcal Disease, and Lyme Disease" Evaluation Report; and 2) Solicitation of Written Comments

The Health Technology Advisory Committee (HTAC) is charged under *Minnesota Statutes* 62J.152 with conducting evaluations of specific technologies and their specific use and application. For the purposes of evaluation, the definition of technologies in statute includes "... drugs, devices, procedures, or processes applied to human health care" As part of the evaluation process, HTAC is required to submit a report to the Legislative Oversight Commission on Health Care Access and to solicit written comments on the report. Before completing its final comments and recommendations on the HTAC technology evaluation report, HTAC solicits public comment on the report.

The Health Technology Advisory Committee (HTAC) has recently completed the preliminary evaluation report, "New Vaccinations: Rotavirus, Hepatitis A, Pneumococcal Disease, and Lyme Disease".

Brief Summary of the Preliminary HTAC Report: New Vaccinations: Rotavirus, Hepatitis A, Pneumococcal Disease, and Lyme Disease

Immunizations represent the intersection of personal health care and public health initiatives. It is critical that research and development efforts continue to be supported by the medical, scientific and public health communities as vaccines are continually evolving as we gain more knowledge about disease processes and immunology. The Vaccine Adverse Event Reporting System (VAERS) is a particularly important tool for determining vaccine safety and its use should be promoted by physicians and manufacturers. Data allows the CDC to track any unusual epidemiological trends associated with vaccine safety. From January 1991 to December 1996, only 14.5% of the reports received by VAERS were from private health care providers, while 71.8% were from manufacturers and public health departments. Physicians must be willing to foster the VAERS system by making parents aware of the possibility of a post vaccine adverse event and encouraging reporting of such events. While the benefits of vaccination far outweigh any associated risk, continued research and development are critical to the minimization of existing risk.

Individuals or organizations requesting information or a copy of the report should contact HTAC. Written comments regarding the report are due within 30 days from the publication of this notice. Any written material received by HTAC shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13) and should be forwarded to:

Nancy Cusick
Health Technology Advisory Committee
121 East 7th Place, Suite 400
St. Paul, MN 55101
Phone: 651-282-6374
FAX: 651-282-5628
<http://www.health.state.mn.us/htac/index.htm>

Department of Health

Division of Family Health

REQUEST FOR COMMENTS on Planned Repeal of: (1) Rules Governing Local Organizations that Seek Department of Health Funds to Distribute Nutritional Supplements to Mothers and Children, *Minnesota Rules*, parts 4615.2100 to 4615.3300; (2) Rules Governing Staff Qualifications of and the Nutrition Education Provided by Local Agencies in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program), *Minnesota Rules*, parts 4617.0035, 4617.0044 to 4617.0058; and (3) Rules Establishing Minimum Standards and Procedures for Minnesota Department of Health Approval of Child Health Screening Programs, *Minnesota Rules*, parts 4615.0900 to 4615.2000

Subject of Rules. (1) *Minnesota Rules*, parts 4615.2100 to 4615.3300: The Minnesota Department of Health requests comments on its planned repeal of rules governing local organizations that seek funds from the department in order to distribute nutritional supplements to mothers and children. The department is proposing to repeal these rules because they are obsolete. These are not WIC Program rules, but have been replaced by federal regulations and state rules governing the WIC Program. The department is considering repeal of rules that address the following subjects: contracts between the Commissioner of Health and local organizations that are grantees for the distribution of nutritional supplements; conditions for entering into a funding contract with the Commissioner of Health; definitions; purpose; the process for certifying individuals; the process for supplying supplemental food; nutrition information and counseling; records and reports; fair hearing procedure; payments to grantees; and grantee disqualification.

(2) *Minnesota Rules*, parts 4617.0035, 4617.0044 to 4617.0058: The Minnesota Department of Health requests comments on its planned repeal of rules governing staff qualifications of and the nutrition education provided by local agencies in the WIC Program. The department is proposing to repeal these rules because they are obsolete. Some of these rules have been superseded by federal regulation, while others cover information that does not need to be in rule. The department is considering repeal of rules that address the following subjects: staff qualifications, requirement for nutrition education plan, nutrition education plan submission deadlines, approval of nutrition education plan, role of nutrition education coordinator, qualifications of nutrition education instructors, schedule of nutrition education sessions, contents of nutrition education sessions, and individual nutrition care plan.

Official Notices

(3) **Minnesota Rules, parts 4615.0900 to 4615.2000:** The Minnesota Department of Health requests comments on its planned repeal of rules establishing minimum standards and procedures for Minnesota Department of Health approval of child health screening programs. The department is proposing to repeal these rules because they are obsolete. Additionally, the standards they contain have been superseded by more recent guidelines of the department. The department is considering repeal of rules that address the following subjects: purpose and scope, definitions, minimum standards to qualify for department approval, personnel for early and periodic screening (EPS) of children, requirements of the physical facility, intent to establish EPS program, application instructions, submission of application, review and disposition of application, annual reapproval, services for applicants and programs, and approved program responsibilities.

Persons Affected. (1) **Minnesota Rules, parts 4615.2100 to 4615.3300:** The repeal of these rules is not likely to affect anyone because these rules have not been used during the last fifteen years.

(2) **Minnesota Rules, parts 4617.0035, 4617.0044 to 4617.0058:** The repeal of these rules would likely affect Minnesota WIC local agencies, as defined in *Minnesota Rules*, part 4617.0002, subpart 21.

(3) **Minnesota Rules, parts 4615.0900 to 4615.2000:** The repeal of these rules would likely affect community health service agencies of community health boards established, operating, and eligible for a subsidy under *Minnesota Statutes* sections 145A.09 to 145A.13.

Statutory Authority. (1) **Minnesota Rules, parts 4615.2100 to 4615.3300:** The repeal of these rules is authorized by *Minnesota Statutes* section 145.894(k), which permits the Commissioner of Health to promulgate all rules necessary to carry out the provisions of sections 145.891 to 145.897 (the Maternal and Child Nutrition Act of 1975).

(2) **Minnesota Rules, parts 4617.0035, 4617.0044 to 4617.0058:** The repeal of these rules is authorized by: (a) *Minnesota Statutes* section 144.11, which permits the Commissioner of Health to repeal rules promulgated in order to comply with federal requirements governing federal aid for maternal and child welfare service and for public health services; and (b) *Minnesota Statutes* section 145.894(k), which permits the Commissioner of Health to promulgate all rules necessary to carry out the provisions of sections 145.891 to 145.897 (the Maternal and Child Nutrition Act of 1975).

(3) **Minnesota Rules, parts 4615.0900 to 4615.2000:** The repeal of these rules is authorized by: (a) *Minnesota Statutes* section 144.11, which permits the Commissioner of Health to repeal rules promulgated in order to comply with federal requirements governing federal aid for maternal and child welfare service and for public health services; and (b) *Minnesota Statutes* section 144.12, subdivision 1, which permits the Commissioner of Health to promulgate reasonable rules for the preservation of the public health.

Public Comment. Interested persons or groups may submit comments or information on the planned repeal of these rules in writing or orally until further notice is published in the *State Register* that the Department intends to repeal the rules. The department does not contemplate appointing an advisory committee to comment on the planned repeal of these rules.

Rules Drafts. The department has prepared a draft of the planned repeal of these rules.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the repeal, and requests for more information on the planned repeal of these rules should be directed to: Wendy Willson Legge at the Minnesota Department of Health, WIC Program, 85 East Seventh Place, P.O. Box 64882, St. Paul, Minnesota, 55164-0882, 651-281-9925, FAX: 651-215-8951, wendy.legge@health.state.mn.us. TTY users may call the department at 612-676-5522.

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 repeal rules is started. The agency is required to submit to the judge only those written comments received in response to the repeal after it is proposed.

Dated: 20 September 1999

Jan K. Malcolm, Commissioner
Department of Health

Higher Education Services Office

Proposed Permanent Rules Relating to Licensure of Private Career Schools

REQUEST FOR COMMENTS on Planned Amendment to Rules Governing Private Career Schools, *Minnesota Rules*, 4880.1500 to 4880.2800

Subject of Rules. The Minnesota Higher Education Services Office (MHESO) requests comments on its proposed amendments to the rules governing private career schools. The Office is considering rule amendments that pertain to the following major issues: establishing categories of 141 schools, establishing fees and fines, and using the term “college” or “university” in a school’s name.

Persons Affected. The proposed amendments to the rules would affect all private career schools licensed pursuant to *Minnesota Statutes*, Chapter 141 and operating entities determined to be in violation of *Minnesota Statutes*, Chapter 141.21, subdivision 5.

Statutory Authority. *Minnesota Statutes*, 136A.01, Subd. 2(8), authorizes the MHESO to adopt rules necessary to administer the programs under its supervision.

Public Comment. Interested persons or groups may submit comments or information on these proposed amendments to the rules in writing until 4:30 p.m. on November 29, 1999. The MHESO did appoint an advisory committee consisting of representatives from the affected group of private career schools who provided comments on the proposed amendments to the rules before the current rules draft was prepared. The MHESO does not contemplate appointing any additional advisory committees to comment on the proposed amendments to the rules.

Rules Drafts. The Office has prepared a draft of the proposed amendments to the rules. This notice and the proposed amendment to the rules are posted on the MHESO website: www.mheso.state.mn.us.

Agency Contact Person. Written comments, questions, and requests for more information on these proposed amendments to the rules should be directed to: Paul Thomas at the Minnesota Higher Education Services Office by phone 651-642-0585, FAX 651-642-0675, or via email: thomas@heso.state.mn.us. TTY users may call the Minnesota Relay Service at 800-627-3529 and request assistance in contacting the agency contact person.

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 the proposed amendments to the 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: 14 September 1999

Robert K. Poch, Director
Minnesota Higher Education Services Office

4880.1500 SCOPE.

Parts 4880.1500 to ~~4880.2400~~ 4880.2800 govern licensing of private ~~business, trade, and correspondence~~ career schools.

4880.1700 APPLICATION FOR LICENSURE.

Subpart 1. **Name of school.** The title or name of the school as it appears on the application for licensure ~~shall~~ must be used in all advertising, catalogs, brochures, contracts, letterheads, electronic display, and any other written materials or oral references presentations made in Minnesota by school representatives.

Subp. 2. **Schools at more than one location.** Schools offering programs at more than one location must provide all information required under *Minnesota Statutes*, section 141.25, subdivision 3, for each school location, on forms provided by the office. If this information is the same for each location, the school ~~shall~~ must clearly indicate that on the forms.

Subp. 3. **Instructor and program administrator qualifications.** The school must provide the office with each instructor’s name and academic degrees earned ~~or~~, applicable education and experience as specified in part 4880.1900, and ~~must also indicate which~~ courses each instructor teaches.

Subp. 4. **Program.** A program is a course or a grouping of courses that is advertised or listed in the school’s catalog, brochures, electronic display, or other publications, or for which the school grants a degree, diploma, or certificate. A program is the same as a “course of instruction.” For each program, the school ~~shall~~ must provide the following information:

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

Official Notices

F. curriculum required to complete the program, including:

- (1) outline of each course and its objectives, subjects, and units ~~in the course~~;
- (2) type of work or skill to be learned; and
- (3) approximate time, hours, or credits to be spent on each subject or unit;

G. employment opportunities for graduates;

H. physical resources ~~needed, including equipment currently available that will be provided by the school~~;

I. physical resources that students need to provide for themselves;

~~I. J.~~ information services ~~needed that will be provided by the school~~;

~~J. K.~~ academic and administrative mechanisms for monitoring the quality of the program; and

~~K. L.~~ documentation of availability, location, and supervision of clinical, internship, practicum, or externship sites, if applicable.

Subp. 5. [See repealer.]

Subp. 6. **Changes after issuance of license.** If a change occurs in any of the information required by *Minnesota Statutes*, section 141.25, subdivision 3, during the licensure year, the school ~~shall~~ must inform the office within 30 days of the change.

Subp. 7. **Change of ownership.** Within 30 days of a change in ownership or control, a school must submit a licensure renewal application with the appropriate fee to the office.

Subp. 8. **New program.** Prior to implementation of a new program, a school ~~shall~~ must submit the information required under subpart 4 to the office. The office ~~shall~~ must notify the school no later than 60 days after receipt of the required information whether the proposed new program meets the standards specified in *Minnesota Statutes*, section 141.25, subdivision 7, clause ~~(e)~~ (3), and whether the proposed new program can be added to the list of programs offered by the school.

4880.1800 STANDARDS FOR SCHOOL FACILITIES AND STUDENT HOUSING.

Subpart 1. **Sanitation and safety.** The premises and conditions under which students work and study and the living quarters that are owned or approved for student housing by a school ~~shall~~ must meet the sanitation and safety requirements of all local and state regulating agencies.

Subp. 2. **Inspection reports.** Copies of inspection reports by the local fire department; or the state fire marshal; ~~or Minnesota Industrial Commission shall, if furnished to the school,~~ must be filed with the office.

Subp. 3. **Clinical, internship, practicum, or externship sites.** The school ~~shall~~ must obtain sites for students to complete clinical, internship, practicum, or externship ~~requirements~~ activities if required by the educational program requires it.

Subp. 4. **Library and information services.** The school ~~shall~~ must furnish library resources and information services to support the educational programs it offers.

4880.1900 STANDARDS FOR INSTRUCTORS.

All instructors ~~shall~~ must have:

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

4880.2100 CONTENTS OF CATALOG ~~OR~~, BROCHURE, OR ELECTRONIC DISPLAY.

Subpart 1. **Refund policy.** The catalog ~~or~~, brochures, or electronic display of a school must state the refund policy that includes the requirements in *Minnesota Statutes*, section 141.271.

Subp. 2. **Clinical, internship, practicum, or externship sites.** The school must ~~publish in its catalog or brochures the most current locations of the~~ have available for review, by students and prospective students, a list of its current clinical, internship, practicum, or externship sites for programs that require this experience for completion of a program.

Subp. 3. **Supplementary pages information.** If supplementary information is added to printed medium, additional pages are ~~used, they~~ must be included as part of the catalog or brochures. The supplementary page or pages ~~shall~~ must be clearly identified as affecting Minnesota students. If information on supplementary pages contradicts the catalog or brochures, it ~~shall~~ must clearly indicate on these pages that the supplementary information supersedes information contained elsewhere in the catalog or brochures. Schools using electronic display must clearly indicate the changes that have occurred since the most recent update of the display and indicate the date the changes occurred.

Subp. 4. **Submitting changes.** If a school proposes to change information required by *Minnesota Statutes*, section 141.25, subdivision 9, that is contained in the school catalog ~~or~~, brochures, or electronic display during the license year, the school must submit the revised catalog ~~or~~, brochures, or electronic display to the office for review and approval prior to distribution to students or

prospective students. ~~No later than 30 days after receipt of the submitted materials, the office shall notify the school whether the changes are approved.~~ The office must notify the school, to let the school know whether the changes have been approved, no later than 30 days after receipt of the submitted materials.

4880.2200 PLACEMENT.

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

Subp. 2. **Report.** A certified copy of the school's placement record of students who graduated in the year prior to the year for which the license is to be issued ~~shall must~~ be filed with the office with the licensure renewal application. In addition to the information specified in *Minnesota Statutes*, section 141.25, subdivision 10, the report must include the complete mailing address of each graduate's place of employment.

4880.2300 SOLICITORS.

A school ~~shall must~~ not authorize a solicitor to engage in sales activities until the solicitor provides evidence of a solicitor's permit. A person obtaining a solicitor's permit ~~shall must~~ be referred to orally and in writing as a "solicitor" or "representative." A school must not refer to a solicitor as a "counselor" or "registrar." A school may file a blanket surety bond to cover all of its solicitors instead of the solicitor's bond specified in *Minnesota Statutes*, section 141.26, subdivision 3, provided the amount of the blanket bond is not less than the amount specified in *Minnesota Statutes*, section 141.26, multiplied by the number of solicitors employed by the school.

4880.2400 LICENSURE REQUIREMENTS FOR AVOCATIONAL SCHOOLS.

A school that promises, makes reference to, or advertises preparation for gainful employment upon completion of one of its programs shall not be considered as engaged exclusively in the teaching of purely avocational or recreational subjects under *Minnesota Statutes*, section 141.35, clause (j), and shall be subject to licensure under parts 4880.1500 to ~~4880.2400~~ 4880.2800.

4880.2500 CATEGORIES OF CHAPTER 141 SCHOOLS.

Subpart 1. Definitions. For purposes of this part, the following terms have the meanings given.

A. "Examination" means an examination administered by a national or state testing body, the state of Minnesota, or the federal government for licensure or other certification in a profession or occupation.

B. "Graduate" means an individual who has received a degree, diploma, or certificate for completion of a program during the most recent 12-month period that ended June 30 for which data are available.

C. "Passing rate" means the number of the school's graduates who passed the examination, as reported by the testing agency, as a percent of the number of the school's graduates who took the examination during the most recent 12-month period ending June 30 for which data are available.

D. "Placement" means a graduate who, within 12 months after graduation, has obtained a paid position of employment and the position is in an occupation related to the educational program, as reported by the graduate, the graduate's parent or guardian, spouse or domestic partner, adult sibling, employer, or instructional staff at the school.

E. "Placement rate" means the number of graduates in a cohort who obtained employment related to their education program as a percent of the total number of graduates in the cohort. For purposes of this item, a "cohort" is a class or group of students of the school that graduate in the same year.

F. "Program" means a vocational or professional program preparing students for an occupation which requires licensure or other certification by examination for entry into the occupation in Minnesota and completion of the program is required for admission to the examination.

Subp. 2. Categories of schools. Schools licensed under Minnesota Statutes, chapter 141, must qualify under one of the three following categories of schools:

A. A category A school must, for reporting purposes, satisfy all of the licensure requirements under parts 4880.1500 to 4880.2800 and Minnesota Statutes, chapter 141.

B. A category B school must, for reporting purposes, satisfy all of the licensure requirements under parts 4880.1500 to 4880.2800, Minnesota Statutes, chapter 141, and meet all of the following conditions:

(1) the school must offer at least one program for which a degree is granted to those who successfully complete the prescribed curriculum. A majority of the school's graduates must be graduates of its degree programs or programs where each course within that program is acceptable for full credit toward one of the degrees offered by the school;

(2) the school must verify that it has achieved full institutional reaccreditation with an accreditation agency recognized by the United States Department of Education; and

Official Notices

(3) the school must provide evidence that there has been no determination of limitation, suspension, or termination by the United States Department of Education within the past five years.

C. A category C school must, for reporting purposes, satisfy all of the licensure requirements under parts 4880.1500 to 4880.2800, *Minnesota Statutes*, chapter 141, and meet all of the following applicable performance indicators:

(1) the school must verify that it has achieved full institutional reaccreditation with an accreditation agency recognized by the United States Department of Education;

(2) the school must have a cohort default rate equal to or less than an average of 15 percent for the previous three consecutive years, as calculated by the United States Department of Education;

(3) the passing rate of the school's graduates on licensure or other certification examinations must be equal to or greater than 85 percent of the national or state passing rate, based on a minimum of ten graduates sitting for the examination in any one year;

(4) the school must have a placement rate equal to or greater than 70 percent, based on a minimum of ten graduates from the school in any one year;

(5) the school's withdrawal rate for the three most recent consecutive years, as established by the *Code of Federal Regulations*, title 34, section 668.16, paragraph (1), must not exceed 33 percent;

(6) the school must receive a satisfactory audit by the office for the three most recent consecutive years. The school must provide evidence that it has adhered to:

(a) the refund policy as specified in *Minnesota Statutes*, section 141.271, or that any discrepancies noted by each audit report have been corrected within 90 days of issuance of the report to the school; and

(b) the requirement for student records pursuant to *Minnesota Statutes*, chapter 141, including acceptable academic transcripts and student financial account records, or that any discrepancies noted in an audit report have been corrected within 90 days of issuance of the report to the school;

(7) the school must provide evidence that there has been no determination of limitation, suspension, or termination by the United States Department of Education during the past five years; and

(8) the school must verify annually there have been no unresolved student complaints related to *Minnesota Statutes*, chapter 141, or its attendant rules during the preceding 12 months immediately prior to the relicensure notification from the office.

Subp. 3. Relicensure report. Schools that meet the requirements of subpart 2, item A, are required to submit a full licensure report every year. Schools that meet the requirements of subpart 2, items B and C, are required to submit a full relicensure report once every four years and in the interim years will be exempt from the requirements of parts 4880.1700, subpart 6, and 4880.2100, subpart 4; and *Minnesota Statutes*, section 141.25, subdivision 3, clauses (4), (5), and (8).

4880.2600 SCHEDULE OF FEES.

Subpart 1. Scope. The following fees are applicable to schools regulated under *Minnesota Statutes*, chapter 141. A school is required to submit the amount specified in this part with each completed application.

When evaluation team members are selected, the school will be notified of the amount due. The amount must be received by the office before the team visits the school. When all other requirements for a license are met, the school will be billed for any additional evaluation team costs, if any are applicable.

A license or permit shall be granted only after receipt of all applicable fees. These fees are not refundable.

Subp. 2. Application forms. The fee for the application form is \$25.

Subp. 3. Initial licensure fees.

A. The office fee for processing licensure application is:

- (1) \$1,000 for a school that will offer no more than one program its first year; or
- (2) \$2,000 for a school that will offer more than one program its first year.

B. Evaluation team fees, if applicable, must be paid in advance of team visit and are:

- (1) \$300 for the team base fee; and
- (2) \$300 for each day or part thereof on site per team member.

Subp. 4. Relicensure fees.

A. For a school that offers one program, the relicensure fee is:

- (1) \$750 for a category A school; and
- (2) \$375 for a category B or C school.

B. For a school that offers more than one program, the relicensure fee is:

- (1) \$1,000 for a category A school; and
- (2) \$500 for a category B or C school.

Subp. 5. Specific-purpose fees for licensed schools. At the office's discretion, a fact-finding visit may be directed to review proposed changes and additions. The fees related to these visits are as follows:

A. The office processing fee for adding degree levels to approved programs is \$2,000.

B. The office processing fee for the addition of a program that represents a significant departure in the objectives, content, or method of delivery of programs currently offered is \$500.

C. The evaluation team fee for items A and B must be paid in advance and is:

- (1) \$300 for the team base fee; and
- (2) \$300 for each day or part thereof on site per team member.

D. The fee for a modification of an existing program is \$100. This fee is due if there is:

(1) a substantial increase or decrease of 25 percent or more, from the original date of program approval, in clock hours, credit hours, or calendar length of an existing program;

(2) a change in academic measurement from clock hours to credit hours or vice versa; or

(3) addition or alteration of courses that represent a significant departure in the objectives, content, or methods of delivery.

Subp. 6. Solicitor permit. The solicitor permit fee is \$250 and must be paid annually.

Subp. 7. Miscellaneous fees. The following miscellaneous fees are as follows:

A. a student transcript request from a closed school is \$10, with a maximum of five transcripts per request; and

B. the cost for copying documents is:

- (1) 25 cents a copy, plus shipping and handling for fewer than ten copies; and
- (2) ten cents a copy, plus shipping and handling for ten or more copies.

4880.2700 SCHEDULE OF FINES.

Subpart 1. Penalties.

A. The office may assess any entity, which violates any provision of *Minnesota Statutes*, chapter 141, an administrative penalty in an amount not to exceed \$500 for each day for each violation. For purposes of this part, an "entity" is any natural person, board, partnership, association, corporation, or other entity, however organized.

B. The office must inform the entity of the alleged violation by certified mail, return receipt requested, prior to assessing an administrative penalty. This letter must specify the alleged violation, the steps that must be taken to correct the violation, the penalty that will be assessed if the violation is not corrected, and the time frame in which the corrections must occur.

C. If the entity does not respond to the office and make the required corrections in the specified time frame, the office will send a second certified letter, return receipt requested, and assess the penalty.

Subp. 2. Procedure. The total amount of an administrative penalty that is assessed must be specified in the second letter and calculated according to this subpart.

A. The number of days that an entity is in violation is the difference between the day on which the entity is notified, by receipt of certified letter, of its failure to correct the violation and the day on which the office notifies the entity that the violation has been corrected.

B. The total amount of an administrative penalty is the product of the number of days that an entity is in violation multiplied by the dollar amount per day penalty.

C. The office may assess an administrative penalty for each violation according to these procedures whenever one or more violations exists. Payment of the administrative penalty shall be due no later than seven business days after the receipt of the certified letter containing notice of assessment. The total amount of an administrative penalty shall be calculated on the number of days that the entity is in violation notwithstanding any appeals initiated by the entity. Failure to pay an administrative penalty within 30 days of its due date shall result in revocation of the license of the entity or denial of a license to an applicant.

Subp. 3. Penalty amounts. The office shall, for the purposes of determining and assessing an administrative penalty, use the following classifications:

Official Notices

A. Class 1 violation, \$500 per day:

- (1) entity operating without a license;
- (2) previously licensed school operating after expiration date of license;
- (3) previously licensed school operating multiple locations without authorization; or
- (4) previously licensed school operating without an adequate surety bond.

B. Class 2 violation by an existing school, \$250 per day:

- (1) failure to adhere to the refund policy stated in *Minnesota Statutes*, section 141.271, as noted in an annual office audit report;
- (2) failure to maintain student academic and financial aid record requirements as noted in an annual office audit report;
- (3) false statement about a material fact in application for initial or renewal license;
- (4) failure to file annual financial report within 120 days of the end of the institution's fiscal year unless such filing is not within the control of the institution; or
- (5) failure to file new or renewal solicitor's permit application and to pay applicable fee.

C. The assessment of an administrative penalty does not preclude the office from also revoking a school's license or denying a license to an applicant.

4880.2800 USE OF TERMS "COLLEGE" AND "UNIVERSITY"; AUTHORIZATION.

Subpart 1. **Affected schools.** Private career schools organized or created after November 15, 1969, not exempted according to *Minnesota Statutes*, section 141.28, subdivision 2, which desire to use the term "college" or "university" as part of the school name must apply to the office for authorization. Application forms will be provided by the office upon request.

Subp. 2. **Minimum requirements.** Schools must satisfy the following minimum requirements:

A. Private career schools desiring to use the term "college" as part of their business name or any other designation must:

- (1) be authorized to offer at least one program for which a degree is granted; and
- (2) be fully reaccredited for all degrees offered by a higher education accreditation agency that accredits degree-granting schools, and which is recognized by the United States Department of Education.

B. Private career schools desiring to use the term "university" as part of their business name or any other designation must:

- (1) be authorized to offer more than one program for which a baccalaureate degree is granted, and at least one graduate or professional degree; and
- (2) be fully reaccredited by a higher education accreditation agency that accredits degree-granting schools, and which is recognized by the United States Department of Education.

Subp. 3. **Out-of-state schools.** An out-of-state school which now uses the term "college" or "university" as part of its business name or any other designation in another state, which is authorized by the office to operate as a school in Minnesota, and which desires to use the term "college" or "university" as part of its business name or any other designation while operating in Minnesota, must satisfy the minimum requirements of subpart 2.

REPEALER. *Minnesota Rules*, part 4880.1700, subpart 5, is repealed.

Department of Human Services

Authorization List

The following is a listing of adds, deletes and changes to the current authorization list. The newly added, deleted and changed codes will require authorization on or after October 1, 1999. As authorized by *Minnesota Statutes*, section 256B.0625, 9 subdivision 25, the following list includes all health services that have been added, changed, or deleted from authorization as a condition of Minnesota Health Care Programs (MHCP) payment. The list is presented in sections: Dental Services, Vision Care Services, Medical Supplies and Equipment, Prosthetics and Orthotics, Hearing Aids, Drugs, Rehabilitative Services, and All Other Services. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health services needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health services are generally available.
- D. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

These newly added, deleted or changed codes will require Authorization for services provided on or after October 1, 1999.

- I. Dental
 - DELETED CODES** (no longer needs authorization)
 - D2710 Resin crown (laboratory)
- II. Vision Care Services
 - No updates this publication
- III. Medical Supplies and Equipment; Prostheses and Orthoses
 - No updates this publication
- IV. Hearing Aids
 - No updates this publication
- V. Drugs
 - No updates this publication
- VI. Rehabilitative Services
 - OCCUPATIONAL THERAPY**
 - No updates this publication
 - PHYSICAL THERAPY**
 - No updates this publication
 - SPEECH-LANGUAGE PATHOLOGY**
 - No updates this publication
- VII. All Other Services
 - I. Non-investigative Services
 - No update this publication
 - II. Investigative List Alpha Order
 - No update this publication
 - III. Investigative List Numeric
 - No update this publication

Department of Human Services

Continuing Care Administration — Community Supports for Minnesotans with Disabilities

Public Notice of Intermediate Care Facilities for Persons with Mental Retardation Payment Rates (ICFs/MR Participating in the Medical Assistance Program)

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA) Program, and to the public, of final payment rates for ICFs/MR. This notice is published pursuant to §4711 of the Balanced Budget Act of 1997 (P.L. 105-33), signed by the President on August 5, 1997. Section 4711 of the Act amended Title XIX of the Social Security Act (42 *United States Code*, section 1396a(a)(13)) and requires the Department to publish proposed and final ICF/MR payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. The Department's notice regarding proposed ICF/MR rates was published in the *State Register* on April 26, 1999 (23 S.R. 2084).

Effective October 1, 1999 and October 1, 2000, ICFs/MR paid pursuant to Rule 53 or a performance-based contract may apply to the Department for a 4.6% and 3.6% increase, respectively, based on compensation-related costs. Facilities must submit an application for the compensation adjustment which contains a plan for distribution. The plan must be posted or otherwise available to the facility's employees. Once the plan is approved, the rate adjustment will be added to the facility's payment rate for the period October 1, 1999 and October 1, 2000, or the effective date of the plan. Effective October 1, 1999 and October 1, 2000, ICFs/MR paid pursuant to Rule 53 or a performance-based contract will receive a 3.2% and 2.0% increase, respectively, based on non-compensation-related operating costs.

Final ICF/MR payment rates, effective October 1, 1999, have been calculated, and individual facilities will be notified of their applicable rates. Individual ICF/MR payment rates are available by contacting John Fillbrandt, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota, 55155-3857, or at 651-582-1910.

Department of Human Services

Health Care Administration

Medical Assistance Program

Request for Comments on County-Based Purchasing Federal Waiver Amendment Request

The Minnesota Department of Human Services (DHS) is announcing a 30-day comment period on (1) the waiver amendment request submitted to the federal Health Care Financing Administration (HCFA) to implement county-based purchasing and (2) the waiver amendment request to implement county-based purchasing in Cass, Crow Wing, Morrison, Todd, and Wadena Counties. County-based purchasing is being developed in response to legislation passed in 1997 to allow counties to contract for or provide Medical Assistance services to eligible recipients. The waiver request describes county-based purchasing and the waivers from Federal law and regulation that will be needed to implement the program and has been amended from the request submitted to HCFA in January 1999.

A joint powers board comprised of representatives of Cass, Crow Wing, Morrison, Todd, and Wadena Counties has developed the Essential Health Plan. The Essential Health Plan waiver amendment request has been developed by DHS based on information submitted by Essential Health Plan. It details how the plan will operate in those counties, including how enrollees will be able to access health care services and how the plan will contract with health care providers.

Copies of the revised waiver amendment requests are available to any interested parties. Comments must be received by 4:00 p.m. on Wednesday, October 20, 1999.

To request a copy, please contact Chris Wasielewski at 651-296-3882. Please direct comments or questions about the waiver amendment request to:

Kathleen Vanderwall
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3852
Telephone: 651-282-3720
FAX: 651-215-9453
E-mail: kathleen.vanderwall@state.mn.us

Department of Labor and Industry

Code Administration and Inspection Services Unit

REQUEST FOR COMMENTS on Planned Amendment to Rules Governing Boilers and Boiler Engineers, Certain Boats for Hire, and High Pressure Piping Permits and Licenses, *Minnesota Rules*, Chapters 5225 and 5230

Subject of Rules. The Minnesota Department of Labor and Industry, Code Administration and Inspection Services Unit, and its divisions of Boilers and High Pressure Piping request comments on its planned amendment to rules governing boilers, boiler engineers, power boats, and pipefitters and power piping systems. The Department is considering rule amendments that update and clarify boat rules and provide current terminology and references to the United States Coast Guard regulations. Additionally, the proposed rule amendments will update and clarify the pipefitter and power piping systems rules to conform with national standards for boiler and high pressure piping.

Included in the proposed boiler rule amendments will be adoption of actual horsepower ratings for boilers as determined by boiler manufacturers or by formula. Amendments to the boiler license and attendance requirements may be proposed to reflect the adoption of actual horsepower ratings for boilers. The rules will also adopt the concept of a boiler and pressure vessel operating permit and make changes of a substantive and technical and housekeeping nature.

The proposed rule amendments regarding high pressure piping will include a definition of what constitutes repair to an existing high pressure piping installation and establishment of qualifications and fees for registration as a pipefitter trainee. Other high pressure piping topics to be addressed in the rule amendments will be the ammonia type governed, discharge piping, and other changes substantive, technical, and housekeeping in nature.

Persons Affected. The amendments under consideration to the rules for boilers would likely affect owners of regulated boilers and pressure vessels, owners of boats-for-hire subject to regulation under *Minnesota Statutes*, chapter 183, boiler operating engineers, and employees and members of the general public who occupy buildings with boiler plants or ride boats for hire. The amendments under consideration to the fee rules for High Pressure Piping would likely affect primarily pipefitters and pipefitting contractors engaged in high pressure piping, those persons and entities owning, operating, improving, or constructing high pressure piping systems, and employees and members of the public who occupy buildings with high pressure piping systems.

Statutory Authority. *Minnesota Statutes*, section 175.171 authorizes the Commissioner to adopt reasonable and proper rules. The Department of Labor and Industry has statutory authority to amend rules to regulate and adopt fees regarding boilers, pressure vessels, and certain boats for hire under *Minnesota Statutes*, chapter 183 generally and specifically section 183.41, subdivision 2, which requires the Commissioner to adopt rules relating to boats and boiler operations, and sections 183.42, 183.44, 183.45, 183.465, 183.466, 183.501, 183.51, 183.54, 183.545, and 183.62. The Department of Labor and Industry has statutory authority to amend rules to regulate and adopt fees regarding high pressure piping licenses and permits and to regulate high pressure piping workers and to regulate and inspect high pressure piping systems under *Minnesota Statutes*, sections 326.46 to 326.521 generally and 326.47, 326.48, and 326.50, specifically.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on Monday, November 29, 1999. Comments received after that date and before further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules may be considered, but comments should be received by November 29, 1999, in order to be considered in determining what rule amendments to propose. The Department does not contemplate appointing an advisory committee to comment on the planned rules in addition to the existing Code Enforcement Advisory Council created by *Minnesota Statutes*, section 175.008. Those wishing information about the rule amendments or meetings of the Code Enforcement Advisory Council should reach the agency contact person listed below.

Rules Drafts. The Department has not yet prepared a draft of the planned rules amendments, but any person interested may request to receive a copy of the draft rules when it has been prepared by reaching the agency contact person listed below.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules or meetings of the Code Enforcement Advisory Council should be directed to:

Kevin Wilkins, Director
Code Administration and Inspection Services Unit
Minnesota Department of Labor and Industry
443 Lafayette Road North
St. Paul, MN 55155
phone: 651-296-4531
FAX: 651-215-1140

Official Notices

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 September 1999

Gretchen B. Maglich, Commissioner
Department of Labor and Industry

Department of Labor and Industry

Labor Standards Unit

Notice of Addition to Commercial Prevailing Wage Rates

Additional rates have been added to the Commercial Prevailing Wage Rates certified 10/26/98, for Labor Code 104, Flagperson in Itasca County; Labor Code 414, Millwright in Polk County; and Labor Code 424, Tile Setters in Hubbard County.

Copies of the corrected certifications may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, 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 \$.65 for each additional page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich
Commissioner

Board of Nursing

REQUEST FOR COMMENTS on Proposed Amendments to the Following Rules:

- Requirements for Licensure by Examination,
- Requirements for Licensure without Examination,
- Registration Renewal Requirements,
- Registration Renewal Procedures,
- Substantiation of Participation in Continuing Education,
- Reregistration Requirements,
- Reregistration Procedures,
- Change of Name and Address on Records,
- Registration Fees,
- Dishonored Checks.

The Board of Nursing proposes to add rules on Fetal Alcohol Education and to repeal the rules regarding Professional Nursing Organizations with Authority to Certify.

Subject of Rule. The Board of Nursing requests comments on its planned rules regarding fetal alcohol syndrome and fetal alcohol effects education; amendments to rules governing fees for licensure by examination, licensure without examination, registration renewal, and late application; amendments to rules governing change of name and address on record; deletion of rules related to infection control continuing education; and repeal of rules related to fees regarding application for prescribing authority and the rules governing professional nursing organizations with the authority to certify.

Persons Affected. The proposed rules regarding fetal alcohol education would likely affect those registered nurses who diagnose and treat pregnant women abusing alcohol and children with fetal alcohol syndrome or fetal alcohol effects. The amended fee rules would likely affect those individuals who apply for licensure by examination, who apply to retake the examination, who apply for licensure without examination, and licensees who apply for renewal of registration or reregistration. The rule that addresses how frequently the licensure examination may be retaken would likely affect those applicants who fail the licensure examination. The rule that removes the specific score requirement on the State Board Test Pool examination would likely affect applicants for licensure without examination. The deletion of the infection control continuing education requirements would likely affect licensees

with current registration who renew their registration. The rule permitting change of address other than in writing would likely affect all licensees. The repeal of the chapter of rules that lists the professional nursing organizations with the authority to prescribe would likely affect any agency that referenced the rules.

Statutory Authority. The statutory authority for this proposal is as follows:

- *Minnesota Statutes* section 62A.15, subd. 2 was repealed July 1, 1999. The repealed language contained the authority for the Board of Nursing to establish by rule a list of professional nursing organizations which have the authority to certify nurses in advanced practice nursing. Because the authority to establish the list no longer exists, Chapter 6330 in the Board of Nursing Rules must be repealed.
- *Minnesota Statutes* section 214.12, subd. 2 was repealed. This subdivision authorized the Board to require by rule, instruction or continuing education on infection control. Therefore, the authority to specifically require infection control contact hours no longer exists, and the rules must be repealed.
- *Minnesota Statutes* sections 148.191 subd. 2, 148.211, subd. 1 and 2, and 148.231, subd. 1 and 5 authorize the Board to establish rules and assess fees for licensure, reexamination, registration, renewal of registration, and reregistration. *Minnesota Statutes* section 214.06 requires all health-related licensing boards to adjust any fee which the board is empowered to assess at a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures during a fiscal biennium.
- *Minnesota Statutes* section 214.12 directs the Board of Nursing to promulgate a rule that requires licensees who have primary responsibility for diagnosing and treating pregnant women who are abusing alcohol and children with fetal alcohol syndrome and fetal alcohol effects to receive education on these topics.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board of Nursing has prepared a draft of the planned rules, rule amendments and repeals. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be addressed to:

Sandra J. MacKenzie
Assistant Director
Minnesota Board of Nursing
2829 University Avenue SE, Suite 500
Minneapolis, Minnesota 55414
Telephone: 612-617-2180
Facsimile: 612-617-2190
e-mail: sandra.mackenzie@state.mn.us

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

Shirley A. Brekken
Executive Director

Office of the Secretary of State

REQUEST FOR COMMENTS on Planned Amendment to Rules Governing Training of County Auditors, Local Election Officials, and Election Judges, *Minnesota Rules*, chapter 8240

Subject of Rules. The Minnesota Secretary of State requests comments on its planned amendment to rules governing training of county auditors, local election officials, and election judges. The Secretary is considering rule amendments that would establish programs for the training of county auditors and local election officials and would modify the current training program for election judges. The rules will (1) establish a training program to certify county auditors in election administration, (2) specify the manner in which county auditors must conduct training sessions of local election officials, and (3) make changes to the current training program for election judges.

Persons Affected. The amendment to the rules would likely affect county auditors, local election officials, election judges, and eligible voters.

Statutory Authority. *Minnesota Statutes*, section 204B.25, subdivision 2, requires the Secretary to adopt rules establishing programs for training of county auditors, local election officials, and election judges.

Official Notices

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on November 29, 1999. The Secretary does contemplate appointing an informal advisory committee to comment on the planned rules. The committee members will be county auditors, municipal clerks, and school district clerks and possibly election judges and eligible voters. The Secretary contemplates that the committee will meet at least three times starting in late October.

Rules Drafts. The Secretary has not yet prepared a draft of the planned rules amendments.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be directed to:

Jeff Sigurdson
Acting Director, Election Division
Office of the Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299
651-215-1440
877-600-8683
FAX: 651-296-9073
elections@sos.state.mn.us

TTY users may call the Secretary at 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, while appreciated, will not necessarily be included in the formal rulemaking record submitted to the administrative law judge after a proceeding to adopt rules is started. The agency is required to submit to the administrative law judge only those written comments received in response to the rules after they are proposed.

Dated: 27 September 1999

Mary Kiffmeyer
Secretary of State

Office of the Secretary of State

REQUEST FOR COMMENTS on Planned Amendment to Rules Governing Voter Registration; Petitions; Absentee and Mail Voting; Voting Systems; Recounts; Ballots; Redistricting; and Precinct Boundary Changes, *Minnesota Rules*, chapters 8200; 8205; 8210; 8220; 8230; 8235; 8250; and 8255

Subject of Rules. The Minnesota Secretary of State requests comments on its planned adoption of, amendment to, and repeal of rules governing voter registration, petitions, absentee and mail voting, voting systems, recounts, ballots, redistricting, and precinct boundary changes. In general, the Secretary is conducting a comprehensive review of all the Office's election-related rules and is seeking suggestions from all sources about election-related rules that should be adopted, amended, or repealed. The Secretary will propose specific rule amendments based on the suggestions received. The Secretary also is considering specific rule amendments that (1) establish the manner in which petitions required for any election in the state are circulated, signed, filed, and inspected; (2) remove references to the repealed presidential primary; (3) change absentee and mail voting procedures and forms to comply with recent legislative changes and to incorporate user comments; (4) change voting system procedures to better reflect user experience and to make this voting process simpler to use; (5) establish a consistent format for ballots used in elections in the state; (6) establish procedures for coordinating precinct boundary changes with reestablishing local government election district boundaries; and (7) establish procedures for correcting congressional, legislative, and county commissioner district boundaries after municipal annexations.

Persons Affected. The proposed rule amendment likely would affect eligible voters, election officials, and candidates for public office.

Statutory Authority. *Minnesota Statutes*, section 14.06 (a) gives the Secretary the authority to adopt rules setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public; *Minnesota Statutes*, section 201.071, subdivision 1, gives the Secretary the authority to establish the form of the voter registration card; *Minnesota Statutes*, section 201.221, subdivisions 1 and 2 give the Secretary authority to adopt rules implementing voter registration statutes, to create uniform forms and procedures, and to adopt rules for maintaining the statewide voter registration system; *Minnesota Statutes*, sections 203B.04, subdivisions 1 and 5, 203B.08, subdivision 4, 203B.09, and 203B.125 give the Secretary authority to establish the form of documents required for absentee balloting and procedures for absentee balloting; *Minnesota Statutes*, section 204B.071 gives the Secretary the authority to establish rules governing the circulation, signing, filing, and inspection of election petitions; *Minnesota Statutes*, section 204B.14, subdivisions 4 and 6, gives the Secretary the authority to establish procedures related to precinct boundary changes; *Minnesota Statutes*, section 204B.45, subdivision 3, gives the Secretary the authority to adopt rules governing the conduct of mail balloting; *Minnesota Statutes*, section 204C.361 gives the Secretary the authority to establish procedures for recounts; the Secretary's authority to establish the format of ballots is in *Minnesota Statutes*, sections 204D.08, subdivision 1 (state primary), 204D.11, subdivisions 1, 2, 3, 4, and 6 (white, pink, canary, federal white, and gray ballots), 205.17, subdivision 6 (municipal), 205A.08, subdivision 5 (school district), 206.84, subdivision 3 (electronic voting system), and 447.32, subdivision 4 (hospital district); *Minnesota Statutes*, sections 206.57, subdivision 1, and 206.81 give the Secretary authority to adopt rules governing voting systems; and *Minnesota Statutes*, section 211C.03 gives the Secretary the authority to adopt rules governing recall petitions.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on November 29, 1999. The Secretary does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Secretary has not yet prepared a draft of the planned rules amendments.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be directed to:

Jeff Sigurdson
Acting Director, Election Division
Office of the Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299
651-215-1440
877-600-8683
FAX: 651-296-9073
elections@sos.state.mn.us

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NOTE: Comments received in response to this notice, while appreciated, will not necessarily be included in the formal rulemaking record submitted to the administrative law judge after a proceeding to adopt rules is started. The agency is required to submit to the administrative law judge only those written comments received in response to the rules after they are proposed.

Dated: 27 September 1999

Mary Kiffmeyer
Secretary of State

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 Health

Division of Environmental Health

Request for Proposals for Lead-Safe Housing Grants

The Minnesota Department of Health intends to award two-year grants totaling up to \$42,500 to one or more boards of health for provision of temporary lead-safe housing and relocation costs for families displaced by lead hazard reduction in their primary residence. Awards will be made by February 14, 2000, after which grant contracts must be executed by the Department of Health and the grantees. **An incomplete application will not be funded.** Additional information will **NOT** be accepted after the due date for applications.

Applications must be postmarked November 12, 1999, or hand delivered by 4:00 p.m. on November 12, 1999, to:

Douglas Benson
Division of Environmental Health
121 East Seventh Place, Suite 360
PO Box 64975
St. Paul, Minnesota 55164-0975

These grants are competitive and applicants for previous grants should be aware that each application must stand on its own merits. Neither information from previously submitted applications nor the Department staff's personal knowledge of the applicant will be considered in scoring. Exception: an applicant who previously received a grant but who failed to fulfill the terms of that grant will not be considered for funding.

Eligible Applicants. Applicants must be boards of health with responsibility under *Minnesota Statutes*, section 144.9504, for responding to reports of elevated blood lead levels.

Eligible Costs. Eligible costs include moving costs and rent for a temporary residence for any low-income resident temporarily relocated during lead hazard reduction. Eligible costs include the following:

1. inspection of housing prior to rental;
2. rental of temporary housing found by inspection to be free of deteriorating lead-based paint, bare lead-contaminated soil and dust, and lead-contaminated drinking water;
3. cleaning of the housing after occupancy;
4. moving expenses up to \$250 per family; and
5. staff training costs related to provision of lead-related health education to families using lead-safe, temporary housing.

Examples of Itemized Budget Line Items. The following items are examples of acceptable budget items: administrative costs, salary & fringe benefits, training, inspection costs, transportation, apartment lease, damage deposit, motel room backup, utilities, cleaning, exterminator services, furnishings & supplies, and total cost. This list is not intended to be definitive; applicants may omit or add line items to fit their specific proposal.

The Department of Health cannot reimburse a grantee for any expenses incurred before a grant contract is fully executed. The Department's grant contract will require that invoices be submitted quarterly with narrative progress reports.

Application Contents. Applicants must include documentation that the board of health authorized the application. This documentation may be a board resolution specific to this application or a resolution that authorizes an individual to apply for grant applications on behalf of the board. The applicant must also state that no one under the age of 18 years will perform regulated lead work under this grant. Applicants must submit three copies of the application. The application must contain the items listed below.

A. Project Narrative

1. identify the board of health for which the application is submitted;
2. provide a board resolution authorizing application;
3. affirm that minors will not perform regulated lead work;
4. describe the clientele and service area in terms of people living in an area of high risk for toxic lead exposure; and
5. describe the service to be provided.

- B. Itemized Budget
 - 1. describe documentation of expenditures for invoices;
 - 2. list line items and dollar amounts; and
 - 3. specify the total amount requested.
- C. Schedule
 - 1. estimate the planned starting date;
 - 2. identify milestones; and
 - 3. estimate an end date.

Department of Human Services

Adult Supports Division

Refugee Services Section

Request for Proposals for Services to Elderly Refugees from the Former Soviet Union and East Africa

NOTICE IS HEREBY GIVEN that the Refugee Services Section, Adult Supports Division, Minnesota Department of Human Services, is seeking proposals to provide services to elderly refugees from the former Soviet Union and east Africa.

We are seeking proposals for ten-month projects that begin December 1, 1999 and can be renewed for an additional year if funding is available.

Funding will be from the federal Office of Refugee Resettlement in an estimated amount of \$60,000.

To be considered for funding, proposals must be post-marked or hand-delivered to the Refugee Services Section by 4:20 P.M., CDT, October 25, 1999. We reserve the right not to act on this Request for Proposals.

Please direct all questions and requests for copies of the full Requests for Proposals to:

Minnesota Department of Human Services
Adult Supports Division
Refugee Services Section
Human Services Building
444 Lafayette Road
Saint Paul, Minnesota 55155-3837
Phone: 612-296-1383

Department of Natural Resources (DNR)

Metro Regional Administration

Request for Proposals for Metro Greenways Planning Grants

The DNR, Metro Region, is requesting proposals for the FY2000 Metro Greenways Planning Grant Program. This program will provide a total of \$200,000.00 in matching grants to implementing agencies to conduct natural resource inventories and/ or natural resource and greenway planning. The application deadline is January 28, 2000. Interested agencies please phone Sharon Pfeifer (651-772-7982), Metro Regional Planner or check the DNR website at (<http://www.dnr.state.mn.us/greenprint/metro-green.html>) for further information and/or application materials.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

Department of Administration

InterTechnologies Group

Notice of Request for Proposals for Telecommunications Systems Planning, Design and Development Consulting Contract

The InterTechnologies Group of the Minnesota Department of Administration is requesting proposals from qualified firms to provide telecommunication systems planning, design, and development on an as needed basis. Responders should have extensive experience in the architectural design, development and deployment of ISDN, videoconferencing, frame relay with ATM, IP routing and network management.

Proposal Submission Date: October 18, 1999

The full text of the Request for Proposal is available on request from the InterTechnologies Group. Responses should be directed to:

Allen Ophoven
InterTechnologies Group
500 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
Phone: 651-296-5108, FAX: 651-297-5368

Proposals must be received no later than 2:00 p.m., on October 18, 1999.

Department of Administration

STAR Program (A System of Technology to Achieve Results)

Notice of Availability — A Contract for Legal Protection and Advocacy Services for People With Disabilities in Acquiring Assistive Technology, \$45,000

STAR is offering a contract for protection and advocacy services for people with disabilities in acquiring assistive technology. This contract is available on a competitive basis. STAR is accepting proposals from Minnesota based organizations who wish to provide legal assistance to unserved, underserved, or under-represented people with disabilities. This includes minorities, persons with low incomes, and persons with limited English proficiency. Applicants should have demonstrated ability to carry out the following priorities.

- A. Legal advocacy for people of all ages; Guidance in the assistive technology acquisition appeals process
- B. Provision of legal services for consumers of assistive technology from negotiation, to trial and appeal; Ability to provide assistance to other advocates throughout the state; Outreach to minority communities
- C. Helping people obtain funding for assistive technology; Collaborate with other local and statewide legal and community groups; Increase peoples capacity to advocate for themselves by providing training, materials, and technical assistance to consumers, parents and advocates; Increase knowledge among medical personnel so they can advocate for consumers of assistive technology.

One contract worth \$45,000 may be made. Interested parties could include, but are not limited to, legal aid societies, law schools or law firms. The successful applicant must be able to provide services throughout the state of Minnesota. Proposals must be received by Thursday, October 28, 1999, 4:30 PM in the format specified in the application package. These funds may not be used to supplant activities or services mandated by other federal or state legislation. Materials detailing the process will be available Friday, October 1, 1999, and can be obtained by contacting STAR at 651-296-2771, 651-296-9478 (TTY) 800-657-3862, 800-657-3895 (TTY). Questions should be directed to Tom Shaffer, the Program and Development Specialist at 651-296-9718.

Professional, Technical & Consulting Contracts

Colleges and Universities, Minnesota State (MnSCU)

Riverland Community College, Austin Campus

Request for Proposals for Architectural Services for Building Code Compliance and Site Improvements

NOTICE IS HEREBY GIVEN that Riverland Community College intends to retain architectural and engineering consulting services for the HVAC, Energy Management, fire and building code compliance and campus site improvements for the Austin, Minnesota east and west buildings.

The scope of the project includes:

Connection of the buildings with walkways and lighting; relocation of existing tennis courts and softball field all requiring civil engineering services.

A major portion of funds will correct deficiencies in major mechanical and electrical systems for the fresh air supply, heating and cooling capacities, supply and return ducts, reheat coils, dampers, sprinklers, energy management systems, lighting and fire alarm systems for the west campus.

Project budget/fees:

The project has been funded at the total project cost of approximately \$2,000,000.00, which includes: design fees, reimbursable costs, site investigations, testing and inspection services, hazardous material removal, construction, site furnishings and fixtures, equipment and contingencies.

***NOTE:** This request for proposal does not obligate Riverland Community College (MnSCU) to complete the proposed project, and Riverland Community College (MnSCU) reserves the right to cancel the solicitation if it is considered to be in its best interest.*

For a complete copy of the Request for Proposal please submit a letter of interest no later than 4:30 p.m. Friday, October 8, 1999 to:

***NOTE:** Prospective responders who have any questions regarding this request for proposal may call or write the following personnel. Other personnel are NOT allowed to discuss the request for proposal with anyone, including responders, before the proposal submission deadline.*

Karen Snorek, Vice President of Finance
Ph: 507-433-0605 or
Bud Sanders, Physical Plant Supervisor
Riverland Community College
1900 8th Ave. NW
Austin, MN 55912
Ph: 507-433-0507
FAX: 507-433-0349

Minnesota Historical Society

Request for Bids for Annual Report Printing

The Minnesota Historical Society is seeking bids from qualified individuals and firms to provide printing of the MHS Annual Report. The work will generally consist of color printing of the annual report per specifications with delivery no later than October 28, 1999.

All bids must be received by Chris M. Bonnell, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102 or an authorized agent no later than 10:00 a.m. Central Time, Monday, October 11, 1999. Proposals must be submitted in a sealed envelope with the project name clearly written on the envelope. Late proposals will not be considered.

Authorized agents for receipt of proposals are the following: Chris M. Bonnell, Contracting Officer, Mary Green-Toussaint, Contracting and Procurement Technician or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center. Bids may not be delivered to the information desk, to the guard or to any location or individual other than as specified above.

The Request for Bids is available by calling or writing Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102. Telephone is 612-297-5863 (chris.bonnell@mnhs.org). Complete specifications and details concerning submission requirements are included in the Request for Bids.

Dated: 27 September 1999

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

City of Moorhead

Request for Proposals for Planning and Engineering Services

The City of Moorhead is soliciting proposals from consultants for the development of 34th Street North from Trunk Highway 10 to County State Aid Highway 18.

This Request for Proposals is for professional engineering and planning services to conduct the corridor planning; environmental studies including the Environmental Assessment Worksheet (EAW), Environmental Assessment (EA) and Finding of No Significant Impact (FONSI); and preliminary layout of the roadway.

The City of Moorhead reserves the right to reject any or all submittals. Selection criteria will be used to analyze submittals from responding consultants.

Interested firms should contact Mr. Robert Martin, Public Works Director for the City of Moorhead, to obtain a full copy of the RFP. He can be reached at the City of Moorhead, 500 Center Avenue, PO Box 779, Moorhead, MN 56561, 218-299-5390 (phone), 218-299-5399 (FAX). Any questions or comments concerning the RFP may also be directed to Mr. Martin.

All proposals received by 4:00 p.m., on October 18, 1999 at the Public Works Department in Moorhead City Hall will be given equal consideration. Minority, women-owned and disadvantaged business enterprises are encouraged to participate.

All proposals must clearly identify on the outside envelope the following: **PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FOR DEVELOPMENT OF 34TH STREET NORTH**

Dakota County

Community Corrections Department

Request for Proposals for Crew Supervisors and Equipment for Operation of the Sentencing to Service Work Crew Program

Issued: September 22, 1999

Informational Meeting: September 30, 1999

Due Date: October 15, 1999

Eligible Applicants:

Dakota County Community Corrections Department is seeking proposals from qualified public, private and private non-profit agencies to provide crew supervisors and equipment for operation of the Sentencing to Service work crew program in Dakota County. The successful Respondent will enter into a contract with Dakota County Community Corrections.

Description:

The program model to be implemented should be based on the Minnesota Department of Corrections (DOC) Sentencing to Service (STS) program. The program offers the courts a correctional alternative to deal with the increasing numbers of non-dangerous offenders being sentenced. Sentencing an offender to community service in lieu of jail or a fine provides consequences for the offender as well as a means of restitution or reparation to the community. The successful Respondent will be required to provide supervision of crews of up to 14 offenders each. A crew day is defined as an 8 hour shift, 8 A.M. to 4 P.M., operating 7 days per week. Coverage must be sufficient to operate 16 crews per week.

Contract Period and Payment:

The term of the contract to be awarded is January 1, 2000 through December 31, 2001. The amount of funding available for calendar year 2000 is \$229,118. The amount available for calendar year 2001 is projected to be \$229,118 but may change depending on funding available in 2001. Respondents are required to specify the number of crew days that will be delivered for the amount budgeted.

Non-State Public Bids, Contracts & Grants

For a copy of the RFP, phone: Judy Zimmerman, 651-450-2890.

For additional information, contact David Pettiford, Dakota County Community Corrections Department, 201 Concord Exchange North, South St. Paul, MN 55075. 651-552-3065.

Metropolitan Council

Notice of Request for Proposals (RFP) for Engineering Services for the East Area Master Planning and Facility Planning Rosemount and Empire WWTP Service Area - MCES Project Number 970200

The Metropolitan Council is requesting engineering services proposals for East Area Master Planning and Facility Planning for the present and future service areas currently being served by the Rosemount and Empire Wastewater Treatment Plants. A two phase planning approach is being considered. The first phase is a master planning element to provide water quality and wastewater treatment and conveyance information and framework for the detailed wastewater treatment facility planning for the service area which will be done during Phase II. The master plan and facility plan will establish the framework for conveyance and treatment of service area flows of approximately 20 MGD by the year 2020 and 25 MGD by the year 2040.

Receive letters of interest	October 1999
Issue Request for Proposals	November 1999
Receive Proposals	November 1999
Evaluate and Rank Proposals	December 1999
Metropolitan Council authorization	January 2000
Contract negotiated, executed, NTP	January 2000

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Jan Bevins, Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101

Inquiries regarding technical aspects of the project should be directed to Jim Roth at 651-602-1123.

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

Notice of Request for Qualifications (RFQ) for Design-Build Services on MWWTP Fluidized Bed Incineration and Air Pollution Control System MCES Project Number 970340

The Metropolitan Council is requesting qualifications for Design-Build Services for the Metropolitan Wastewater Treatment Plant (MWWTP) Fluidized Bed Incineration and Air Pollution Control System Project. The design-build contractor will be expected to meet all requirements for design, delivery, installation, startup and performance of the proposed sewage sludge incineration and off-gas control system. This system will be a part of the new solids processing facility to be constructed by others at the MWWTP. A tentative selection schedule is:

Receive letters of interest	September 1999
Issue Request for Qualifications	September 1999
Receive Statement of Qualifications	October 1999
Identify Prequalified Vendors	October 1999

Certificates of Assumed Name; Registration of Insignia and Marks

Issue Request for Proposals	December 1999
Receive Proposals	January 2000
Evaluate and Rank Proposals	February 2000
Metropolitan Council authorization	March 2000
Contract negotiated, executed, NTP	March 2000

All firms interested in being considered for this project and desiring to receive a RFQ package are invited to submit a Letter of Interest to:

Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101

Inquiries regarding this prequalification process should be directed to Jan Bevins at 651-602-1132. Inquiries regarding technical aspects of the project should be directed to Harold Voth at 651-602-8728.

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.

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 Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at 612-625-5534.

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

Certificates of Assumed Name; Registration of Insignia and Marks

Minnesota Statutes Chapter 333 requires the filing of an assumed name with the Secretary of State. This filing does not protect a users exclusive right to that name. The filing is required as a consumer protection, in order to enable consumers to be able to identify the true owner of a business. For more information, or to register an assumed name, insignia or mark, contact the Office of the Secretary of State, Business Services Division, (651) 297-1455.

Certificate of Assumed Name

Second Run: File # 0225980 - Just the Facts Fantasy Football

1. The exact assumed name under which the business is or will be conducted is: **Just the Facts Fantasy Football**
2. The address of the principal place of business is: **1026 Blair Ave., St. Paul, MN 55104**
3. The name and complete street address of the person conducting business under the above Assumed Name is:
Michael V. Zuck, 1026 Blair Ave., St. Paul, MN 55104

I certify that I am authorized to sign this certificate and I further certify that I understand that by signing this certificate, I am subject to the penalties of perjury as set forth in *Minnesota Statutes* section 609.48 as if I had signed this certificate under oath.

Dated: 20 August 1999

Michael V. Zuck, owner

