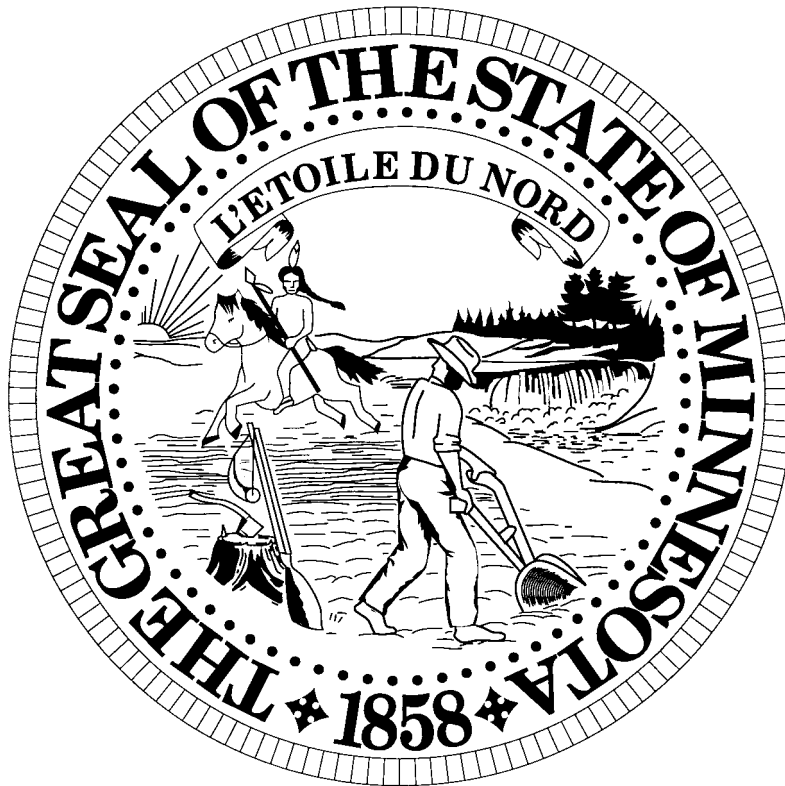


Minnesota

State Register

Rules and Official Notices Edition



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State Register

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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.

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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.

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Comments on Planned Rules or Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rules 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 rules. 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 is then 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 Rules 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*.

Pollution Control Agency

Majors and Remediation Division

Proposed Permanent Rules Relating to Technical Changes

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments to the Minnesota Pollution Control Agency's Rules Governing Air Quality Performance Standards, Air Emissions Permits, Emission Inventory, Related Hazardous Waste Permits, and Miscellaneous Definitions and Incorporations by Reference to be Codified in *Minnesota Rules* Chapters 7001, 7002, 7005, 7007, 7008, 7009, 7011, 7017, 7019 and 7045

Introduction: The Minnesota Pollution Control Agency (MPCA) intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules* 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes* § 14.22 to 14.28. You may submit written comments on the proposed rule amendments and may also submit a written request that a hearing be held on the rules until 4:30 p.m. January 29, 2004.

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

Stuart Arkley
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul
Minnesota, 55155-4194
Phone: (651) 296-7774
Fax: (651) 297-8676
E-mail: stuart.arkley@pca.state.mn.us.
TTY users may call the MPCA at (651) 292-5332 or 800-657-3867

Subject of Rules and Statutory Authority. The MPCA is proposing to amend its rules governing air quality performance standards, air emissions permits, emission inventory, related hazardous waste permits, and miscellaneous definitions and incorporations by reference to be codified in *Minnesota Rules* ch. 7001, 7002, 7005, 7007, 7008, 7009, 7011, 7017, 7019 and 7045. The MPCA's statutory authority to adopt these rules is found in *Minnesota Statutes* § 116.07, subdivisions 4 and 4a. A copy of the proposed rule amendments is published in the *State Register* and attached to this notice as mailed.

The primary goals of this rulemaking are to make minor changes to existing rules, bring rules up-to-date, correct errors, and clarify existing rules. An additional goal is to incorporate certain federal air quality rules by reference and make other changes that will provide consistency with federal requirements and implement the delegation of air quality regulatory authority from Environmental Protection Agency (EPA) to MPCA. The informal name given to this rulemaking is the "Omnibus III" rulemaking, being the third rule effort in an ongoing series of rulemakings intended to update and improve the MPCA's existing air quality rules.

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Examples of the amendments made to the air quality rules are: the clarification of calculation procedures for permitting thresholds; updating the definition of volatile organic compounds; and a change in the way that emissions inventory data is finalized. This rule also incorporates by reference, in Chapter 7011, the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) standards that have been promulgated by the EPA since the last such incorporation by reference was completed, in a previous omnibus rulemaking. The new incorporations by reference are necessary for the MPCA to complete the delegation of authority to implement NESHAP requirements from the EPA to the MPCA.

This rulemaking also makes minor changes to the state hazardous waste rules and the rules governing hazardous waste facility permits. These hazardous waste related changes simply provide an exclusion from the hazardous waste rules for comparable/syngas fuel so that it can be regulated as a fuel and not a waste, and a clarification of the requirements that will be applicable to the operators of facilities regulated through the federal NESHAP requirements that are being adopted by reference.

Comments. You have until 4:30 p.m. on January 29, 2004, to submit written comment in support of or in opposition to the proposed rule amendments and any part or subpart of the rules. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired.

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 MPCA contact person by 4:30 p.m. on January 29, 2004. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule amendments 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 MPCA when determining whether a public hearing must be held. You are also encouraged to explain the reasons for your objections to the rules and to propose any changes you want made to the rules.

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

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

Modifications. The proposed rule amendments may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the MPCA, and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules* 1400.2110, has been followed. If the proposed rule amendments affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness (SONAR) is now available from the MPCA contact person. This SONAR contains a summary of the justification for the proposed rule amendments, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the SONAR may be obtained at the cost of reproduction from the MPCA. In addition, the MPCA has placed a copy of the SONAR on its **Web site** at: www.pca.state.mn.us. Click on the News/Notices selection item to access the public notice that also contains the proposed rule amendments and SONAR.

Consideration of Economic Factors. *Minnesota Statutes* § 116.07, subd. 6 requires the MPCA to consider the impact that economic factors have on the feasibility and practicability of the proposed rules or amendments. In proposing these rules, the MPCA has given due consideration to economic impacts of implementing the proposed rule amendments. The MPCA has determined that the proposed rule amendments do not cause any additional economic impact to the public and regulated community that was not already in place. This rulemaking does not establish a new rule. It makes minor clarifications, revisions, and updates to existing air quality rules, incorporates by reference and assures consistency with certain federal air quality rules, and provides for certain exclusions from the hazardous waste rules. Additional information regarding the MPCA's consideration of economic factors is discussed in Sections IV and VI of the SONAR.

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

Notification of the Commissioner of Transportation. *Minnesota Statutes* § 174.05 requires the MPCA to inform the Commissioner of Transportation of all rulemakings that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. The requirements of *Minnesota Statutes* § 174.05 are inapplicable because the proposed rule amendments do not impact the Department of Transportation.

State Regulatory Policy. *Minnesota Statutes* § 14.131 requires an agency, in developing rules, to consider the legislative policy supporting performance-based regulatory systems set forth in *Minnesota Statutes* § 14.002. In developing the proposed rule amend-

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ments, the MPCA considered and proposed ways to simplify and clarify certain air quality rules to make it easier for regulated parties to understand and comply with the rules. In addition, MPCA considered how the proposed rules could provide for a more efficient air quality regulatory process for regulated parties by incorporating federal standards by reference and providing for consistency between state and federal air quality requirements. The MPCA will consider all comments received as a result of the publication of this notice. Through these steps, the MPCA is considering and implementing the policy supporting performance-based regulatory systems set forth in *Minnesota Statutes* § 14.002.

Lobbyist Registration. *Minnesota Statutes* ch. 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 Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

Request to Have MPCA Board Make Decision on Rule if No Hearing is Required. If a hearing is required, the MPCA board will make the final decision on whether to adopt the proposed rules. However, even if no hearing is required, you may submit a request to the MPCA commissioner or an MPCA board member to have the MPCA board make the decision on whether to adopt the proposed rule amendments. Your request must be in writing, must state to whom it is directed, and must be received by the MPCA contact person by 4:30 p.m. on January 29, 2004. Under *Minnesota Statutes* § 116.02 where a hearing is not required, the MPCA board will only make the decision on the rule if the MPCA commissioner grants your request or if an MPCA board member makes a timely request that the decision be made by the MPCA board.

Adoption and Review of Rules. If no hearing is required, the MPCA may adopt the rules after the end of the 30-day comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings (OAH) for review for legality. You may ask to be notified of the date the rules are submitted to the OAH. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed in this notice.

Sheryl A. Corrigan
Commissioner

7001.0650 INTERIM STATUS.

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

Subp. 5. **Changes during interim status.** Except as provided in item F, an owner or operator who has interim status may conduct the activities prescribed in items A to F.

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

F. Except as specifically allowed under this item, changes listed under items A to E may not be made if they amount to reconstruction of the hazardous waste management facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds 50 percent of the capital cost of a comparable entirely new hazardous waste management facility. If all other requirements are met, the following changes may be made even if they amount to reconstruction:

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

(5) changes necessary to comply with an interim status corrective action order issued by EPA under RCRA section 3008(h) or other federal authority, by an authorized state under comparable state authority, or by a court in judicial proceeding brought by EPA or an authorized state, provided that the changes are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility; ~~and~~

(6) changes to treat or store, in tanks or containers, hazardous wastes subject to land disposal restrictions imposed by parts 7045.1300 to 7045.1380, provided that the changes are made solely for the purpose of complying with parts 7045.1300 to 7045.1380 or RCRA section 3004; ~~and~~

(7) changes necessary to comply with standards under part 7011.7410, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.

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

7001.0730 MODIFICATION OF PERMITS; REVOCATION AND REISSUANCE OF PERMITS.

[For text of subs 1 to 5, see M.R.]

Subp. 6. Combustion facility changes. Combustion facility owners or operators must comply with the notification of intent requirements of part 7011.7410 before requesting a permit modification in order to make technology changes needed to meet standards in part 7011.7410.

7002.0075 NOTIFICATION OF ERROR.

An owner or operator who thinks that the assessed annual emission fee is in error shall provide a written explanation of the person's position to the commissioner within 60 days of receipt of the invoice or no later than June 30 of the year in which the fee was

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assessed, whichever is later. An owner or operator who thinks that an error exists in emissions inventory data shall submit an explanation by the February 1 following the year in which the inventory is due in accordance with part 7019.3000, subpart 2, or 45 days after the annual emissions inventory mailing date, whichever is later. The assessed fee shall be paid as required in part 7002.0065. The commissioner shall, within 60 days of the timely receipt of the person's written explanation, either provide a written explanation of why the fee was not in error and shall not be refunded, or, if the commissioner finds that the assessed fee was in error, the overpayment shall be refunded to the person or credited to the person's account.

7005.0100 DEFINITIONS.

[For text of subps 1 to 42c, see M.R.]

Subp. 45. **Volatile organic compound (VOC).** "Volatile organic compound (VOC)" means any organic compound which participates in atmospheric photochemical reactions. This includes any organic compound other than the following compounds:

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

SS. methyl acetate;

TT. any other compound listed in table 1, as amended, of the United States Environmental Protection Agency's Recommended Policy on Control of Volatile Organic Compounds, *Federal Register*, volume 42, page 35314, July 8, 1977; or

~~FF~~ UU. any other compound determined by the United States Environmental Protection Agency to be negligibly photochemically reactive, upon publication of the determination in the *Federal Register*.

7007.0200 SOURCES REQUIRED OR ALLOWED TO OBTAIN A PART 70 PERMIT.

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

Subp. 2. **Major sources.** Any "major source," which means any stationary source that is described in item A, B, or C, must obtain a permit under this part.

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

B. A major stationary source of air pollutants, as defined in section 302 of the act (General Provisions; Definitions), that directly emits or has the potential to emit, 100 tons per year or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the act, unless the stationary source belongs to one of the following categories of stationary sources:

[For text of subitems (1) to (26), see M.R.]

(27) all other stationary source categories regulated by a standard promulgated under section 111 or 112 of the act, ~~but only with respect to those air pollutants that have been regulated for that category.~~

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

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

7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.

Subpart 1. **No permit required.** The following stationary sources are not required to obtain a permit under parts 7007.0100 to 7007.1850:

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

F. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be required to obtain a permit solely because it is subject to one or more new source performance standards under *Code of Federal Regulations*, title 40, part 60, and that has the potential to emit zero tons per year from the affected facility of each pollutant regulated by the standard is subject only to the notification and record-keeping provisions of the applicable standards.

7007.0950 EPA REVIEW AND OBJECTION.

Subpart 1. **Review by EPA.**

A. The agency shall provide to the administrator a copy of the following documents, unless the administrator agrees to accept a summary of the documents:

~~A~~ (1) for part 70 permits, each application for a permit or permit amendment, each proposed permit or permit amendment, and each final permit or permit amendment; and

~~B~~ (2) for state permits, each application for a permit, each draft permit, each final permit, each application for a major permit amendment described in part 7007.1500, subpart 1, item C or D, and the draft and final versions of each such major permit amendment.

B. In the case of a part 70 permit, either:

(1) the draft permit or permit amendment must be provided to the administrator at the beginning of the public comment

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period, and the proposed permit or permit amendment ~~shall~~ must be provided to the administrator after the ~~draft permit or permit amendment has been subject to~~ conclusion of public comment; or

(2) a permit or permit amendment that is identified as both a draft and a proposed permit or permit amendment may be provided to the administrator at the beginning of the public comment period, subject to the limitations of subpart 2. This document shall be clearly identified as a draft/proposed permit or permit amendment. The public notice for the draft/proposed permit or permit amendment shall state that the agency is seeking concurrent review of the permit or permit amendment, and that the 30-day public review period and the 45-day EPA review period will begin at the same time.

C. In the case of a state permit, the draft permit or permit amendment may be provided to the administrator at the same time the draft permit or permit amendment is offered for public comment.

Subp. 2. EPA objection.

A. In the case of a part 70 permit, and except as provided in item B, the agency shall not issue a permit or ~~an~~ permit amendment if the administrator objects to its issuance in writing within 45 days of receipt of the proposed permit or permit amendment and any necessary supporting information.

B. In the case of a part 70 permit, when the administrator is provided with a draft/proposed permit or permit amendment at the beginning of the public comment period, the agency may issue the permit 45 days after the administrator's receipt of the draft/proposed permit or permit amendment and any necessary supporting information except as provided in subitem (1), (2), or (3).

(1) If the agency makes changes to the draft/proposed permit or permit amendment other than modifications that would meet the requirements for an administrative amendment under part 7007.1400, subpart 1, the agency shall provide a revised proposed permit or permit amendment to the administrator. The agency shall not issue the permit or permit amendment if the administrator objects to its issuance in writing within 45 days of receipt of the revised proposed permit or permit amendment and any necessary supporting information.

(2) If, within 45 days of receipt of the draft/proposed permit or permit amendment the administrator notifies the agency in writing that the administrator seeks additional time for review, the agency shall not issue the permit or permit amendment if the administrator objects to its issuance in writing within 45 days of the conclusion of the public comment period.

(3) If the agency receives from the public any adverse comments on any applicable requirement of the permit during the 30-day comment period, the agency shall provide the comments to the administrator. The agency shall not issue the permit or permit amendment if the administrator objects to its issuance in writing within 45 days of receipt of the comments and, if applicable, the revised proposed permit or permit amendment and any necessary supporting information.

C. In the case of a state permit, the agency shall not issue a permit, or an amendment for which EPA review is provided under subpart 1, if the administrator objects to its issuance in writing within 30 days of receipt of the draft permit or amendment and any necessary supporting information.

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

7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.

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

Subp. 2. Stationary sources that may not obtain a registration permit.

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

C. A stationary source may not obtain a registration permit if it is subject to a new source performance standard ~~other than~~ except when the stationary source is subject only to the notification and record-keeping requirements of that standard, or when the standard is one of the following:

[For text of subitems (1) to (11), see M.R.]

[For text of subps 3 to 15, see M.R.]

Subp. 15a. Relocation of stationary source issued a registration permit. This subpart applies only to a stationary source that has been issued a registration permit under parts 7007.1110 to 7007.1130, and that:

A. is relocating within or to an area that is classified as attainment with respect to the National Ambient Air Quality Standards;

B. does not trigger the need for air dispersion modeling for the relocated source; and

C. will qualify for the same type of registration permit at the new location. Prior to a change in the location of a stationary source that meets the criteria in this subpart, the owner or operator must provide advance written notice to the commissioner, providing the exact location where the source will operate. If the commissioner determines that the new owner or operator meets the requirements of parts 7007.1110 to 7007.1130 for registration permit issuance, then the commissioner shall issue the registration permit for the new location. Issuance of the registration permit for the new location voids and supersedes the registration permit for the previous location.

[For text of subps 16 to 22, see M.R.]

7007.1130 REGISTRATION PERMIT OPTION D.

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

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

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

C. Emission factors from performance tests may be used for the calculation of actual emissions, provided that the performance tests met all the requirements of parts 7017.2001 to 7017.2060, and all other applicable state rules and federal regulations governing performance tests. The owner or operator of a stationary source that uses an emission factor developed from a performance test shall use the calculation method under item A, ~~except that if an owner or operator uses an emission factor developed from a performance test which reflects the use of control equipment not listed in part 7007.0070, the following equation shall be used to determine actual emissions of the tested pollutant:~~

~~$E = OP \times CEF/HCE$, where~~

~~E = Actual emissions in tons per year~~

~~OP = Operating Parameter as required by the Controlled Emission Factor (hours of operation or units produced)~~

~~CEF = Controlled Emission Factor (pounds of pollutant per hour of operation or units produced), as determined through a performance test meeting all the requirements of parts 7017.2001 to 7017.2060 that reflects the use of control equipment~~

~~HCE = Hood Capture Efficiency, which shall be 0.60 for VOCs, and 0.80 for all other pollutants. (HCE is 1.0 when 100 percent of the emissions exiting the process equipment are captured by the control device.)~~

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

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

7007.1300 INSIGNIFICANT ACTIVITIES LIST.

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

Subp. 3. **Insignificant activities required to be listed.** The activities described in this subpart must be listed in a permit application, and calculation of emissions from these activities shall be provided if required by the agency, under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed in this subpart are subject to additional requirements under section 114(a)(3) of the act (Monitoring Requirements) or section 112 of the act (Hazardous Air Pollutants), or if part of a title I modification, or if accounted for, make a stationary source subject to a part 70 permit, emissions from the emissions units must be calculated in the permit application.

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

D. Processing operations:

~~(1) open tumblers with a batch capacity of 1,000 pounds or less; and~~

~~(2) equipment venting particulate matter (PM) or particulate matter less than ten microns (PM-10) inside a building (for example: buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning equipment) provided that emissions from the equipment are:~~

~~(a) filtered through an air cleaning system; and~~

~~(b) vented inside of the building 100 percent of the time.~~

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

J. Fugitive dust emissions from unpaved entrance roads and parking lots, except ~~from that~~ a stationary source applying for an Option D registration permit under part 7007.1130 must include fugitive dust emissions in calculations when required under part 7007.1130, subpart 4.

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

[For text of subps 4 and 5, see M.R.]

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7008.4000 CONDITIONALLY INSIGNIFICANT ACTIVITIES.

If operated in compliance with this part and ~~part parts~~ parts 7008.4100 and 7008.4110, the activities and operation of the emissions units listed in ~~this part parts~~ parts 7008.4100 and 7008.4110 are insignificant activities for purposes of parts 7007.0100 to 7007.1850. Listing in ~~this part~~ parts 7008.4100 or 7008.4110 has no effect on any other law, including laws enforced by the agency other than parts 7007.0100 to 7007.1850, to which the activity may be subject.

The activities described in ~~this part parts~~ parts 7008.4100 and 7008.4110 must be listed in a permit application, and calculation of emissions from these activities shall be provided if required by the agency, under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed in ~~this part~~ parts 7008.4100 or 7008.4110 are subject to additional requirements under section 114(a)(3) of the act (Monitoring Requirements) or section 112 of the act (Hazardous Air Pollutants), or if part of a title I modification, or, if accounted for, make a stationary source subject to a part 70 permit, emissions from the emissions units must be calculated in the permit application.

7008.4110 CONDITIONALLY INSIGNIFICANT PM and PM10 EMITTING OPERATIONS.

Subpart 1. Applicability. This part applies to any stationary source claiming particulate matter (PM) or particulate matter of less than ten microns (PM10) venting equipment as a conditionally insignificant activity.

Subp. 2. Requirements. Emissions from equipment venting PM or PM10 inside a building, for example: buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning equipment, must be:

- A. filtered through an air cleaning system; and
- B. vented inside of the building 100 percent of the time.

7011.0913 HOT MIX ASPHALT PLANT MATERIALS, FUELS, AND ADDITIVES OPERATING REQUIREMENTS.

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

Subp. 2. List of authorized materials, fuels, and additives.

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

B. The designated fuels for combustion are natural gas, methane, butane, and propane; gasoline, kerosene, diesel fuel, jet fuel, and fuel oils (No. 1, No. 2, No. 3, No. 4, No. 5, No. 6); ~~petroleum derived waste oil as defined in part 7045.0020, subpart 102b; and on-specification used oil as defined in part 7045.0020, subpart 60a, except provided that total halogens shall not exceed 1,000 parts per million; and virgin oil that is discarded before use and that otherwise meets the requirements of this item for on-specification used oil.~~

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

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

7011.1260 CONTINUOUS MONITORING.

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

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

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

D. When continuous emissions data for sulfur dioxide removal efficiency, sulfur dioxide or nitrogen oxide emission rates, or carbon monoxide are not obtained because of monitor breakdowns, repairs, calibration checks, and zero and span adjustments, emission data calculations to determine compliance shall be made using the following methods:

(1) for sulfur dioxide removal efficiency or sulfur dioxide or nitrogen oxide emission concentrations, *Code of Federal Regulations*, title 40, part 60, Appendix A, Method 19, as amended, to provide valid emission data in order to meet the requirements of item B. ~~For waste combustors other than Class A,~~ Other monitoring systems or other data collection methods may be used as approved by the commissioner; and

(2) for carbon monoxide, *Code of Federal Regulations*, title 40, part 60, Appendix A, Method 10, as amended, to provide valid emission data in order to meet the requirements of item B. ~~For waste combustors other than Class A,~~ Other monitoring systems or other data collection methods may be used as approved by the commissioner.

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

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

7011.1265 REQUIRED PERFORMANCE TESTS, METHODS, AND PROCEDURES.

[For text of subs 1 to 10, see M.R.]

Subp. 11. **Exceedances of emission limits.** If accurate and valid data results of a performance test demonstrate an exceedance of a standard of performance as described in part 7011.1225 or in the waste combustor's air emission facility permit after normal start-up, the waste combustor owner or operator shall undertake the actions in items A to D.

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A. ~~The owner or operator shall immediately report the exceedance shall be reported to the commissioner as soon as reasonably possible giving consideration to matters of plant or worker safety, or access to communications and shall comply with the applicable reporting provisions of part 7007.0800, subpart 6, shall be met.~~

B. ~~Within 30 days of the report of the exceedance, The owner or operator shall undertake appropriate repairs or modifications steps to return the waste combustor to compliance or undertake performance testing for a maximum of 30 days, for the purpose of demonstrating compliance with the emission limit, and shall demonstrate compliance within 60 days of the initial report of the exceedance.~~

C. ~~If the waste combustor cannot be returned to~~ commissioner determines that compliance has not been achieved within 30 60 days of the initial report of initial exceedance, the waste combustor shall be shut down. ~~If the modifications to return the waste combustor to compliance require the amendment of the air emission facility permit, the waste combustor shall shut down on the 31st day after the report of the exceedance.~~

D. ~~When repairs or modifications have been completed, the waste combustor owner or operator shall demonstrate to the commissioner that the waste combustor is in compliance.~~ If shutdown was required under item C, the waste combustor may be restarted after under the conditions specified by the commissioner. The owner ~~of~~ or operator ~~has notified~~ must notify the commissioner in writing of the date on which the owner or operator plans to start-up and to begin compliance testing. Notification shall be at least ten days in advance of the compliance test date.

7011.7030 GENERIC MACT.

Code of Federal Regulations, title 40, part 63, subpart YY, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT),” is adopted and incorporated by reference, except that the decisions made by the administrator in section 63.1113 are not delegated to the commissioner and are retained by the administrator.

7011.7040 ORGANIC HAZARDOUS AIR POLLUTANTS FROM SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY.

A. Code of Federal Regulations, title 40, part 63, subpart F, as amended, entitled “National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry,” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, the authorities identified in section 63.102(b), 63.106(c) are not delegated to the commissioner and must be made are retained by the administrator.

B. Code of Federal Regulations, title 40, part 63, subpart G, as amended, entitled “National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater,” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, the authorities identified in section 63.150(i)(1) to (i)(4), 63.153(c) are not delegated to the commissioner and must be made are retained by the administrator.

7011.7060 ORGANIC HAZARDOUS AIR POLLUTANTS FROM EQUIPMENT LEAKS.

A. Code of Federal Regulations, title 40, part 63, subpart H, as amended, entitled “National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks,” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, the authorities identified in section 63.177, 63.183(c) are not delegated to the commissioner and must be made are retained by the administrator.

B. Code of Federal Regulations, title 40, part 63, subpart I, as amended, entitled “National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks,” is adopted and incorporated by reference, except that the authorities identified in section 63.193(c) are not delegated to the commissioner and are retained by the administrator.

7011.7080 COKE OVEN BATTERIES.

Code of Federal Regulations, title 40, part 63, subpart L, as amended, entitled “National Emission Standards for Coke Oven Batteries,” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, sections 63.302(d), 63.304(b)(6), 63.305(b), (d), and (e), 63.307(d), and section 2 of Method 303 in Appendix A of Part 63, the authorities identified in section 63.313(d) are not delegated to the commissioner and must be made are retained by the administrator.

7011.7090 COKE OVENS: PUSHING, QUENCHING, AND BATTERY STACKS.

Code of Federal Regulations, title 40, part 63, subpart CCCCC, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks,” is adopted and incorporated by reference, except that the authorities identified in section 63.7351(c) are not delegated to the commissioner and are retained by the administrator.

7011.7100 PERCHLOROETHYLENE DRY CLEANING FACILITIES.

Code of Federal Regulations, title 40, part 63, subpart M, as amended, entitled “National Perchloroethylene Air Emission (Cite 28 SR 847)

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Standards for Dry Cleaning Facilities,” is adopted and incorporated by reference, except that the authorities identified in section 63.326(c) are not delegated to the commissioner and are retained by the administrator.

7011.7120 CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING TANKS.

Code of Federal Regulations, title 40, part 63, subpart N, as amended, entitled “National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks,” is adopted and incorporated by reference, except that the authorities identified in section 63.348(c) are not delegated to the commissioner and are retained by the administrator.

7011.7140 ETHYLENE OXIDE EMISSIONS STANDARDS FOR STERILIZATION FACILITIES.

Code of Federal Regulations, title 40, part 63, subpart O, as amended, entitled “Ethylene Oxide Emissions Standards for Sterilization Facilities,” is adopted and incorporated by reference, except that the authorities identified in section 63.368(c) are not delegated to the commissioner and are retained by the administrator.

7011.7160 INDUSTRIAL PROCESS COOLING TOWERS.

Code of Federal Regulations, title 40, part 63, subpart Q, as amended, entitled “National Emission Standards for Hazardous Air Pollutants Industrial Process Cooling Towers,” is adopted and incorporated by reference, except that the authorities identified in section 63.407(c) are not delegated to the commissioner and are retained by the administrator.

7011.7180 GASOLINE DISTRIBUTION.

Code of Federal Regulations, title 40, part 63, subpart R, as amended, entitled “National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations),” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, sections 63.426 and 63.427(a)(5), the authorities identified in section 63.429(c) are not delegated to the commissioner and must be made are retained by the administrator.

7011.7200 HALOGENATED SOLVENT CLEANING.

Code of Federal Regulations, title 40, part 63, subpart T, as amended, entitled “National Emission Standards for Halogenated Solvent Cleaning,” is adopted and incorporated by reference, except that the authorities identified in section 63.470(c) are not delegated to the commissioner and are retained by the administrator.

7011.7235 PRIMARY LEAD SMELTING.

Code of Federal Regulations, title 40, part 63, subpart TTT, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting,” is adopted and incorporated by reference, except that the authorities identified in section 63.1550(c) are not delegated to the commissioner and are retained by the administrator.

7011.7240 SECONDARY LEAD SMELTING.

Code of Federal Regulations, title 40, part 63, subpart X, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting,” is adopted and incorporated by reference, except that the authorities identified in section 63.551(c) are not delegated to the commissioner and are retained by the administrator.

7011.7260 MARINE TANK VESSEL LOADING OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart Y, as amended, entitled “National Emission Standards for Marine Tank Vessel Loading Operations,” is adopted and incorporated by reference, except that the authorities identified in section 63.568(c) are not delegated to the commissioner and are retained by the administrator.

7011.7280 PETROLEUM REFINERIES.

A. *Code of Federal Regulations*, title 40, part 63, subpart CC, as amended, entitled “National Emission Standards for Petroleum Refineries,” is adopted and incorporated by reference, except that the authorities identified in section 63.655(c) are not delegated to the commissioner and are retained by the administrator.

B. *Code of Federal Regulations*, title 40, part 63, subpart UUU, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units,” is adopted and incorporated by reference, except that the authorities identified in section 63.1578(c) are not delegated to the commissioner and are retained by the administrator.

7011.7290 OIL AND NATURAL GAS PRODUCTION, TRANSMISSION, AND STORAGE.

A. *Code of Federal Regulations*, title 40, part 63, subpart HH, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities,” is adopted and incorporated by reference, except that the authorities identified in section 63.776(c) are not delegated to the commissioner and are retained by the administrator.

B. *Code of Federal Regulations*, title 40, part 63, subpart HHH, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities,” is adopted and incorporated by reference, except

that the authorities identified in section 63.1286(c) are not delegated to the commissioner and are retained by the administrator.

7011.7300 MAGNETIC TAPE MANUFACTURING OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart EE, as amended, entitled “National Emission Standards for Magnetic Tape Manufacturing Operations,” is adopted and incorporated by reference, except that the authorities identified in section 63.708(c) are not delegated to the commissioner and are retained by the administrator.

7011.7320 AEROSPACE MANUFACTURING AND REWORK FACILITIES.

Code of Federal Regulations, title 40, part 63, subpart GG, as amended, entitled “National Emission Standards for Aerospace Manufacturing and Rework Facilities,” is adopted and incorporated by reference, except that the authorities identified in section 63.759(c) are not delegated to the commissioner and are retained by the administrator.

7011.7340 WOOD FURNITURE MANUFACTURING OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart JJ, as amended, entitled “National Emission Standards for Wood Furniture Manufacturing Operations,” is adopted and incorporated by reference, except that decisions made by the administrator under *Code of Federal Regulations*, title 40, sections 63.804(f)(4)(iv)(D) and (E), 63.804(g)(4)(iii)(e), 63.804(g)(4)(vi), 63.804(g)(6)(vi), 63.805(a), 63.805(d)(2)(v), and 63.805(e)(1), the authorities identified in section 63.808(c) are not delegated to the commissioner and ~~must be made~~ are retained by the administrator.

7011.7360 SHIPBUILDING AND SHIP REPAIR OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart II, as amended, entitled “National Emission Standards for Shipbuilding and Ship Repair (Surface Coating),” is adopted and incorporated by reference, except that the authorities identified in section 63.789(c) are not delegated to the commissioner and are retained by the administrator.

7011.7370 BOAT MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart VVVV, as amended, entitled “National Emission Standards for Boat Manufacturing,” is adopted and incorporated by reference, except that the authorities identified in section 63.5776(b) are not delegated to the commissioner and are retained by the administrator.

7011.7380 PRINTING AND PUBLISHING INDUSTRY.

Code of Federal Regulations, title 40, part 63, subpart KK, as amended, entitled “National Emission Standards for the Printing and Publishing Industry,” is adopted and incorporated by reference, except that decisions made by the administrator under *Code of Federal Regulations*, title 40, approval of alternate test method for organic hazardous air pollutant content determination under the authorities identified in section 63.827(b) and approval of alternate test method for volatile matter determination under section 63.827(e) 63.831(c) are not delegated to the commissioner and ~~must be made~~ are retained by the administrator.

7011.7385 PAPER AND OTHER WEB COATING.

Code of Federal Regulations, title 40, part 63, subpart JJJJ, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating,” is adopted and incorporated by reference, except that the authorities identified in section 63.3420(b) are not delegated to the commissioner and are retained by the administrator.

7011.7390 MUNICIPAL SOLID WASTE LANDFILLS.

Code of Federal Regulations, title 40, part 63, subpart AAAA, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills,” is adopted and incorporated by reference, except that the authorities identified in section 63.1985(c) are not delegated to the commissioner and are retained by the administrator.

7011.7400 OFF-SITE WASTE OPERATIONS.

A. *Code of Federal Regulations*, title 40, part 63, subpart DD, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from Off-site Waste and Recovery Operations,” is adopted and incorporated by reference, except that decisions made by the administrator under *Code of Federal Regulations*, title 40, the authorities identified in section 63.694 63.698(c) are not delegated to the commissioner and ~~must be made~~ are retained by the administrator.

B. *Code of Federal Regulations*, title 40, part 63, subpart OO, as amended, entitled “National Emission Standards for Tanks-Level 1,” is adopted and incorporated by reference, except that the authorities identified in section 63.908(c) are not delegated to the commissioner and are retained by the administrator.

C. *Code of Federal Regulations*, title 40, part 63, subpart PP, as amended, entitled “National Emission Standards for Containers,” is adopted and incorporated by reference, except that the authorities identified in section 63.929(c) are not delegated to the commissioner and are retained by the administrator.

D. *Code of Federal Regulations*, title 40, part 63, subpart QQ, as amended, entitled “National Emission Standards for Surface Impoundments,” is adopted and incorporated by reference, except that the authorities identified in section 63.949(c) are not delegated to the commissioner and are retained by the administrator.

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E. *Code of Federal Regulations*, title 40, part 63, subpart RR, as amended, entitled “National Emission Standards for Individual Drain Systems,” is adopted and incorporated by reference, except that the authorities identified in section 63.967(c) are not delegated to the commissioner and are retained by the administrator.

F. *Code of Federal Regulations*, title 40, part 63, subpart VV, as amended, entitled “National Emission Standards for Oil-Water Separators and Organic-Water Separators,” is adopted and incorporated by reference, except that the authorities identified in section 63.1050(c) are not delegated to the commissioner and are retained by the administrator.

7011.7410 HAZARDOUS WASTE COMBUSTION.

Code of Federal Regulations, title 40, part 63, subpart EEE, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors,” is adopted and incorporated by reference, except that the authorities identified in section 63.1214(c) are not delegated to the commissioner and are retained by the administrator.

7011.7420 GROUP I POLYMERS AND RESINS.

A. Group I polymers and resins. *Code of Federal Regulations*, title 40, part 63, subpart U, as amended, entitled “National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins,” is adopted and incorporated by reference, except that the authorities identified in section 63.507(c) are not delegated to the commissioner and are retained by the administrator.

B. Group II polymers and resins. *Code of Federal Regulations*, title 40, part 63, subpart W, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from Epoxy Resins Production and Non-Nylon Polyamides Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.529(c) are not delegated to the commissioner and are retained by the administrator.

C. Group III polymers and resins. *Code of Federal Regulations*, title 40, part 63, subpart OOO, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.1419(c) are not delegated to the commissioner and are retained by the administrator.

D. Group IV polymers and resins. *Code of Federal Regulations*, title 40, part 63, subpart JJJ, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Group IV Polymers and Resins,” is adopted and incorporated by reference, except that the authorities identified in section 63.1336(c) are not delegated to the commissioner and are retained by the administrator.

7011.7460 FERROALLOYS PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart XXX, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese,” is adopted and incorporated by reference, except that the authorities identified in section 63.1661(c) are not delegated to the commissioner and are retained by the administrator.

7011.7480 FLEXIBLE POLYURETHANE FOAM PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart III, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.1309(c) are not delegated to the commissioner and are retained by the administrator.

7011.7485 FLEXIBLE POLYURETHANE FOAM FABRICATION OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart MMMMM, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations,” is adopted and incorporated by reference, except that the authorities identified in section 63.8828(c) are not delegated to the commissioner and are retained by the administrator.

7011.7520 MINERAL WOOL PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart DDD, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.1195(c) are not delegated to the commissioner and are retained by the administrator.

7011.7560 PESTICIDE ACTIVE INGREDIENT PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart MMM, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Pesticide Active Ingredient Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.1369(c) are not delegated to the commissioner and are retained by the administrator.

7011.7580 PHARMACEUTICALS PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart GGG, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Pharmaceuticals Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.1261(c) are not delegated to the commissioner and are retained by the administrator.

7011.7600 PHOSPHORIC ACID MANUFACTURING AND PHOSPHATE FERTILIZERS PRODUCTION.

A. *Code of Federal Regulations*, title 40, part 63, subpart AA, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Phosphoric Acid Manufacturing and Phosphate Fertilizers Production,” is adopted and incorporated by

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reference, except that the authorities identified in section 63.611(c) are not delegated to the commissioner and are retained by the administrator.

B. *Code of Federal Regulations*, title 40, part 63, subpart BB, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants,” is adopted and incorporated by reference, except that the authorities identified in section 63.632(c) are not delegated to the commissioner and are retained by the administrator.

7011.7610 HYDROCHLORIC ACID PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart NNNNN, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.9070(c) are not delegated to the commissioner and are retained by the administrator.

7011.7620 POLYETHER POLYOLS PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart PPP, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.1421(c) are not delegated to the commissioner and are retained by the administrator.

7011.7640 PORTLAND CEMENT MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart LLL, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry,” is adopted and incorporated by reference, except that the authorities identified in section 63.1358(b) are not delegated to the commissioner and are retained by the administrator.

7011.7650 PRIMARY COPPER SMELTING.

Code of Federal Regulations, title 40, part 63, subpart QQQ, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting,” is adopted and incorporated by reference, except that the authorities identified in section 63.1458(c) are not delegated to the commissioner and are retained by the administrator.

7011.7660 PRIMARY ALUMINUM PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart LL, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants,” is adopted and incorporated by reference, except that the authorities listed in section 63.853(c) are not delegated to the commissioner and are retained by the administrator.

7011.7665 SECONDARY ALUMINUM PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart RRR, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.1519(c) are not delegated to the commissioner and are retained by the administrator.

7011.7670 STEEL PICKLING - HYDROCHLORIC ACID PROCESS.

Code of Federal Regulations, title 40, part 63, subpart CCC, as amended, entitled “National Emission Standards for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants,” is adopted and incorporated by reference, except that the authorities identified in section 63.1166(c) are not delegated to the commissioner and are retained by the administrator.

7011.7675 INTEGRATED IRON AND STEEL MANUFACTURING FACILITIES.

Code of Federal Regulations, title 40, part 63, subpart FFFFF, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities,” is adopted and incorporated by reference, except that the authorities identified in section 63.7851(c) are not delegated to the commissioner and are retained by the administrator.

7011.7680 PUBLICLY OWNED TREATMENT WORKS.

Code of Federal Regulations, title 40, part 63, subpart VVV, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works,” is adopted and incorporated by reference, except that the authorities identified in section 63.1594(c) are not delegated to the commissioner and are retained by the administrator.

7011.7700 PULP AND PAPER PRODUCTION.

A. *Code of Federal Regulations*, title 40, part 63, subpart S, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry,” is adopted and incorporated by reference, except that the authorities identified in section 63.458(c) are not delegated to the commissioner and are retained by the administrator.

B. *Code of Federal Regulations*, title 40, part 63, subpart MM, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicemical Pulp Mills,” is adopted and incorporated by reference, except that the authorities identified in section 63.868(b) are not delegated to the commissioner and are retained by the administrator.

7011.7720 WET-FORMED FIBERGLASS MAT PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart HHHH, as amended, entitled “National Emission Standards for Wet-Formed

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Fiberglass Mat Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.3002(b) are not delegated to the commissioner and are retained by the administrator.

7011.7730 WOOL FIBERGLASS MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart NNN, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing,” is adopted and incorporated by reference, except that the authorities identified in section 63.1388(c) are not delegated to the commissioner and are retained by the administrator.

7011.7740 CELLULOSE PRODUCTS MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart UUUU, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing,” is adopted and incorporated by reference, except that the authorities identified in section 63.5605(b) are not delegated to the commissioner and are retained by the administrator.

7011.7760 LEATHER FINISHING OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart TTTT, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations,” is adopted and incorporated by reference, except that the authorities identified in section 63.5455(c) are not delegated to the commissioner and are retained by the administrator.

7011.7770 PRINTING, COATING, AND DYEING OF FABRICS AND OTHER TEXTILES.

Code of Federal Regulations, title 40, part 63, subpart OOOO, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles,” is adopted and incorporated by reference, except that the authorities identified in section 63.4370(c) are not delegated to the commissioner and are retained by the administrator.

7011.7780 MANUFACTURING NUTRITIONAL YEAST.

Code of Federal Regulations, title 40, part 63, subpart CCCC, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast,” is adopted and incorporated by reference, except that the authorities identified in section 63.2191(c) are not delegated to the commissioner and are retained by the administrator.

7011.7800 REINFORCED PLASTIC COMPOSITES PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart WWWW, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.5930(c) are not delegated to the commissioner and are retained by the administrator.

7011.7820 POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart J, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.216(b) are not delegated to the commissioner and are retained by the administrator.

7011.7840 SOLVENT EXTRACTION FOR VEGETABLE OIL PRODUCTION.

Code of Federal Regulations, title 40, part 63, subpart GGGG, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production,” is adopted and incorporated by reference, except that the authorities identified in section 63.2871(c) are not delegated to the commissioner and are retained by the administrator.

7011.7860 RUBBER TIRE MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart XXXX, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing,” is adopted and incorporated by reference, except that the authorities identified in section 63.6014(c) are not delegated to the commissioner and are retained by the administrator.

7011.7880 FRICTION MATERIALS MANUFACTURING FACILITIES.

Code of Federal Regulations, title 40, part 63, subpart QOOOQ, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities,” is adopted and incorporated by reference, except that the authorities identified in section 63.9560(c) are not delegated to the commissioner and are retained by the administrator.

7011.7900 SURFACE COATING OF LARGE APPLIANCES.

Code of Federal Regulations, title 40, part 63, subpart NNNN, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances,” is adopted and incorporated by reference, except that the authorities identified in section 63.4180(c) are not delegated to the commissioner and are retained by the administrator.

7011.7905 SURFACE COATING OF METAL COIL.

Code of Federal Regulations, title 40, part 63, subpart SSSS, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil,” is adopted and incorporated by reference, except that the authorities identified in section 63.5200(c) are not delegated to the commissioner and are retained by the administrator.

7011.7910 SURFACE COATING OF METAL FURNITURE.

Code of Federal Regulations, title 40, part 63, subpart RRRR, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture," is adopted and incorporated by reference, except that the authorities identified in section 63.4980(c) are not delegated to the commissioner and are retained by the administrator.

7011.7920 REFRACTORY PRODUCTS MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart SSSSS, as amended, entitled "National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing," is adopted and incorporated by reference, except that the authorities identified in section 63.9822(c) are not delegated to the commissioner and are retained by the administrator.

7011.7930 BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart JJJJJ, as amended, entitled "National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing," is adopted and incorporated by reference, except that the authorities identified in section 63.8510(c) are not delegated to the commissioner and are retained by the administrator.

7011.7935 CLAY CERAMICS MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart KKKKK, as amended, entitled "National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing," is adopted and incorporated by reference, except that the authorities identified in section 63.8660(c) are not delegated to the commissioner and are retained by the administrator.

7011.7940 ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart LLLLL, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing," is adopted and incorporated by reference, except that the authorities identified in section 63.8697(b) are not delegated to the commissioner and are retained by the administrator.

7011.7960 SEMICONDUCTOR MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart BBBBB, as amended, entitled "National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing," is adopted and incorporated by reference, except that the authorities identified in section 63.7194(c) are not delegated to the commissioner and are retained by the administrator.

7011.7980 ENGINE TEST CELLS/STANDS.

Code of Federal Regulations, title 40, part 63, subpart PTTTT, as amended, entitled "National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands," is adopted and incorporated by reference, except that the authorities identified in section 63.9370(c) are not delegated to the commissioner and are retained by the administrator.

7011.8000 SURFACE COATING OF WOOD BUILDING PRODUCTS.

Code of Federal Regulations, title 40, part 63, subpart QQQQ, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products," is adopted and incorporated by reference, except that the authorities identified in section 63.4780(c) are not delegated to the commissioner and are retained by the administrator.

COMPLIANCE ASSURANCE MONITORING

7017.0200 INCORPORATION BY REFERENCE.

Code of Federal Regulations, title 40, sections 64.1 to 64.10, as amended, entitled "Compliance Assurance Monitoring," are adopted and incorporated by reference.

7017.2018 SUBMITTALS.

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

The performance test report required by parts 7017.2025, subpart 4, item A, subitem (3), and 7017.2035, subpart 2, shall be submitted as a bound, paper copy with the signed certification statements required by part 7017.2040. However, as an alternative to the microfiche copy of the performance test report, the commissioner shall accept the submittal in a format such as computer disk or CD-ROM, provided that the commissioner has given prior approval for the use of the alternative format in order that compatibility between the software and hardware configurations of the agency and the owner or operator of the emission facility can be assured. Similarly, performance test notifications and test plans shall be accepted in the type of format referenced above or by electronic mail subject to the commissioner's prior approval as described above.

7019.3000 EMISSION INVENTORY.

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

Subp. 2. **Owner or operator error in reporting data.** If an owner or operator discovers an error in the data after having submitted it to the agency, the owner or operator shall submit corrected data, with a written explanation of the mistake and why it

Proposed Rules

occurred. If the commissioner agrees that the correction is appropriate, the commissioner shall correct the data in the inventory. However, for purposes of assessing the emission fee under part 7002.0025, the commissioner shall not ~~recognize~~ accept any correction submitted by an owner or operator which would result in a reduction of tons emitted if the correction is submitted ~~after the February 1 following the year in which the inventory is due or~~ more than 45 days after the annual emissions inventory mailing date, whichever is later.

7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.

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

Subp. 2. **Special requirements.** The following waste is exempt from the general requirements of this chapter if managed as specified:

- A. waste collected as a result of a household hazardous waste management program under part 7045.0310;
- B. spent or waste household batteries collected under part 7045.0686;
- C. waste collected as a result of a very small quantity generator hazardous waste collection program under part 7045.0320;

~~and~~

- D. feedstocks and by-products under part 7045.0125, subparts 5 and 6; and

E. comparable fuels or comparable syngas fuels that meet the specifications and other requirements of *Code of Federal Regulations*, title 40, section 261.38, as amended, which is adopted and incorporated by reference.

REPEALER. *Minnesota Rules*, parts 7007.4010, subparts 11a and 20; 7011.7220; and 7011.7440, are repealed.

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.

Expedited and Emergency 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 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 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.

Minnesota State Arts Board

Adopted Permanent Rules Relating to Assistance to the Arts

The rules proposed and published at *State Register*, Volume 28, Number 6, pages 117-119, August 11, 2003 (28 SR 117), are adopted as proposed.

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 Human Services

Health Care Purchasing and Delivery Systems Division

Public Notice Regarding the January 1, 2004 Payment Rate Change for Hospitals Participating in the Medical Assistance, General Assistance Medical Care, and MinnesotaCare Programs

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA), the General Assistance Medical Care (GAMC) and MinnesotaCare Programs, and to the public, of payment rate changes for hospitals participating in these programs. This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish Medicaid payment rates for institutional providers, the methodologies underlying the establishment of such rates, and the justification of such rates.

Pursuant to *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 13C, Section 2, Subdivision 6 and effective for services provided on or after January 1, 2004, MA, GAMC and MinnesotaCare fee-for-service payments will be increased by two percent.

Individual inpatient hospital payment rates are available by contacting Richard Tester, Health Care Administration, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, MN 55155-3853; **phone:** (651) 296-5596 or **email:** richard.test@state.mn.us

Department of Labor and Industry

Labor Standards Unit

Notice of Prevailing Wage Determinations For Commercial Projects

On December 29, 2003, the commissioner determined and certified prevailing wage rates for Commercial construction projects in each of 87 counties statewide.

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 by accessing our web site at www.doli.state.mn.us. The charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

M. Scott Brener
Commissioner

Metropolitan Council

Public Hearing on: 1) Designating Land in Scott County as a Regional Park Described in the Doyle-Kennefick Regional Park Acquisition Master Plan; and 2) Amendments to Reimbursement Policy B-7 of the Regional Recreation Open Space Policy Plan

A public hearing will be held on the items listed above as part of the Metropolitan Council's Livable Communities Committee meeting. The hearing is scheduled for:

4 p.m., Monday, February 2, 2004
Conference Room 1-A, Mears Park Centre
230 East Fifth Street
St. Paul, Minnesota

The *Doyle-Kennefick Regional Park Acquisition Master Plan* proposes the public acquisition of 782.5 acres of land from willing sellers plus 115-acre St. Catherine Lake as a regional park in southeastern Scott County in Cedar Lake Township. The master plan includes information on the following items: 1) a detailed boundary and estimated costs to acquire land for the park; 2) a stewardship plan for managing the land as it's acquired prior to developing outdoor recreation facilities on it; 3) a forecast on how the proposed park would meet outdoor recreation demand in that part of the region; 4) a development concept for the park with a stip-

Official Notices

ulation that a detailed development master plan will be prepared which will undergo public review; 5) any public services such as roads or sewers needed to accommodate the proposed recreational use in the park and how they would be provided; 6) how the park will be operated and maintained; 7) a summary of the public participation that has occurred to-date in preparing the acquisition master plan and resolution of any issues raised via the public review process; 8) how the public will be made aware of the park's recreational services when they become available; 9) how the outdoor recreation needs of special populations will be met in the park; 10) and an inventory and management plan for natural resources within the park. Designating the land as a regional park by the Metropolitan Council and Council approval of the acquisition master plan would allow some costs associated to acquire the land for the park to be eligible for funding with State and Metropolitan Council appropriations through the Council's Regional Parks Capital Improvement Program. Designating the land as a regional park would also affect comprehensive land use plans of Cedar Lake Township and Scott County.

The amendment to **Reimbursement Policy B-7 of the Regional Recreation Open Space Policy Plan** would allow the Metropolitan Council to reimburse a regional park implementing agency for costs incurred in protecting a proposed regional park site from loss to private development while decisions were made to add the land to the *Regional Recreation Open Space Policy Plan*. Reimbursement of such costs would only occur if the land is added to the *Regional Recreation Open Space Policy Plan*. The amendment states the conditions that would have to be met for reimbursement and what is eligible and not eligible for reimbursement.

All interested persons are encouraged to attend the public hearing and offer comments. People may register in advance to speak by calling Karen Patraw at (651) 602-1456 or (612) 291-0904 (TTY). Upon request, the Council will provide reasonable accommodations to persons with disabilities.

In addition to the public hearing, you may also provide oral or written comments as follows:

- Written comments to: Metropolitan Council Data Center, ATTN: Doyle-Kennefick Regional Park Proposal and Reimbursement Policy B-7 Amendment, Mears Park Centre, 230 E 5th St, St. Paul, MN 55101-1626
- Fax comments to Data Center at (651) 602-1464
- Record comments on Council's Public Comment Line at (651) 602-1500
- Send TTY comments to: (651) 291-0904
- E-mail comments to: data.center@metc.state.mn.us

Comments will be accepted through 4:30 p.m., Thursday, February 12, 2004.

Copies of the **Doyle-Kennefick Regional Park Acquisition Master Plan** (Referral No. 19062-1) and **Proposed Amendment to Reimbursement Policy B-7 of the Regional Recreation Open Space Policy Plan** are available after January 2, 2004 for review at major public libraries in the seven-county Twin Cities Metropolitan Area and on-file at the Council's Regional Data Center at Mears Park Centre, 230 E 5th St, St. Paul, MN. You can also view these documents on the Council's website: "www.metrocouncil.org".

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.

Colleges and Universities, Minnesota State (MnSCU)

Request for Proposal for Weapons of Mass Destruction-Terrorism Awareness Curricula Development

The Minnesota State Colleges and Universities System serves about 370,000 students in credit and noncredit courses annually at seven state universities and 26 two-year colleges across Minnesota. The Fire/EMS/Safety Center, Office of the Chancellor is requesting proposals from qualified curriculum development firms to develop a distance learning curriculum and classroom curriculum targeted at approximately 70,000 Minnesota first responders.

Objectives

Emergency responders and citizens may be the first on the scene of a terrorist incident and must be trained to recognize a terrorism event. This course must provide individuals with the basic instruction necessary to identify a possible terrorist attack and to take appropriate action to protect themselves and others from harm; and to identify and protect evidence for law enforcement.

Student Outcomes

- The student will be able to correctly identify, analyze and respond to suspected criminal or terrorist incidents.
- The student will know how to protect themselves from potential dangers at a suspected criminal or terrorist incident.
- The student will be able to demonstrate the performance of tasks in a defensive mode in incidents involving suspected terrorism incidents.

The Project

The selected firm will be accountable to the Fire/EMS/Safety Center within the Office of the Chancellor for Minnesota State Colleges and Universities. Planning for the project will involve reviewing the U.S. Department of Homeland Security's Office of Domestic Preparedness' Terrorism guidelines.

Traditional Classroom Curriculum

a. Instructor Guide. An outline/script for the instructor to use in the presentation of the course. A written examination to evaluate the student's knowledge of the course objectives must be included. All prepared in MS Word 2002 format.

b. Student Guide: A course overview for the student for reference during the course and review at a later date prepared in MS Word 2002 format.

c. PowerPoint Presentation. Allows the instructor to use this medium to present the course in a classroom environment. Must show all of the key points.

d. All of the above to be burned on a CD-ROM.

Distance Learning Curriculum

a. An internet connected CD-ROM with a learning management system that allows an instructor to track student progress and interact with the student via the internet.

b. This CD-ROM should contain audio, video, text, quizzes and learning checks to verify the student's progress. Audio/Video streaming is not acceptable.

c. The distance learning curriculum should contain approximately four hours of instructional material but is considered to be competency based.

Budget

Proposers should outline complete costs for developing the deliverables to include direct and indirect costs.

Submission of Proposals

All proposals are due at the Fire/EMS/Safety Center, Office of the Chancellor, 1450 Energy Park Drive, Suite 100B, St. Paul, MN 55108-5265 by 2 p.m., January 28, 2004. All proposals must be signed by an officer of your firm. No late proposals will be accepted. Three copies must be included.

Proposals must include:

- Detailed description of tasks to be done by responder.
- Detailed description of any research that is proposed.
- Detailed cost breakdown.
- Detailed work plan and timeline.
- Description of how the responder would generally approach the project.
- An outline of your background and experience and a list of the personnel who will participate in the project, detailing their training, work experience.
- A minimum of three references with contact information, and brief description of work done for these clients.
- Samples of similar types of work for other clients.

Selection Criteria

1. Adequacy and strength of proposal - 30%
2. Capacity - evidence proposer can carry out the project - 5%
3. Awareness and understanding of Fire/EMS/Safety Center's clients - 10%
4. Relevant experience, including prior experience with Minnesota State Colleges and Universities - 5%
5. References - 10%
6. Personnel assigned: qualifications and number - 5%
7. Ability to meet deadlines - 5%
8. Cost and value to Minnesota State Colleges and Universities - 30%

State Grants & Loans

Interested proposers are encouraged to visit the Fire/EMS/Safety Center **Web site** at www.firecenter.mnscu.edu.

This request does not obligate Minnesota State Colleges and Universities to complete the proposed project, and the system reserves the right to cancel this solicitation if it is considered to be in its best interest.

No change in personnel assigned to the project shall be permitted without the approval of the Director or Assistant Director, Fire/EMS/Safety Center. The contractor may assign specific parts of its contract to other partners, but no such arrangements may occur without a clear statement, in writing about the transfer of work and without consent of the Fire/EMS/Safety Center, Minnesota State Colleges and Universities.

Contact

If questions, call:

Bill Bruen, Assistant Director
Fire/EMS/Safety Center
1450 Energy Park Drive, Suite 100B
St. Paul, MN 55108-5265
Phone: (651) 649-5410
Fax: (651) 649-5409

Department of Human Services

Notice of Request for Proposals: Metro Managed Transportation for the Purchase of Certain Non-Emergency Transportation Services for Medical Assistance/General Assistance/MinnesotaCare Recipients in the Seven County Metro Area

The Department of Human Services requests proposals from entities for: (1) the provision of all non-emergency transportation for eligible Minnesota Health Care Program clients residing in the seven county metro area excluding Special Transportation Services; (2) the provision of level-of-need assessments for eligible Minnesota Health Care Program clients residing in the seven county metro area who seek non-emergency transportation services, including the need for Special Transportation Services; and (3) the authorization of rides over 30 miles one-way in the metro area.

Detailed specifications are contained in the Request for Proposal. Interested parties may download the Request for Proposals at the DHS **website**, www.dhs.state.mn.us or may obtain a paper copy by contacting Alice Pedersen, (651) 297-7951.

There will be a pre-proposal conference to be held Tuesday, January 20, 2004 at the Minnesota Department of Human Services, Roseville Office, Highcrest at Walnut Streets, 2284 Highcrest Road, Lady Slipper Room, from 9 am - 12 noon. The due date for proposal submission is February 23, 2004, 3:00 p.m., Central Daylight Time.

State Contracts

Informal Solicitations: 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.

Administration Department

State Register

Take Advantage of Key Information

Take advantage of information on state contracts and grants. Have the *State Register* E-MAILED to you the afternoon it is published, on Friday. Be a step ahead of others, and ready with your phone calls on Monday morning. Also, receive TWO EXTRAS free-of-charge, available only to ON-LINE Subscriptions:

#1 - The CURRENT LOG -- of contracts, grants and loans -- as well as non-state contracts.

#2 - The INDEX, a growing list of the current issue's articles to quickly locate the information you need. Each also has LINKS to the issue in which the article appeared, for fast reference.

Subscriptions are \$180 for an entire year (less than \$3.50 per issue), that's \$80 LESS than the cover price. Service, speed, accuracy, and on-time delivery with the *State Register* ON-LINE. FAX your credit card information: (651) 297-8260; or send in your check or credit card information to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155. Or, order today by calling (651) 297-8774 and charge your credit card, or **E-mail:** jessie.rahmeyer@state.mn.us for more information.

Colleges and Universities, Minnesota State (MnSCU)

Winona State University

Request for Sealed Bids for a Gel Permeation Chromatogram

NOTICE IS HEREBY given that Winona State University will receive sealed bids for a Gel Permeation Chromatogram.

Bid specifications will be available December 29, 2003 from the Winona State University Purchasing Department, PO Box 5838, 205 Somsen Hall, Winona, MN 55987 or by calling (507) 457-5067 or (507) 457-5419.

Sealed bids must be received by Sandra Schmitt at PO Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 p.m., January 12, 2004.

Winona State University reserves the right to reject any or all bids and to waive any irregularities or informalities in bids received.

Minnesota Historical Society

Notice of Request for Bids for Printing Services

The Minnesota Historical Society is seeking bids from qualified presses to provide printing services for the *Society All-Site Travel Guide*. Bids are being requested for a quantity of 500,000; 600,000 and pricing per additional 50,000's. The guide will print 36-page, self cover, 3.875" x 9" finished size, saddle stitch on spine. All pages printed 4-color process. Paper stock: 70# Orion Text matte or comparable sheet.

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

Bids must be received no later than 2:00 p.m., Local Time, Friday, January 30, 2004. No late bids will be accepted.

Dated: December 29, 2003

Minnesota Historical Society, and the Minneapolis Park and Recreation Board

Notice of Request for Proposals for American Indian Interpretive Programs Consultant

The Minnesota Historical Society and the Minneapolis Park and Recreation Board are seeking proposals from qualified firms and/or individuals for consulting services to support the development of educational programs at Mill City Museum, Mill Ruins Park, and throughout the St. Anthony Falls Heritage Zone that address the history and cultural of American Indians with connections to the St. Anthony Falls area.

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

Proposals must be received no later than 2:00 p.m., Local Time, Tuesday, January 20, 2004. No late bids will be accepted.

Dated: December 29, 2003

Legislative Commission on Minnesota Resources (LCMR)

Announcement of the 2005 Request for Proposals (Biennium Beginning June 2005)

Proposal are due by 4:30 PM, February 20, 2004 for two-year projects beginning July 1, 2005.

The LCMR will be accepting proposals for projects designed to help maintain and enhance Minnesota's natural resources. The Request for Proposal (RFP) is for new, innovative or accelerative natural resource projects. Proposers are asked to respond to the stated priorities for funding. The priorities include the following: Water, Habitat, Energy, Outdoor Recreation Area Enhancements

State Contracts

as defined in *Minnesota Statutes* 86A.04, Four Matching Grant Programs outlined in the RFP, and selected Continuation Projects as outlined in the RFP. Although other proposals may be considered, adopted priorities will be given first consideration. Proposals will be evaluated according to the evaluation criteria outlined in the RFP.

Total estimated funding amount available is \$31.6 million. The LCMR makes funding recommendations from the following revenue sources:

- Minnesota Environment and Natural Resources Trust Fund (Trust Fund) (MS 116P.08) estimated amount available is \$30 million
- Great Lakes Protection Account (MS 116 Q.02) amount to be determined
- Land and Water Conservation Fund (LAWCON) estimated amount available is \$1.6 million

For a complete copy of the Request for Proposal:

Please see the LCMR **web page** at: www.lcmr.leg.mn or contact

Legislative Commission on Minnesota Resources

Room 65, State Office Building

100 Rev. Dr. Martin Luther Kind Jr. Blvd.

St. Paul, MN 55155

(651) 296-2406

TTY: (651) 296-9896 OR 1-800-657-3550

E-mail: lcmr@commissions.leg.state.mn.us

The Legislative Commission on Minnesota Resources (LCMR) consists of 20 legislators. The function of the LCMR is to make funding recommendations to the legislature for natural resource projects. Since 1963, over \$525 million has been appropriated to over 1,200 projects recommended by LCMR to protect and enhance Minnesota's natural resources.

OPEN TO ALL

Department of Transportation

Program Support Group

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of a particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's **web site** at <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento

Pre-Qualification Administrator

Minnesota Department of Transportation

Consultant Services

395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680

St. Paul, MN 55155

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation Engineering Services Division

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.

Department of Transportation

Request for Proposal (RFP) to Develop and Implement Right of Way Electronic Acquisition and Land Management System (REALMS)

The Minnesota Department of Transportation (Mn/DOT) requests proposals to develop and implement a new enterprise Right of Way Electronic Acquisition and Land Management System (REALMS). REALMS will support all Mn/DOT right of way acquisition and land management functions and replace existing legacy applications. It will serve a distributed user base of Mn/DOT central office and district employees, as well as external consultants. The REALMS system will support changes in Mn/DOT's business environment including re-distribution of Mn/DOT business functions from the central office to district personnel and an increased use of consultants to perform Right-of-Way (R/W) acquisition activities. REALMS must be delivered within limited budget, staff and time constraints. Mn/DOT anticipates the project to result in improved accuracy and access to R/W information, increased efficiency of existing resources, and consistent business practices.

The REALMS Implementation project will modify an existing web-based software product that Mn/DOT is in the process of purchasing. The project will modify this software to meet specific R/W business requirements. The project scope includes, but is not limited to: defining detailed requirements, modifying existing code and writing new code; software design, build, test and implementation; creating and maintaining associated development, test, and production environments; training, support, and documentation; and ongoing enhancements and maintenance. The project will be delivered in two phases. The first phase develops, tests and implements the critical user requirements for the new system and replaces Mn/DOT's legacy R/W systems. The second phase provides system enhancements and maintenance that includes bug fixes, enhancing initial phase one functionality, adding new functionality for non-critical requirements, training, ongoing system support and transition to Mn/DOT staff.

The entire request for proposals is located at www.dot.state.mn.us/consult, under the Professional/Technical (Prof/Tech) Notices section.

Note: PROPOSALS WILL BE DUE ON JANUARY 23, 2004 AT 2:00 p.m. CENTRAL TIME.

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 editor for further details.

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 the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

