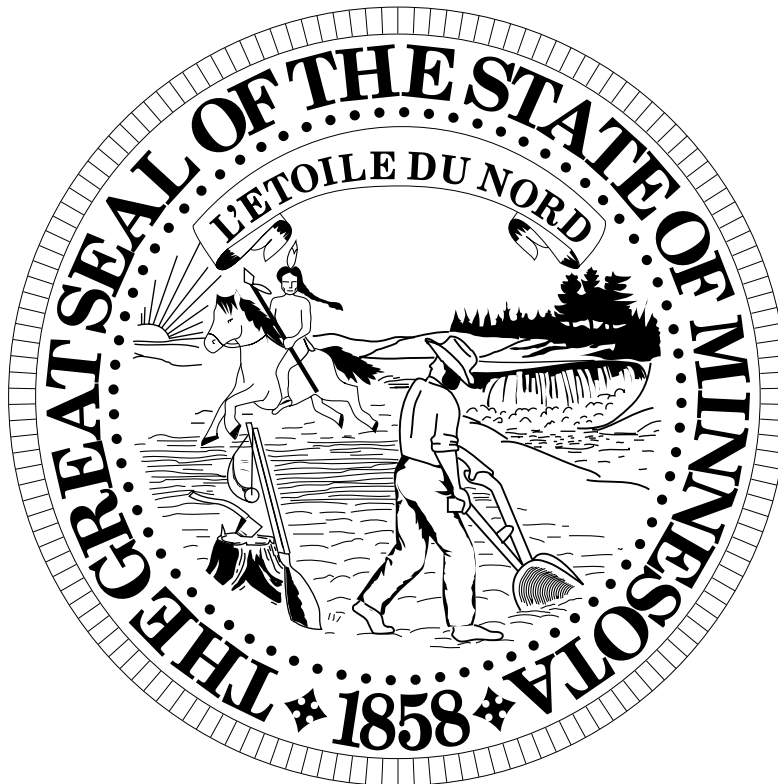


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

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- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
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Vol. 27 Issue Number	PUBLISH DATE	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	Deadline for both Adopted and Proposed RULES
#20	TUESDAY 12 NOVEMBER	Noon Tuesday 5 November	Noon Wednesday 30 October
#21	Monday 18 November	Noon Tuesday 12 November	Noon Wednesday 6 November
#22	Monday 25 November	Noon Tuesday 19 November	Noon Wednesday 13 November
#23	Monday 2 December	NOON MONDAY 25 NOVEMBER	Noon Wednesday 20 November

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Minnesota Rules: Amendments & Additions		Pollution Control Agency	
Volume 27, Issues #15-20.....	680	Advance notice of plan to amend Minnesota Rules governing hazardous waste	692
Commissioner's Orders		Retirement Association, Public Employees (PERA)	
Natural Resources Department		Meeting of the Board of Trustees	
Commissioner's Scientific and Natural Area Order # 175: Prairie Smoke Dunes Scientific and Natural Area; Superseding Scientific and Natural Area Order # 158.....	681	Thursday 14 November 2002.....	695
Pollution Control Agency		Sentencing Guidelines Commission	
Commissioner's Order: Findings of fact, conclusions and order in the petition to create the Clearwater Sanitary District.....	682	Public hearing to consider modifications to the sentencing guidelines	695
Commissioner's Order: Findings of fact, conclusions, and order in the petition to create the Lake Hendricks North Shore Sanitary District	684	Northern States Power Company d/b/a Xcel Energy	
Official Notices		Notice of acid rain program designated representative.....	695
Administration Department		State Contracts	
Information Policy Analysis Division intends to consider an application for temporary classification of data for statewide applicability	686	Administrative Hearings Office	
Minnesota State Agricultural Society (STATE FAIR)		Request for proposals for administrative law judge services.....	696
Business meeting of the Board of Managers	686	Colleges and Universities, Minnesota State (MnSCU)	
Commerce Department		Request for proposals for executive search firm.....	696
Request for comments on possible amendment to rules governing energy audits and energy auditor certification...	687	Historical Society	
Comprehensive Health Association		Request for proposals for scenic elements for the North West Company Fur Post exhibit project	697
Meeting notice of the Public Policy Committee		Human Services Department	
Monday 18 November 2002	687	Request for proposals to conduct a 2003 Minnesota Dept of Human Services Medicaid and MinnesotaCare managed care CAHPS survey	697
Environmental Assistance Office		Pollution Control Agency	
Statement of subjects expected to be covered by revisions to the Metropolitan Solid Waste Management Policy Plan	687	Availability of contract for pollution prevention regulatory integration	698
Human Services Department		Transportation Department	
Minnesota State TANF Plan is available	690	Professional / Technical contract opportunities.....	698
Labor and Industry Department		Non-State Contracts & Grants	
Addition to commercial prevailing wage rates for Labor Code 425, drywall taper in Red Lake County	690	Metropolitan Council	
Addition to highway/heavy prevailing wage rates for Labor Codes 108 in Region 1	690	Invitation for bid for the procurement of one 5000 gallon stainless steel tank truck.....	699
Correction to commercial prevailing wage rates for common laborer in Hennepin County.....	691	Invitation for bid for the procurement of one 5000 gallon stainless steel vacuum pressure tank truck.....	699
Correction to highway/heavy prevailing wage rates for labor code 107 in Region 1 and group 4 in Region 2	691	Invitation for bid for procurement of process chemicals for M.C.E.S	700
Correction to highway/heavy prevailing wage rates for trucks in groups 1, 3, and 4 in Region 1	691	Request for proposals for financial advisory services	700
		University of Minnesota	
		Bid information service (BIS) available for all potential vendors.....	701

Commodity, Service, and Construction contracts are published Tuesday and Friday in a bulletin, the *Solicitation Announcements*. Award results are available from the Materials Management Helpline (651) 296-2600. **Website:** www.mmd.admin.state.mn.us

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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

Volume 27, Issues # 15-20

Accountancy Board

1105.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4000; .4100; .4200; .4300; .4400; .4500; .4600; .4700; .4800; .4900; .5000; .5100; .5200; .5300; .5400; .5500; .5600; .5700; .5800; .5900; .6000; .6100; .6200; .6300; .6400; .6500; .6600; .6700; .6800; .6900; .7000; .7100; .7200; .7300; .7400; .7500; .7600; .7700; .7800; .7900; (proposed).....	603
1100.0100; .0200; .0300; .0400; .0500; .0600; .0650; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1700; .1750; .1900; .2110; .2115; .2120; .2130; .2150; .2200; .2400; .2500; .2900; .3200; .3250; .3300; .3400; .3550; .3600; .3700; .4000; .4100; .4200; .4300; .4400; .4500; .4650; .4700; .4800; .4900; .4950; .5100; .5300; .5700; .5800; .5850; .6100; .6400; .6500; .6600; .6700; .6800; .6900; .7000; .7100; .7200; .7700; .7800; .8000; .9100; .9150; .9200; .9300; .9400; .9500; .9600; .9700; .9800; .9900 (proposed repealer).....	603

Administration Department

1300 (proposed).....	567
1301 (proposed).....	569
1303 (proposed).....	571
1305 (proposed).....	573
1306 (proposed).....	575
1309 (proposed).....	577
1311 (proposed).....	579

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

1800.0300; .0800; .0900; .3505; .3600; .3700; .3850 (adopted).....	584
1800.3500 (repealed).....	584

Dentistry Board

3100.3600; .8500; .8700 (proposed).....	485
---	-----

Children, Families and Learning Department

3525.0850; .0851; .0952; .0853; .0854; .2710; .2810 (proposed)....	631
3525.0200 s. 1d, 1e, 1g, 2a, 2c, 8e, 8f, 25a, 25b; .2900 s.5 (proposed repealer).....	631

Administration and Health Departments

4715 (proposed).....	582
----------------------	-----

Mediation Services Bureau

5510.0310 (adopted).....	637
5530.0600 (adopted).....	529

Natural Resources Department

6105.1680 (adopted exempt).....	585
6115.0150; .0160; .0170; .0190; .0191; .0200; .0201; .0210; .0211; .0215; .0216; .0217; .0220; .0221; .0230; .0231; .0240; .0250; .0255; .0260; .0270; .0271; .0280 (adopted).....	529
6115.0170 s. 26, 36; .0191 s. 2; .0211 s. 2 (repealed).....	529

Pollution Control Agency

7005.0100; 7007.0150; .0300; .0500; .1115; .1120; .1125; .1130; .1300; 7008.0050; .0100; .0200; .0300; .2000; .2100; .2200; .2250; .4000; .4100; 7011.0850; .0865; .0870 (proposed).....	489
7011.0850 s. 2,3,4,5, and 7011.0860 (proposed repealer).....	489

Mediation Services Bureau

7315.0400; .0500; .0650; .0750; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2100; .2200 (adopted).....	637
7315.0400; .0500; .0650; .0750; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900 (withdrawn).....	638

Public Safety Department

7510.3510; .3520; .3530; .3534; .3535; .3536; .3538; .3542; .3560; .3580; .3585; .3610; .3611; .3625; .3640; .3650; .3670; .3674; .3675; .3710 (proposed).....	491
7510.3520 s.4, 5, 6; .3540; .3550; .3560, s.1, 6, 7, 11, 16; .3570; .3580 s. 5, 6, 7, 8; .3590; .3600; .3610 s.1, 2, 3, 6; .3620; .3630; .3640 s.2, 3; .3650 s.1; .3660; .3680; .3690; .3700; .3710 s.2, 3, 4, 5, 6, 7, 8, 9, 10 (proposed repealer).....	491
7510.3510; .3520; .3530; .3534; .3535; .3536; .3538; .3542; .3560; .3580; .3585; .3610; .3611; .3625; .3640; .3650; .3670; .3674; .3675; .3710 (errata).....	639
7510.3520 s.4, 5, 6; .3540; .3550; .3560, s.1, 6, 7, 11, 16; .3570; .3580 s. 5, 6, 7, 8; .3590; .3600; .3610 s.1, 2, 3, 6; .3620; .3630; .3640 s.2, 3; .3650 s.1; .3660; .3680; .3690; .3700; .3710 s.2, 3, 4, 5, 6, 7, 8, 9, 10 (errata repealed).....	639

Revenue Department

8120.0600; .1000; .1200; .1500; .1800; .1900; .3100; .4100; .5200 (adopted).....	585
8120.1000 s.5; .1100; .2400; .2600; .4200; .4700; .4800; .5200 s.3 (repealed).....	585

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners' orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Department of Natural Resources

Commissioner's Scientific and Natural Area Order No. 175: Prairie Smoke Dunes Scientific and Natural Area; Superseding Scientific and Natural Area Order No. 158

WHEREAS, certain lands in Norman County, Minnesota, described as: All of Section Eighteen (18) AND the West Half (W 1/2) and the West Half of the East Half (W 1/2 E 1/2) of Section Seventeen (17), Township One Hundred Forty-six (146) North, Range Forty-four (44) West, containing 1101.92 acres.

AND

All of Tract A described below:

Tract A. The East Half of the East Half of Section 17, Township 146 North, Range 44 West, Norman County, Minnesota; excepting therefrom that part lying easterly of a line run parallel with and distant 100 feet westerly of Line 1 described below:

Line 1. Beginning at the southeast corner of said Section 17; thence run northerly along the east line of said Section 17 for 5020.5 feet; thence deflect to the right on a 00 degree 10 minute 00 second curve (delta angle 00 degrees 49 minutes 00 seconds) for 490 feet and there terminating;

also excepting therefrom a piece adjoining and westerly of the above described strip and northeasterly of the following described line: Beginning at a point on a line run parallel with and distant 75 feet westerly of Line 1 described above, distant 100 feet southerly of its intersection with a line run parallel with and distant 33 feet south of the north line of said Section 17; thence run northwesterly to a point on said 33 foot parallel line, distant 100 feet westerly of said intersection; thence northerly, parallel with Line 1 described above, for 50 feet and there terminating; also excepting therefrom a piece adjoining and westerly of the above described strip and southeasterly of the following described line: Beginning at a point on a line run parallel with and distant 75 feet westerly of Line 1 described above, distant 100 feet northerly of its intersection with a line run parallel with and distant 33 feet north of the south line of said Section 17; thence run southwestwardly to a point on said 33 foot parallel line, distant 100 feet westerly of said intersection; thence southerly, parallel with Line 1 described above, for 50 feet and there terminating;

containing 147.70 acres more or less;

Subject to the following restriction:

No access shall be permitted to Trunk Highway No. 32 from the lands herein transferred, except that access shall be permitted within a distance of 33 feet southerly of the north line of said Section 17 and within a distance of 33 feet northerly of the south line of said Section 17; also access shall be permitted between points distant 1662.7 feet and 1722.7 feet northerly, between points 2502.7 feet and 2662.7 feet northerly, and between points distant 3917.7 feet and 3977.7 feet northerly of the point of beginning of Line 1 described above (measured along said Line 1),

are under the control and possession of the Department of Natural Resources; and

WHEREAS, such lands contain examples of sand dune, oak savanna, and oak forest plant communities as well as populations of the following rare, threatened or endangered plant species: Annual Skeleton-Weed (*Lygodesmia rostrata*), Indian Rice-grass (*Oryzopsis hymenoides*), Purple Sand-grass (*Triplasis purpurea*), and Western Prairie Fringed Orchid (*Platanthera praeclara*); and

WHEREAS, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area; and

WHEREAS, the above-described lands were designated as Prairie Smoke Dunes Scientific and Natural Area by Scientific and Natural Area Order No. 95, dated January 11, 1994, which was superseded by Scientific and Natural Area Order No. 131, dated August 26, 1996, which was superseded by Scientific and Natural Area Order No. 158, dated March 12, 1999; and

WHEREAS, a public hearing was held on July 11, 1995, regarding opening Prairie Smoke Dunes Scientific and Natural Area to deer hunting; and

Commissioner's Orders

WHEREAS, the hearing examiner by order dated August 3, 1995, recommended that Prairie Smoke Dunes Scientific and Natural Area be opened to deer hunting to ensure proper management of the deer population; and

WHEREAS, all requirements of *Minnesota Statutes* § 86A.05, subd. 5(d) have been satisfied.

NOW THEREFORE, I, Allen Garber, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, 97A.093, and other applicable laws, do hereby designate the above-described lands as Prairie Smoke Dunes Scientific and Natural Area. Furthermore, the Prairie Smoke Dunes Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

IT IS FURTHER ORDERED that the provisions of *Minnesota Rules* pts. 6136.0100 through 6136.0600 shall apply to the above-designated area except that the area shall be open to antlerless deer hunting as may be necessary to ensure proper management of deer populations.

IT IS FURTHER ORDERED that Scientific and Natural Area Order No. 158 is hereby superseded.

Dated at St. Paul, Minnesota, this 15th day of April, 2002.

ALLEN GARBER, Commissioner
Department of Natural Resources

APPROVED AS TO FORM AND EXECUTION:

MIKE HATCH
Attorney General

Signed by: STEPHEN B. MASTEN
Assistant Attorney General

Minnesota Pollution Control Agency

Commissioner's Order: Findings of Fact, Conclusions, and Order in the Matter of the Petition to Create the Clearwater Sanitary District

The City of Leonard, Clearwater County, Minnesota, the City of Shevlin, Clearwater County, Minnesota, and the City of Solway, Beltrami County, Minnesota petitioned the Minnesota Pollution Control Agency (MPCA) under *Minnesota Statutes* § 115.20 requesting the formation of the Clearwater Sanitary District. The Mayors of the three cities were authorized to sign the petition pursuant to resolutions passed by their respective bodies of government.

The MPCA published the Notice of Intent to Approve the Clearwater Sanitary District in the *State Register* on Monday, September 16, 2002. The MPCA also mailed a copy of the notice to all property owners in the affected area.

The MPCA, after having considered the petition, having published notice of the intent to approve creation of the sanitary district in the *State Register*, having notified the affected property owners of the intent to create the district, having reviewed the comment letters received during the comment period, having not received 25 or more hearing requests requisite for a hearing, and being fully advised in this matter, hereby makes the following:

FINDINGS OF FACT

1. The area of the proposed sanitary district will consist of all the territory within the jurisdictional boundaries of the Cities of Leonard and Shevlin in Clearwater County, Minnesota and the jurisdictional boundary of the City of Solway, Beltrami County, Minnesota.
2. The legal description of the sanitary district is as follows:
 - SW1/4 and SE1/4, Section 21, Township 147 North, Range 36 West.
 - N1/2 of NW1/4 and N1/2 of NE1/4, Section 28, Township 147 North, Range 36 West.
 - NE1/4 of NE1/4, Section 29, Township 147 North, Range 36 West.
 - S1/2 of NW1/4; S1/2 of N1/2 of NW1/4; S1/2 of NE1/4; S1/2 of N1/2 of NE1/4; SW1/4; and SE1/4 of Section 28, Township 147 North, Range 35 West.
 - E1/2 of NE1/4 and NE1/4 of SE1/4 and Government Lot 1, Section 8, Township 148 North, Range 36 West.

Lot 1, Lot 2, Lot 6, Lot 7, Lot 9 and the W1/2 of NE1/4, Section 9, Township 148 North, Range 36 West.

3. On June 25, 2002, a public meeting was held at the Shevlin Community Hall, Shevlin, Minnesota to consider the proposed creation of a sanitary district. Notice of the public meeting was published at least once each week for two weeks in three separate newspapers that meet the requirements of a qualified newspaper in each territorial unit of the proposed district. The Notice was published on June 5, 2002, and June 12, 2002, in *The Leader Record*; on June 5, 2002, and June 12, 2002, in the *Farmers Independent*; and on June 5, 2002, and June 12, 2002, in *The Pioneer*. Notice of the public meeting was posted for two weeks prior to the meeting in each of the territorial units of the proposed district. Notice of the public meeting was posted at the Solway City Hall, Jacobson Body Shop, and Strandlien Grocery, located in Solway, Minnesota; the Leonard City Hall, New Leonard Café, and Strand Grocery Store, located in Leonard, Minnesota; and the Shevlin Post Office, Saw Mill Restaurant, and Silver Creek Saloon, located in Shevlin, Minnesota.
4. On June 25, 2002, the Shevlin City Council adopted a resolution authorizing the approval of the creation of the sanitary district, authorizing the signing of the petition by the Mayor of Shevlin, and authorizing the submission of the petition to the MPCA for establishment of the Clearwater Sanitary District. The resolution was published in the *Farmers Independent* on July 3, 2002, and became effective forty (40) days after the date of publication.
5. On June 26, 2002, the Solway City Council adopted a resolution authorizing the approval of the creation of the sanitary district, authorizing the signing of the petition by the Mayor of Solway, and authorizing the submission of the petition to the MPCA for establishment of the Clearwater Sanitary District. The resolution was published in *The Pioneer* on July 3, 2002, and became effective forty (40) days after the date of publication.
6. On June 27, 2002, the Leonard City Council adopted a resolution authorizing the approval of the creation of the sanitary district, authorizing the signing of the petition by the Mayor of Leonard, and authorizing the submission of the petition to the MPCA for establishment of the Clearwater Sanitary District. The resolution was published in *The Leader Record* on July 3, 2002, and became effective forty (40) days after the date of publication.
7. On August 14, 2002, a petition and record of the public meeting was filed with the MPCA requesting approval for the formation of the Clearwater Sanitary District. The Mayors of the Cities of Shevlin, Solway, and Leonard signed the petition for creation of the district as authorized by the resolutions. The petition requesting approval for formation of the sanitary district has met all the requirements of *Minnesota Statutes* § 115.20, subd. 1(a).
8. The proposed sanitary district will not be within twenty-five (25) miles of the boundary of any city of the first class.
9. On September 16, 2002, the MPCA published the Notice of Intent to Approve Creation of the Clearwater Sanitary District in the *State Register* at 27 SR 383 and mailed the notice to each of the property owners in the area of the proposed district using addresses provided by the county auditor. The public notice period lasted for 30 days and ended on October 15, 2002.
10. By October 15, 2002, the end of the public notice period, the MPCA had received no letters requesting a public hearing on the matter. *Minnesota Statutes* §15.20, subd. 4(b) requires the MPCA to hold a contested case hearing if 25 or more written requests are received by the end of the public notice period. The MPCA received two (2) telephone calls expressing support for creation of the proposed sanitary district.
11. There is a need throughout the proposed district for an adequate and efficient means of treating and disposing of domestic sewage. The area within the boundaries of the proposed district consists of three communities currently served by individual septic tank/drainfield systems. Surveys conducted by the Clearwater County Environmental Services and the Beltrami County Environmental Services indicate that over eighty-five percent (85%) of the septic systems in the area are past their design lives and do not meet current standards for compliant systems. There is a concern that the non-compliant systems could contaminate the ground water and affect the local drinking water supply and nearby surface waters.
12. Creation of the district will serve the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage within the district.
13. The creation and maintenance of the sanitary district will be administratively feasible, and will further the public health, safety, and welfare. The district will be administered by a five member governing board who are voters within the sanitary district and who will be elected by the members of the related governing bodies in joint session. When formed, the Clearwater Sanitary District will adopt sewer use ordinances and a sewer service charge system to adequately and equitably fund the wastewater treatment operation throughout the district.
14. Pursuant to *Minnesota Statutes* § 115.23, the City of Shevlin is designated as the central related governing body for the purpose of joint meetings between the City of Leonard, the City of Solway and the City of Shevlin.

Commissioner's Orders

CONCLUSIONS

1. The Commissioner of the MPCA has subject matter jurisdiction over the petition and proposed establishment of the district pursuant to *Minnesota Statutes* §§ 115.18 to 115.37 (2000).
2. The petitioners have substantially complied with all the procedural requirements of *Minnesota Statutes* § 115.20, as well as other substantive and procedural requirements of law and rule. This matter, therefore, is properly before the Commissioner.
3. The conditions described in *Minnesota Statutes* § 115.19 for creation of a sanitary district do exist within the area identified in the legal description.
4. Any of the foregoing Findings of Fact that might properly be termed Conclusions and Conclusions that might properly be termed Findings are hereby adopted as such.

NOW THEREFORE, the Commissioner hereby makes the following:

ORDER

It is ORDERED that the Clearwater Sanitary District is hereby created to include the jurisdictional boundaries of the City of Leonard, the City of Shevlin, and the City of Solway as described in the legal description attached to the petition filed with the MPCA.

Dated: 12 November 2002

Karen A. Studders
Commissioner

Minnesota Pollution Control Agency

Commissioner's Order: Findings of Fact, Conclusions, and Order in the Matter of the Petition to Create the Lake Hendricks North Shore Sanitary District

The Township of Hendricks petitioned the Minnesota Pollution Control Agency (MPCA) under *Minnesota Statutes* § 115.20 requesting the formation of the Lake Hendricks North Shore Sanitary District. The Chairperson of the Hendricks Township Board was authorized to sign the petition pursuant to a resolution passed by the Township Board of Supervisors.

The MPCA published the Notice of Intent to Approve the Lake Hendricks North Shore Sanitary District in the *State Register* on Monday, July 22, 2002. The MPCA also mailed a copy of the notice to all property owners in the affected area.

The MPCA, after having considered the petition, having published notice of the intent to approve creation of the sanitary district in the *State Register*, having notified the affected property owners of the intent to create the district, having reviewed the comment letters received during the comment period, having not received 25 or more hearing requests requisite for a hearing, and being fully advised in this matter, hereby makes the following:

FINDINGS OF FACT

1. The area of the proposed sanitary district is located in Lincoln County, Minnesota and within a portion of the Township of Hendricks.
2. The area proposed for formation of the sanitary district is described as an area on the north shore of Lake Hendricks in Lincoln County, Minnesota, lying east of the state border of South Dakota and lying west of the City of Hendricks.
3. The area of the proposed sanitary district is shown on the attached map (Attachment 1). The legal description of the sanitary district is as follows:

That portion of the Southwest Quarter (SW1/4) of Section 18, Township 112 North, Range 46 West and that portion of Section 13, Township 112 North, Range 47 West, lying north of and adjacent to Lake Hendricks, being west of the incorporated boundaries of the City of Hendricks; lying south of County Road 17, Lincoln County, Minnesota and lying east of the state border of the State of South Dakota.

4. On April 8, 2002, the Petitioner held a public meeting at the Assembly Room of the Hendricks Fire Hall, Hendricks, Minnesota to consider the proposed creation of a sanitary district. Notice of the public meeting was published at least once each week for two weeks in the *Hendricks Pioneer*, a qualified newspaper published in the area. The Notice was published on March 20, 2002, and March 27, 2002 in the *Hendricks Pioneer*. Notice of the public meeting was posted for two weeks prior to the meeting at the First Security Bank, Larson's Food Center, and the Township Clerk's home, all located in

Hendricks, Minnesota. Notice of the meeting was also mailed on March 12, 2002, to each of the property owners in the area of the proposed district.

5. On April 8, 2002, the Board of Supervisors of the Township of Hendricks adopted a resolution authorizing the approval of the creation of the sanitary district, authorizing the signing of the petition by the Chairperson, and authorizing the submission of the petition to the MPCA for establishment of the Lake Hendricks North Shore Sanitary District. The resolution was published in the *Hendricks Pioneer* on May 8, 2002, and became effective forty (40) days after the date of publication.
6. On June 18, 2002, a petition and record of the public meeting was filed with the MPCA requesting approval for the formation of the Lake Hendricks North Shore Sanitary District. The Chairperson of the Township Board of Supervisors of Hendricks Township signed the petition for creation of the district as authorized by the resolution. The petition requesting approval for formation of the sanitary district has met all the requirements of *Minnesota Statutes* § 115.20, subd. 1(a).
7. The proposed sanitary district will not be within twenty-five (25) miles of the boundary of any city of the first class.
8. On July 22, 2002, the MPCA published the Notice of Intent to Approve Creation of the Lake Hendricks North Shore Sanitary District in the *State Register* at 27 SR 107 and mailed the notice to each of the property owners in the area of the proposed district using addresses provided by the county auditor. The public notice period lasted for 30 days and ended on August 20, 2002.
9. By August 20, 2002, the end of the public notice period, the MPCA had received no letters requesting a public hearing on the matter. *Minnesota Statutes* § 115.20, subd. 4(b) requires the MPCA to hold a contested case hearing if 25 or more written requests are received by the end of the public notice period. The MPCA received one (1) letter expressing support for the formation of the sanitary district and one (1) telephone call requesting further information.
10. There is a need throughout the proposed district for an adequate and efficient means of treating and disposing of domestic sewage. Most of the residences within the proposed district boundaries utilize on-site septic tank /drainfield systems for wastewater treatment. The county estimates that at least fifty percent (50%) of the on-site wastewater treatment systems do not conform to current standards and at least twenty-five percent (25%) of the systems are 20-25 years old. These nonconforming and aging systems have the potential to contaminate the ground water and Lake Hendricks. The residential lot sizes within the boundaries of the proposed sanitary district are small, creating severe limitations for replacing or upgrading existing on-site systems.
11. Creation of the district will serve the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage within the district.
12. The creation and maintenance of the sanitary district will be administratively feasible, and will further the public health, safety, and welfare. The district will be administered by a five member governing board who are voters within the sanitary district and who will be elected by the members of the related governing bodies in joint session. When formed, the Lake Hendricks North Shore Sanitary District will adopt sewer use ordinances and a sewer service charge system to adequately and equitably fund the wastewater treatment operation throughout the district.

CONCLUSIONS

1. The Commissioner of the MPCA has subject matter jurisdiction over the petition and proposed establishment of the district pursuant to *Minnesota Statutes* §§ 115.18 to 115.37 (2000).
2. The petitioners have substantially complied with all the procedural requirements of *Minnesota Statutes* § 115.20, as well as other substantive and procedural requirements of law and rule. This matter, therefore, is properly before the Commissioner.
3. The conditions described in *Minnesota Statutes* § 115.19 for creation of a sanitary district do exist within the area identified in the legal description.
4. Any of the foregoing Findings of Fact that might properly be termed Conclusions and Conclusions that might properly be termed Findings are hereby adopted as such.

NOW THEREFORE, the Commissioner hereby makes the following:

ORDER

It is ORDERED that the Lake Hendricks North Shore Sanitary District is hereby created to include a portion of the Township of Hendricks as described in the legal description included within the petition filed with the MPCA.

Dated: 12 November 2002

Karen A. Studders
Commissioner

Official Notices

Pursuant to Minnesota Statutes §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The State Register also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Administration

Information Policy Analysis Division

Application for Temporary Classification of Data

Notice of Intent to Consider an Application for Temporary Classification of Data for Statewide Applicability

NOTICE HEREBY IS GIVEN that the Commissioner of Administration has received an application for temporary classification of data relating to resident home school children. This application was submitted by Independent School District 191, Burnsville-Eagan-Savage. The Commissioner has determined that it is advisable to consider this application for statewide applicability under the authority vested in him by *Minnesota Statutes* section 13.06, subdivision 4. The Commissioner hereby gives notice of his intent to approve or disapprove, for the use of all school districts in the State of Minnesota, a classification of "private data on individuals" for the following: All data, maintained by school districts, that relate to resident home school children.

Any government entity, public or private association or member of the public who wishes to submit comments on this application must do so within 30 days of the publication of this notice. Comments received after 30 days need not be considered by the Commissioner.

Comments should be submitted to:

Commissioner of Administration
c/o Information Policy Analysis Division
305A Centennial Building
658 Cedar Street
St. Paul, MN 55155
Fax: (651) 205-4219
Email: info.ipad@state.mn.us

The application is available in electronic format at: http://www.ipad.state.mn.us/docs/bes_tc.doc and may be printed from that site. If you do not have access to the Internet and you need a copy of the application, contact the Information Policy Analysis Division at the above address or call (651) 296-6733 or 1-800-657-3721.

Minnesota State Agricultural Society (STATE FAIR)

Meeting of the Board of Managers

MINNESOTA STATE FAIRGROUNDS - The board of managers of the Minnesota State Agricultural Society, governing body of the State Fair, will conduct a business meeting at 10:00 a.m. on Monday, November 18 at the Libby Conference Center on the fairgrounds. The business meeting will follow a 9:00 a.m., meeting of the board's sales committee. Agendas are available upon request; please contact the Minnesota State Fair at (651) 642-2200.

Dated: 6 November 2002

Minnesota Department of Commerce

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Energy Audits and Energy Auditor Certification, *Minnesota Rules* Chapters 7635 and 7655

Subject of Rule. The Department of Commerce requests comments on its possible amendment to rules governing energy audits and energy auditor certification. The department is considering rule amendments that would change the requirements for auditor certification, and would update energy audit requirements.

Persons Affected. The amendment to the rules would likely affect energy auditors, energy utilities, persons who conduct energy auditor training, residential and commercial property owners, energy service companies, community action energy programs and any agency that delivers energy programs.

Statutory Authority. *Minnesota Statutes*, section 216C.31 requires the department to adopt rules to develop and administer state programs of energy audits of residential and commercial buildings; and *Minnesota Statutes*, section 216C.27, subdivision 7 requires the department to adopt rules for the certification and performance of evaluators.

Public Comment. Interested persons or groups may submit comments or information on this possible rule in writing or orally until 4:30 p.m. on February 14, 2003. The department has not yet prepared a draft of the possible rule amendment. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on this possible rule amendment should be addressed to: Bruce Nelson, Minnesota Department of Commerce, 85 7th Place E, Suite 500, St. Paul MN 55101, **phone:** (651) 297-2313, **fax:** (651) 297-7891, **email:** bruce.nelson@state.mn.us

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

Minnesota Comprehensive Health Association

Notice of Meeting of Public Policy Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) **Public Policy Committee** will take place on Monday, November 18, 2002 at 11:00 a.m. The meeting will take place at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Mary McCaffrey at (952) 593-9609.

Minnesota Office of Environmental Assistance

PREDRAFTING NOTICE: Statement of Subjects Expected to Be Covered By Revisions to the Metropolitan Solid Waste Management Policy Plan

Introduction

The Minnesota Office of Environmental Assistance (OEA) has started the process to prepare revisions to the Metropolitan Solid Waste Management Policy Plan. This plan would replace the current plan adopted by the OEA on October 7, 1997. The new plan will be adopted by the OEA Director and submitted to the Legislature as part of the State Solid Waste Policy Report by December 1, 2003.

Revisions to the Metropolitan Solid Waste Management Policy Plan are mandated under *Minnesota Statutes* § 473.149. The Policy Plan must be followed in the Metropolitan Area. The Policy Plan contains goals and policies for solid waste management, including recycling and household hazardous waste management. The statute requires that the regional plan contain objectives to abate the landfilling of mixed municipal solid waste and of specific components of the solid waste stream, including residuals and ash, to the greatest extent feasible and prudent.

The OEA is required to prepare this predrafting notice to solicit public comments on the anticipated revisions to the Policy Plan. Public comments must be received within 45 days from the date of the publication in the *State Register*.

Official Notices

Written comments on the predrafting notice must be sent to:

Maureen Hickman
Minnesota Office of Environmental Assistance
520 Lafayette Rd. N., 2nd Fl.
St. Paul, Minnesota 55155-4100
(612) 215-0271 or 1-800-657-3843 (toll-free in Minnesota)

Written comments must be received by the OEA at the above address by 4:30 p.m., C.S.T., Friday, January 3, 2003.

Overall Approach and Philosophy

The Policy Plan revisions will be developed consistent with the State policies and purposes expressed in *Minnesota Statutes* § 115A.02 of the Minnesota Waste Management Act (WMA). The Policy Plan will support the WMA hierarchy of preferred waste management methods.

The Policy Plan will evaluate the recommendations emerging from the State Solid Waste Advisory Committee, a multi-stakeholder group including representatives of waste generators, haulers, processors, recyclers, landfill operators, local government staff, and legislators. The Panel's recommendations will be submitted to the OEA in December 2002.

The Policy Plan will also examine the possibilities for a greater state role in the integrated waste management system. The Plan will consider the implications of having the state assume a market participant role, such as having the state issue a contract for waste management services in the metropolitan area.

The Policy Plan will serve as a guide for the continued implementation of successful solid waste abatement and resource conservation in the Metropolitan Area. The Policy Plan will build on the successes achieved in the Metropolitan Area.

Most policies in the existing Policy Plan have served the region well. The Policy Plan revisions will continue to support the following goals: treating waste as a resource; landfill abatement; waste and toxicity reduction; the management of all solid waste; the WMA hierarchy; aggressive abatement goals; region-wide waste processing; regional operations; and minimization of negative environmental impacts.

The focus of new policies will be strategic - on subject areas that require immediate attention (within the next six years). Less attention will be paid to on-going solid waste management programs that already work well. The Policy Plan will explore the development of policies aimed beyond the traditional municipal solid waste (MSW) stream, such as construction and demolition waste and industrial solid waste and ash.

Description of How the Existing Solid Waste System Serves the Metropolitan Area

The Metropolitan Area's current solid waste infrastructure has developed extensively since the passage of the 1980 WMA. In 2001, 75% percent of the region's mixed MSW was managed through recycling, composting and resource recovery facilities. This level of abatement is among the highest in the country, and public policy should continue to support this regional system, as well as find ways to improve it.

The Policy Plan will describe the level to which the existing Metropolitan Area solid waste system has fulfilled the WMA, as well as the policies adopted in the Metropolitan Solid Waste Management Policy Plan in 1997.

The Policy Plan will describe how the existing solid waste system benefits the Metropolitan Area, including the environmental and resource conservation benefits. The Policy Plan will identify the waste volumes and types of materials managed by the different solid waste abatement methods and technologies and the volumes of materials recovered and energy produced.

Policies Regarding the Existing Solid Waste System

The Policy Plan will include policies intended to preserve, protect and enhance the benefits derived from the delivery of the current regional abatement services. These policies will relate to: the WMA hierarchy; the need for continued landfill abatement; waste assurance to resource recovery facilities; maximizing the resource value of waste; and the orderly and economic development of the region. The Policy Plan will include policies that strengthen the ability of the metropolitan counties, cities and private businesses to deliver regional solid waste services.

Metropolitan Area Solid Waste System Faces Some Challenges

The Policy Plan will discuss some challenges that face the Metropolitan Area solid waste system, including: the flow of waste that crosses State borders; increased landfilling; increased waste generation and per capita growth rates; and stagnant recycling rates.

The Policy Plan will include policies that sustain aggressive and successful solid waste abatement, and continue to shift the state and Metropolitan region's focus to treating waste as a resource. These policies include initiatives to increase source reduction; initiatives to establish product stewardship programs; maintaining aggressive recycling goals; implementing effective waste assurance methods; improving waste-sharing among resource recovery facilities; informing consumers about abatement alternatives and potential liability of using less preferred facilities; and waste education efforts. The Policy Plan will include policies that avoid transferring pollutants resulting from solid waste management to another environmental media, such as air, water and land. The Policy Plan will include policies that support the regional inter-county governance of solid waste.

Solid Waste Management Facilities and Programs

The Solid Waste Management Coordinating Board (SWMCB) is a joint-powers board that coordinates many of the solid waste activities of six of the seven metropolitan counties. The SWMCB pursuant to an MOU with the OEA will work jointly to prepare the Policy Plan.

The Policy Plan will include goals and policies for solid waste management, including recycling consistent with section 115A.551, and household hazardous waste management consistent with section 115A.96, subdivision 6, in the Metropolitan Area.

The Policy Plan will include specific and quantifiable regional objectives for abating to the greatest feasible and prudent extent the need for and practice of landfilling of mixed MSW and of specific components of the solid waste stream. The objectives will be stated for a period of at least 20 years.

The Policy Plan will include objectives for waste reduction and abatement of solid waste through resource recovery, recycling, and source separation of organic waste for composting for a period of at least 20 years. The Policy Plan will discuss the development of recycling goals that support future SCORE goals. The Policy Plan will discuss an overall MSW abatement goal for the region.

The Policy Plan will evaluate the state and regional governance structure and make appropriate recommendations that best fulfill the needs of integrated solid waste management. The Policy Plan also will explore issues beyond the Metropolitan Area jurisdiction that affect the regional solid waste system.

Additional Issues

The Policy Plan will identify opportunities to implement and/or negotiate public collection services. The Policy Plan will identify the responsibilities of citizens, businesses, haulers and government in taking responsibility for the generation and collection of waste and proper environmental management.

The Policy Plan will discuss the regional costs of solid waste management, including the costs of waste collection services, recycling, waste processing, landfilling, and government programs. The Policy Plan will evaluate methods to assess and account for the full costs of waste management.

Policy Plan Implementation Tools

The Policy Plan will include procedures, standards and criteria regarding the OEA review of: county master plans; annual waste certification reports; waste facility permits; certificates of need; and solid waste supply contracts and processing agreements. The usefulness of these reviews will also be examined to determine if some of them should be eliminated, changed or others conducted.

The Policy Plan will include standards and criteria for the OEA review of solid waste facility permits regarding the following matters: general location; capacity; waste supply; operation; processing techniques; environmental impact; effect on existing, planned, or proposed collection services and waste facilities; and economic viability.

How the Policy Plan Will Be Used

Citizens and Businesses

The Policy Plan will be used to: 1) inform citizens about their role and responsibility for appropriate waste management choices; 2) educate citizens about solid waste management and the government and private solid waste services available to them; and 3) identify for citizens the various State agencies and municipal and county governments for assistance. The Policy Plan will serve as a guide to assist private industry in the development of future facilities, services and investments.

Public Entities

The Policy Plan will guide counties and municipalities in the development of solid waste plans, ordinances, and proposals for source reduction, recycling and solid waste system management. The Policy Plan will guide the following OEA activities: administration of the MLAA grant program; approval of county solid waste plans; approval of county ordinances; approval of metro area

Official Notices

MPCA solid waste facility permits; approval of metro solid waste processing and solid waste supply contracts; issuance of landfill certificates of need; and legislative initiatives affecting solid waste management in the Metropolitan Area. The Policy Plan will aid the MPCA in its various regulatory, environmental review, enforcement and technical assistance functions.

The Legislature

The Policy Plan may recommend and guide legislative initiatives designed to improve solid waste management in the Metropolitan Area.

Department of Human Services

Minnesota State 2003 TANF Plan Available

This serves as notice to interested parties that the 2003 Minnesota State TANF Plan is available for a 45 day public comment period. The 45 day public comment period ends at 4:30 on Thursday, December 26, 2003. To receive a copy of the plan, contact Linda Foster by mail at the Department of Human Services, 444 Lafayette Rd. St. Paul, MN 55155-3834, or by **phone** at: (651) 296-0179. Submit comments on the 2003 Minnesota TANF Plan to the Department in care of Linda Foster at the address listed above by December 26, 2003.

Department of Labor and Industry

Labor Standards Unit

Notice of Addition to Commercial Prevailing Wage Rates

An **additional** rate has been added to the Commercial Prevailing Wage Rates certified 12/17/01, for **Labor Code 425, Drywall Taper in Red Lake County**.

Copies may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our **website** at: www.doli.state.mn.us. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Shirley I. Chase
Commissioner

Department of Labor and Industry

Labor Standards Unit

Notice of Addition to Highway/Heavy Prevailing Wage Rates

An **additional** rate has been added to the Highway/Heavy Prevailing Wage Rates certified 10/14/02, for **Labor Codes 108 in Region 1**.

Copies may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 296-6452, or by accessing our **website** at: www.doli.state.mn.us. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Shirley I. Chase
Commissioner

Department of Labor and Industry
Labor Standards Unit

Notice of Correction to Commercial Prevailing Wage Rates

A **correction** has been made to the Commercial Prevailing Wage Rates certified 12/17/01, for **Labor Code 101, Common Laborer (Gen Labor Work) in Hennepin County.**

Copies may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota, 55155-4306, or by calling (651) 284-5091, or accessing our **website** at: *www.doli.state.mn.us*. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Shirley I. Chase
Commissioner

Department of Labor and Industry
Labor Standards Unit

Notice of Correction to Highway/Heavy Prevailing Wage Rates

Corrections have been made to the Highway/Heavy Prevailing Wage Rates certified 10/14/02, for **Region 1, Labor Code 107 and Region 2, Group 4.**

Copies of the certification with the additional rate 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) 284-5091, or accessing our **website** at: *www.doli.state.mn.us*. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Shirley I. Chase
Commissioner

Department of Labor and Industry
Labor Standards Unit

Notice of Correction to Highway/Heavy Prevailing Wage Rates

A **correction** has been made to the Highway/Heavy Prevailing Wage Rates certified 10/14/02, for Trucks in **Groups 1, 3 and 4 in Region 1.**

Copies of the certified wage rates for these Counties may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 296-6452. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Shirley I. Chase
Commissioner

Minnesota Pollution Control Agency

Advance Notice of Plan to Amend *Minnesota Rules* chapters 7001 and 7045 Governing Hazardous Waste

Action and Authority: The Minnesota Pollution Control Agency (MPCA) plans to amend *Minnesota Rules* chapters 7001 and 7045, governing hazardous wastes. The authority for the MPCA to adopt and implement these rules is in *Minnesota Statute* §116.07, subdivisions 4 and 4a (general authority).

Purpose: The U.S. Congress authorized the U.S. Environmental Protection Agency (EPA) to establish a hazardous waste program under the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments (HSWA) to RCRA. Minnesota adopted the federal hazardous waste program and sought EPA program authorization. The EPA subsequently “authorized” Minnesota’s program as “equivalent” to EPA’s. The EPA regularly amends its program. Minnesota must adopt required amendments to maintain its program authorization.

Amendments: The MPCA plans to adopt two groups of amendments listed below by their EPA “checklist number,” *Federal Register* cites (page, FR, volume, publication dates, and titles). Those listed with an asterisk are optional:

1. Miscellaneous federal amendments:

- 108–30,657 FR 57 07-10-92 09-01-94 Toxicity Characteristics Revision; Technical Corrections
- 110–37,284 FR 57 08-18-92 09-01-94 Coke By-Product Listings
- 113–42,832 FR 57 09-16-92 09-01-94 Financial Responsibility for Third-Party Liability, Closure and Post-Closure
- 113.1–33,938 FR 53 09-01-88 N Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Liability Coverage
- 113.2–30,200 FR 56 07-01-91 N Liability Requirements; Technical Amendment (Non-HSWA)
- 115–47,376 FR 57 10-15-92 09-01-94 Chlorinated Toluene Production Waste Listing
- 116–47,772 FR 57 10-20-92 09-01-94 Hazardous Soil Case-By-Case Capacity Variance-LDR
- 117B–23,062 FR 57 06-01-92 N Toxicity Characteristic Revision
- 118–54,452 FR 57 11-18-92 09-01-94 Liquids in Landfills II
- 128–Listing of HW; Wastes from Wood Surface Protection
- 131–Recordkeeping Instructions
- 132–Listing of HW; Wastes from Wood Surface Protection; correction
- 134–Correction of Listing of P015-Beryllium Powder
- 154–59,931 FR 61 11-25-96 N Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers
- 154.1–62,896 FR 59 12-06-94 N Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers
- 154.2–26,828 FR 60 05-19-95 N Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers
- 154.3–50,426 FR 60 09-29-95 N Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers
- 154.4–56,952 FR 60 11-13-95 N Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers
- 154.5–4,903 FR 61 02-09-96 N Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers
- 154.6–28,508 FR 61 06-05-96 N Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers
- 163–64,636 FR 62 12-08-97 N Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers; Clarification and Technical Amendment
- 177–3,381 FR 64 01-21-99 N Organic Air Emission Standards

2. Federal amendments governing Land Disposal Restrictions (LDR):

- 95–41,164 FR 56 08-19-91 03-01-94 Land Disposal Restrictions for Electric Arc Furnace Dust (K061) (HSWA)¹
- 100–3,462 FR 57 01-29-92 03-01-94 Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units¹
- 109–37,194 FR 57 08-18-92 09-01-94 Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris-LDR

¹The MPCA is correcting this adopted rule.

- 123–28,506 FR 58 05-14-93 09-01-94 Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance-LDR
- 124–29,860 FR 58 05-24-93 09-01-94 Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated-LDR
- 126–46,040 FR 58 08-31-93 N Testing and Monitoring Activities
- 126.1–47,980 FR 59 09-19-94 N Hazardous Waste Management System; Testing and Monitoring Activities, Land Disposal Restrictions Correction
- 136–43,496 FR 59 08-24-94 N Standards for the Management of Specific Hazardous Wastes; Amendment to Subpart C-Recyclable Materials Used in a Manner Constituting Disposal; Final Rule-LDR
- 137–47,982 FR 59 09-19-94 N Land Disposal Restrictions Phase II-Universal Treatment Standards, and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Waste
- 137.1–242 FR 60 01-03-95 N Technical Amendment to the Universal Treatment Standards and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Waste
- 151–15,566 FR 61 151 04-08-96 N Land Disposal Restrictions Phase III-Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners
- 151.1–15,660 FR 61 04-08-96 N Land Disposal Restrictions Phase III-Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners
- 151.2–19,117 FR 61 04-30-96 N Land Disposal Restrictions Phase III-Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners
- 151.3–33,680 FR 61 06-28-96 N Land Disposal Restrictions Phase III-Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners -Technical Correction
- 151.4–36,419 FR 61 07-10-96 N Land Disposal Restrictions Phase III-Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners
- 151.5–43,924 FR 61 08-26-96 N Emergency Revision of the Land Disposal Restrictions (LDR) Phase III Treatment Standards for Listed Hazardous Wastes From Carbamate Production
- 151.6–7,502 FR 62 02-19-97 N Land Disposal Restrictions: Correction of Tables; Treatment Standards for Hazardous Wastes and Universal Treatment Standards
- 155–1,992 FR 62 01-14-97 N Land Disposal Restrictions Phase III-Emergency Extension of the K088 Capacity Variance
- 157–1,992 FR 62 01-14-97 N Land Disposal Restrictions Phase IV-Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions From RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste Provisions
- 159 *–32,974 FR 62 06-17-97 N Hazardous Waste Management System; Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions
- 60–37,694 FR 62 07-14-97 N Land Disposal Restrictions Phase III - Emergency Extension of the K088 National Capacity Variance
- 161–45,568 FR 62 08-28-97 N Second Emergency Revision of the Land Disposal Restrictions(LDR) Treatment Standards for Listed Hazardous Wastes From Carbamate Production
- 162 *–64,504 FR 62 12-05-97 N Clarification of Standards for Hazardous Waste LDR Treatment Variances
- 167A–28,556 FR 63 05-26-98 N Land Disposal Restrictions Phase IV - Treatment Standards for Metal Wastes and Mineral Processing Wastes
- 167B *–28,556 FR 63 05-26-98 N Land Disposal Restrictions Phase IV - Hazardous Soils Treatment Standards and Exclusions
- 167C–28,556 FR 63 05-26-98 N Land Disposal Restrictions Phase IV - Corrections
- 167C.1–31,266 FR 63 06-08-98 N Land Disposal Restrictions Phase IV - Corrections
- 167D *–28,556 FR 63 05-26-98 N Mineral Processing Secondary Materials Exclusion-[NOTE: this provision vacated May 2001]
- 167E–28,556 FR 63 05-26-98 N Bevill Exclusion Revisions and Clarification

Official Notices

- 167F*-28,556 FR 63 05-26-98 N Exclusion of Recycled Wood Preserving Wastewaters
- 170 *-46,332 FR 63 08-31-98 N Land Disposal Restrictions - Phase IV
- 171-47,409 FR 63 09-04-98 N Emergency Revisions of LDR Treatment Standards
- 172 *-48,124 FR 63 09-09-98 N Characteristic slags generated from thermal recovery of lead by secondary lead smelters; land disposal restrictions; final rule; extension of compliance date
- 173-51,254 FR 63 09-24-98 N Land Disposal Restrictions Treatment Standards (Spent Potliners)
- 179-25,408 FR 64 05-11-99 N Land Disposal Restrictions Phase IV - Technical Corrections and Clarifications to Treatment Standards
- 183-56,469 FR 64 10-20-99 N Land Disposal Restrictions; Wood Preserving Wastes, Metal Wastes, Zinc Micronutrients Fertilizer, etc.
- 185-14,472 FR 65 03-17-00 N Organobromine Production Wastes
- 185.1-36,365 FR 65 06-08-00 N Organobromine Production Wastes; Petroleum Refining Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Final Rule and Correcting Amendments
- 189-67,068 FR 65 11-08-00 Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Chlorinated Aliphatics Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities
- 190-81,373 FR 65 12-26-00 Deferral of Phase IV Standards for PCB's as a Constituent Subject to Treatment in Soil
- 192B-27,266 FR 66 05-16-01 Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-From Rules. A. Mixture and Derived-From Rules Revisions B. Land Disposal Restrictions Correction

These existing federal amendments can be found in libraries or at: <http://www.epa.gov/epaoswer/hazwaste/state/revision/program.htm>

How do these apply in Minnesota? The EPA promulgated these amendments several years ago. The EPA only applies RCRA authority amendments after Minnesota adopts them and gains EPA authorization (Minnesota applies these once adopted as state law). HSWA amendments apply immediately under federal authority. Minnesota must adopt those RCRA/HSWA amendments that increase stringency-to maintain its program authorization. It may also adopt "optional" amendments that reduce stringency. EPA intends optional amendments to reduce excessively burdensome rules while continuing to protect health and the environment. The MPCA plans to adopt optional amendments when practicable.

Who is affected? These amendments to an existing program will mostly affect entities already regulated for generating, transporting, treating, storing, or disposing of hazardous waste. The optional amendments will reduce some burdens that EPA found excessive in practice. Adopting these rules will reduce program differences between Minnesota, neighboring states and the EPA. This should reduce potential confusion for both regulators and the regulated community. It also provides the MPCA with the authority to enforce the HSWA amendments that EPA already applies in Minnesota. The MPCA believes that proximity to its regulated community is an advantage to applying this program.

Status of the Draft Rules and the Statement of Need and Reasonableness (SONAR): There is no proposed rule or SONAR language at this time. The MPCA does not anticipate making draft rule language available before publishing proposed rules in the *State Register*—no sooner than 60-days after this notice. The MPCA will not use an advisory committee for these existing rules. The MPCA must translate the parent federal amendments into state rule language. The MPCA may revise federal rules for clarity or increased stringency, adopt them verbatim, or adopt them by reference as appropriate. The MPCA plans to adopt the LDR rules by reference with exceptions. The MPCA must describe the need and reasonableness for each rule in a SONAR (see *Minnesota Statutes* §§ 14.131 and 14.23, and *Minnesota Rules* chapter 1400.2070). In its SONAR, the MPCA plans to describe a general need to amend rules and maintain program authorization. It plans to refer to EPA's authoritative reasoning to support individual federal amendments.

Comments. You may comment regarding this MPCA plan or seek placement on a contact list for this rulemaking. For inclusion in the rulemaking record, comments must be submitted after the rules are formally proposed in the *State Register*. If you have questions, please contact Nathan Cooley, MPCA, 520 Lafayette Road, St Paul, MN 55155 or **phone:** (651) 297-7544; **fax:** (651) 297-8676; **TTY:** (651) 282-5332; or **email:** nathan.cooley@pca.state.mn.us. The MPCA can provide this notice in alternative formats on request.

Karen Studders, Commissioner
Minnesota Pollution Control Agency

Public Employees Retirement Association (PERA)

Notice of Meeting of the Board of Trustees

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, November 14, 2002, at 9:30 a.m., in the PERA offices, 60 Empire Drive, Room 117, St. Paul, Minnesota.

Minnesota Sentencing Guidelines Commission

Notice of Public Hearing to Consider Modifications to the Sentencing Guidelines

THE MINNESOTA SENTENCING GUIDELINES COMMISSION WILL HOLD A PUBLIC HEARING on Thursday, December 12, 2002, at 4:00 p.m. in Room 10, State Office Building, St. Paul, Minnesota. The public hearing is to consider proposed modifications to the sentencing guidelines and commentary passed during the 2002 Legislative Session, other modifications including possible changes to the Misdemeanor/Gross Misdemeanor Point, and technical modifications.

Copies of the proposed modifications are available, free of charge, on the agency's **website**, at: www.msgc.state.mn.us, or by contacting the Minnesota Sentencing Guidelines Commission at University National Bank Building, 200 University Avenue West, Suite 205, St. Paul, MN 55103, or by calling at **phone**: (651) 296-0144. Deaf/Hard of Hearing/Speech Impaired Only TTY users may call this agency through the MN Relay Service: 1-800-627-3529; ask for (651) 296-0144. If you need special accommodations to attend, please contact the Minnesota Sentencing Guidelines Commission as soon as possible. This notice is available in alternative formats upon request.

All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the Commission staff at the above address/telephone number.

The Commission will hold the record open for five days after the public hearing to accept additional written comment on the proposed modifications. On Thursday, December 19, 2002, the Commission will meet at 3:00 p.m. at the Minnesota Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108 to formally adopt or reject the proposed modifications. If adopted, some of the modifications will become effective January 1, 2003 and some will become effective August 1, 2003 following Legislative review.

Northern States Power Company d/b/a Xcel Energy

Notice of Acid Rain Program Designated Representative

NOTICE IS HEREBY GIVEN that, pursuant to *Code of Federal Regulations* Title 40, Part 72, I am the Designated Representative as of December 1, 2002 for the following Acid Rain Program affected sources at Northern States Power Company (d/b/a Xcel Energy): Allen S. King Plant unit 1, Black Dog Plant units 1, 2, 3, 4 and 5, High Bridge Plant units 3, 4, 5 and 6, Minnesota Valley Plant unit 4, Riverside Plant units 6, 7 and 8, and Sherburne County Plant units 1, 2 and 3 (boiler 3 is owned by Xcel Energy and Southern Minnesota Municipal Power Agency). If there are questions, call Nancy Stafki at (612) 330-5520.

Pamela K. Graika
General Manager, Power Generation

State Contracts

Informal Solicitations: Effective March 1, 2002, informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) website. Interested vendors are encouraged to monitor the P/T Contract section of the MMD website at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Office of Administrative Hearings

Administrative Law Section

Notice of Request for Proposal for Administrative Law Judge Services

The Minnesota Office of Administrative Hearings is seeking qualified attorneys to serve as administrative law judges for the two-year period from January 1, 2003 through December 31, 2004.

Compensation will be at the rate of \$75 per hour. Persons who serve as contract administrative law judges, or members of their firm, may not appear as an attorney in any hearing conducted by this office.

To receive a Request for Proposal, please notify: Sandra Haven, Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, MN 55401; **phone:** (612) 341-7642, **TTY:** (612) 341-7346. Final proposals must be received by November 25, 2002, at 2:00 p.m. The Request for Proposal can be furnished in large print or on a cassette tape by calling (612) 341-7642.

An Equal Opportunity Employer

Colleges and Universities, Minnesota State (MnSCU)

Request for Proposals for Executive Search Firm

NOTICE IS HEREBY GIVEN that proposals are being solicited to select an executive search consultant to assist the Minnesota State Colleges and Universities System in the search for qualified candidates for Community and Technical College Presidents during fiscal year 2002-2003.

Applicants must have evidence of successful experience in working with search committees on searches for higher education chief executives and evidence of success in providing clients with diverse pools of candidates for searches in higher education. For further information or to request a copy of the full Request for Proposal, please contact:

Linda Skallman, Associate Vice Chancellor
Minnesota State Colleges & Universities/Personnel
500 World Trade Center, 30 East Seventh Street
St. Paul, MN 55101

Phone: (651) 297-8263

Email: linda.skallman@so.mnscu.edu

Fax: (651) 297-3145

Proposals are due by **December 3, 2002**.

This request for proposal does not obligate the state to complete the proposed project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota Historical Society

Request for Proposals for Scenic Elements for The North West Company Fur Post Exhibit Project

The Minnesota Historical Society is seeking proposals from qualified vendors with experience in the fabrication and installation of a variety of scenic elements for the North West Company Fur Post Exhibit. The project includes the fabrication, finishing, shipping, handling and installation of all scenic elements.

A mandatory pre-proposal meeting will be held at the Minnesota History Center, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102, on Monday, November 25, 2002.

The Request for Proposal is available by calling or writing Mary Green-Toussaint, Contracting and Procurement Assistant, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. **Phone** is: (651) 297-7007, or **email**: mary.green-toussaint@mnhs.org

Proposals must be submitted in the format provided for in the Request for Proposals. Proposals must be received no later than **2:00 p.m. Local Time, Tuesday, December 10, 2002. Late proposals will not be considered.**

Dated: 12 November 2002

Department of Human Services

Notice of Request for Proposals to Conduct: 2003 Minnesota Department of Human Services Medicaid and MinnesotaCare Managed Care CAHPS Survey

The Minnesota Department of Human Services (DHS) is interested in contracting for professional and technical consulting services with a qualified vendor to conduct a consumer satisfaction survey of managed care enrollees in the Prepaid Medical Assistance Program (PMAP), Minnesota Senior Health Options (MSHO) program, and MinnesotaCare. The Consumer Assessment of Health Plan Study (CAHPS) version 2.0 - Medicaid Supplement will be used as the survey instrument in this project.

DHS is requesting proposals from organizations with a designation of a Quality Improvement Organization (QIO), Peer Review Organization (PRO), an entity that is eligible to be a PRO (PRO-like), or by a private accreditation body. If the responder is not a NCQA Approved CAHPS vendor, the responder may subcontract with an approved CAHPS vendor.

The satisfaction survey project is expected to begin by February 2003 and last through September 2003.

Responders will be responsible for all costs and expenses incurred in responding to this RFP. DHS reserves all rights to proceed in whatever manner it perceives to be in its best interest, and may cancel this RFP at any time and/or choose not to purchase any services or solutions from outside resources.

A copy of the complete Request for Proposals and attached documents can be obtained from the DHS **website** at: www.dhs.state.mn.us or a paper copy by contacting:

Sara Koppe
Performance Measurement and Quality Improvement
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3865
Phone: (651) 215-6260
Fax: (651) 215-5754
Email: sara.koppe@state.mn.us

Proposals must be received no later than **3:00 p.m. on December 31, 2002.**

Minnesota Pollution Control Agency

Notice of Availability of Contract for Pollution Prevention Regulatory Integration

The Minnesota Pollution Control Agency (MPCA) is requesting proposals for the purpose of identifying, designing, implementing and reporting on two to five pollution prevention projects to show the relevance and feasibility of prevention principles as a tool to meet environmental regulatory goals or objectives. The Contractor will facilitate this process, which will involve management and staff, based on previous experience with other state regulatory agencies.

Work is proposed to start after December 16, 2002.

A Request for Proposals will be available by mail from this office through November 25, 2002. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After November 25, 2002, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Jennifer Holstad
Policy and Planning Division
Minnesota Pollution Control Agency
520 N. Lafayette Rd.
St. Paul, MN 55155
Fax: (651) 297-8676

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **December 2, 2002. Late proposals will not be considered.** Fax or emailed proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Transportation

Program Support Group

Notice Concerning Professional/Technical Contract Opportunities

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State 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.

Metropolitan Council

Notice of Invitation for Bid (IFB) for the Procurement of (1) 5000 Gallon Stainless Steel Tank Truck

Reference Number 02P121

The Metropolitan Council is requesting bids for the Furnishing of (1) 5000 Gallon Stainless Steel Tank Truck.

Issue Invitation for Bids
Bids Due
Award Contract

November 11, 2002
December 5, 2002
December 2002

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a written request either by email, fax or mail or phone request to:

Sunny Jo Emerson
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
Email: sunnyjo.emerson@metc.state.mn.us

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

Metropolitan Council

Notice of Invitation for Bid (IFB) for the Procurement of (1) 5000 Gallon Stainless Steel Vacuum Pressure Tank Truck

Reference Number 02P122

The Metropolitan Council is requesting bids for the Furnishing of (1) 5000 Gallon Stainless Steel Vacuum Pressure Tank Truck.

Issue Invitation for Bids
Bids Due
Award Contract

November 11, 2002
December 5, 2002
December 2002

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a written request either by email, fax or mail or phone request to:

Sunny Jo Emerson
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
Email: sunnyjo.emerson@metc.state.mn.us

Non-State Contracts & Grants

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 Invitation for Bids (IFB) for Procurement of Process Chemicals for M.C.E.S.

Reference Number 02P137

The Metropolitan Council is requesting bids for furnishing and delivery of Process Chemicals.

Issue Invitation for Bids

November 11, 2002

Bids Due

November 26, 2002

Award Contract

January 2003

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a written request either by email, fax or mail or phone request to:

Sunny Jo Emerson
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
Email: sunnyjo.emerson@metc.state.mn.us

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

Metropolitan Council

Notice of Request for Proposals (RFP) Financial Advisory Services

Metropolitan Council RFP / Contract Number 02P140

The Metropolitan Council is requesting proposals for Financial Advisory Services. The Council is a regional agency authorized by the Minnesota Legislature to provide a full range of regional planning, including the areas of airports, housing, regional parks, transportation and water resources. In addition to its planning responsibilities, the Council has responsibilities for the operation of the region's transit system, wastewater treatment facilities and the metropolitan Housing and Redevelopment Authority (Metro HRA). The term of the contract will be three years.

The anticipated solicitation schedule is shown below.

Issue Request for Proposals

November 4, 2002

Receive Proposals

2:00 p.m. on Tuesday, November 26, 2002

Award of Contract

December 2002

All firms interested in receiving an RFP package are invited to submit an email or written request to:

Amanda Houston, Administrative Assistant
Contracts and Procurement Unit
Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.houston@metc.state.mn.us

Note: RFPs are **NOT** available in electronic form.

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.

Available at Minnesota Bookstore

Order form on back page

Cribbage Boards

New for 2002, these hinged, wooden, laser-cut cribbage boards are sure to make a hit! Comes with pegs.

Cribbage boards " x " WITH playing cards

Fishing Stock No. 15-44 \$25.99

Deer Stock No. 15-42 \$25.99

Game Birds Stock No. 15-43 \$25.99

Cribbage boards " x " ONLY (no cards)

Deer Stock No. 15-17 \$19.99

Loon Stock No. 15-32 \$19.99

Raccoon Stock No. 15-20 \$19.99



