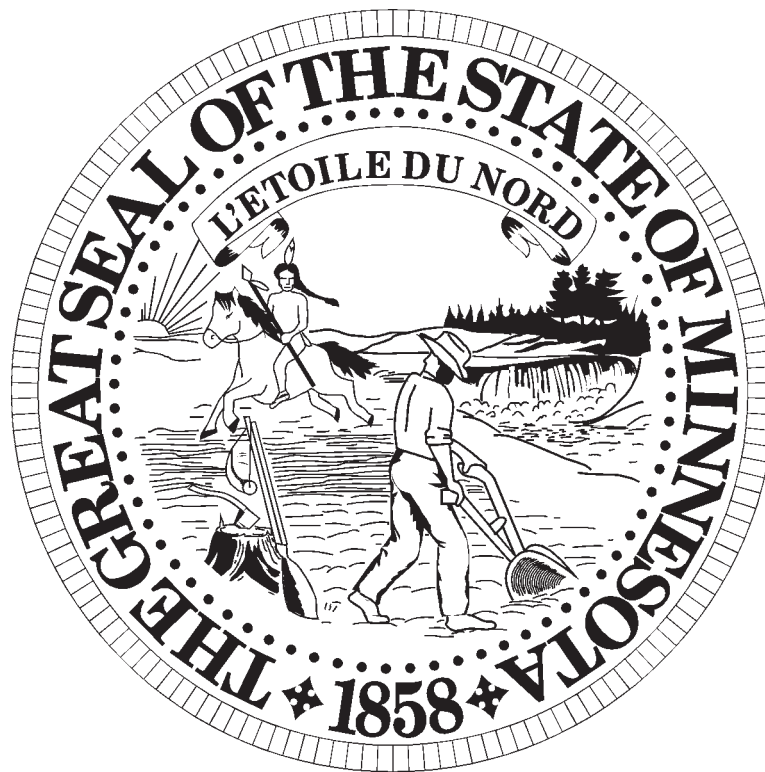


State of Minnesota

# State Register



**Rules and Official Notices Edition**

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# State Register

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	DATE				
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#8	Monday 23 August	Noon Tuesday	17 August	Noon Wednesday	11 August
#9	Monday 30 August	Noon Tuesday	23 August	Noon Wednesday	18 August
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# Minnesota Rules: Amendments and Additions

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

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

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

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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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

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

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# Proposed Rules

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

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

## **Rules to be Adopted Without a Hearing**

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

## Pollution Control Agency

### Majors and Remediation Division

#### Proposed Permanent Rules Relating to Solid Waste Transfer Facilities

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received for Proposed Amendments to Rules Governing Solid Waste Management for Transfer Facilities, *Minnesota Rules* Chapters 7001 and 7035**

**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*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m., on September 15, 2004, a public hearing will be held in the Board Room, MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155, starting at 1:00 p.m., on Wednesday, October 6, 2004. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the MPCA contact person after September 15, 2004, and before October 6, 2004.

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

Yolanda Letnes  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194  
**Phone:** (651) 296-7214  
**Fax:** (651) 297-8676  
**Email:** [yolanda.letnes@pca.state.mn.us](mailto:yolanda.letnes@pca.state.mn.us)  
TTY users may call the MPCA at TTY (651) 292-5332 or 1-800-657-3864

**Subject of Rules.** The MPCA is proposing to amend its solid waste management and permitting rules. The amendments will affect existing and planned solid waste transfer facilities. The proposed amendments allow facilities that have received MPCA permits in the past to continue to operate under those permits without repermitting unless a major modification is planned or other circumstances exist—such as non-compliance that make repermitting necessary. The MPCA also proposes to amend the permit rule to require local govern-

**KEY: Proposed Rules Section -** Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules Section -** Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.



# Proposed Rules

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mental approval of solid waste transfer facilities prior to MPCA permitting. In addition, the MPCA proposes to amend the requirements for “permit-by-rule” facilities and to create two categories of unpermitted operation to allow more facilities with limited waste handling activities to operate without going through MPCA’s formal permitting process. The MPCA also plans to update technical and operation standards applicable to all transfer facilities. Finally, the proposed amendments address housekeeping issues in affected sections, such as references to repealed rules.

**Statutory Authority.** *Minnesota Statutes*, section 116.07, authorizes the MPCA to adopt standards for the control of the collection, transportation, storage, processing, and disposal of solid waste.

**Rule Availability.** The proposed changes to *Minnesota Rules* chapters 7001 and 7035 are published after this notice in the State Register or they can be viewed on the MPCA web site at <http://www.pca.state.mn.us/waste/swrules-transfer.html>. A free copy of the proposed rules is available upon request by contacting Karen Barenz at (651) 296-7902. Only one copy will be sent per request.

**Comments.** You have until 4:30 p.m., on Wednesday, September 15, 2004, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the MPCA contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m., on Wednesday, September 15, 2004. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a 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*, sections 14.131 to 14.20.

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

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

**Cancellation of Hearing.** The hearing scheduled for October 6, 2004, will be canceled if the MPCA does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the MPCA contact person at (651) 296-7214 after September 15, 2004, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen D. Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7602, and fax number (612) 349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the MPCA and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m., on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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## Proposed Rules

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

**Statement of Need and Reasonableness.** The MPCA has prepared a Statement of Need and Reasonableness (SONAR). This SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The SONAR is now available for viewing in the MPCA library in the St. Paul office, 520 Lafayette Road North, St. Paul, MN 55155. The SONAR is also available on the MPCA's website at: <http://www.pca.state.mn.us/waste/swrules-transfer.html>. Documents cited in the SONAR are available for review in the MPCA library; certain of these documents are available for review with the SONAR as published on the MPCA's website. You may obtain a copy of the SONAR from the MPCA for the cost of reproduction by contacting the MPCA contact person.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone number (651) 296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the MPCA may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the MPCA adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the MPCA contact person stated above.

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

Sheryl A. Corrigan  
Commissioner

### 7001.0010 DEFINITIONS.

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

Subp. 5. Notification. "Notification" means the notification required by part 7001.3410.

### 7001.0140 FINAL DETERMINATION.

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

Subp. 2. **Agency findings.** The following findings by the agency constitute justification for the agency to refuse to issue a new or modified permit, to refuse permit reissuance, or to revoke a permit without reissuance:

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

F. that with respect to the facility or activity to be permitted, the proposed permittee has not complied with any requirement under parts 7002.0210 to 7002.0310 or chapter 7046 to pay fees; ~~or~~

G. that with respect to the facility or activity to be permitted, the proposed permittee has failed to pay a penalty owed under *Minnesota Statutes*, section 116.072; ~~or~~

H. for a solid waste transfer facility, that the permittee has received an agency permit but has failed to build and operate the permitted facility within the term of the permit.

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

### 7001.3050 PERMIT REQUIREMENTS.

Subpart 1. **Permit required.** Except as provided in subpart 2, a solid waste management facility permit or permit modification is required to:

A. treat, store, process, transfer, or dispose of solid waste;

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

Subp. 2. **Exclusions.** A solid waste management facility permit is not required for:

**KEY: Proposed Rules Section** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules Section** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

# Proposed Rules

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

E. for disposal of solid waste on the same property on which it was discovered, when a person has made a request to the commissioner for review, investigation, and oversight under *Minnesota Statutes*, section 115B.17, subdivision 14, and is conducting response actions in accordance with a plan approved by the commissioner under *Minnesota Statutes*, section 115B.175; ~~or~~

F. when the commissioner has granted an exemption to allow operation without a permit to expedite the proper management of solid waste and to prevent, abate, or control pollution if the commissioner determines that such an exemption is necessary as an immediate response to an emergency. A permit application must be submitted within 90 days after such an exemption is granted;

G. a transfer facility that moves from location to location and receives solid waste directly from other vehicles for consolidation prior to subsequent transport, disposal, or processing, provided it is not located in an area for more than 12 hours, all waste is delivered vehicle to vehicle and is not dumped and reloaded, and the facility complies with part 7035.2870, subpart 5, items F and Q; or

H. a temporary transfer facility established for a community cleanup event provided:

- (1) local government unit sponsorship or approval of the community cleanup event is obtained;
- (2) the community cleanup event is open to the public residing in the targeted community;
- (3) the community cleanup event occurs no more than twice a year; and
- (4) the community cleanup event, including removal of wastes, lasts no more than seven days.

Subp. 3. **Permits-by-rule.** The owner or operator of ~~the following facilities~~ a facility described in items A to H is deemed to have obtained a solid waste management facility permit without making application for it; ~~unless the commissioner finds that the facility is not in compliance with the listed part.~~

A. ~~transfer facilities designed for less than 30 cubic yards capacity in compliance with parts 7035.2525 to 7035.2655, 7035.2855, and 7035.2865; A transfer facility where all waste is managed and stored in containers or rolloff boxes constructed of impervious material or a transfer facility where all waste is managed in a fully enclosed building that meets the standards in part 7035.2870, subpart 4, or where the commissioner has determined that the current design is adequate as provided in part 7035.2870, subpart 3, provided that in either case:~~

- (1) no more than 120 cubic yards of waste are stored on site at any given time;
- (2) no more than 120 cubic yards of waste are managed on site per day;
- (3) the owner or operator maintains the facility in compliance with part 7035.2870, subpart 5; and
- (4) the owner or operator submits a written notice to the commissioner that includes the facility location, responsible party and telephone number, facility size, copies of the plans and schedules required under part 7035.2525, subpart 2, item H, and type of waste no

later than 90 days following the effective date of this part for existing facilities and no later than ten working days before accepting waste for new facilities. Thereafter, new and existing facilities must submit the notice required under this unit every five years.

For the purposes of this item, "site" includes all property contiguous to the property where the containers or building are located that is controlled by the same person or related business entities. For the purposes of this item, source-separated materials received at the facility and stored on site do not count towards the volume limitations in subitems (1) and (2), and recyclable materials recovered from the waste on the site and stored on site do not count towards the volume limitations in subitem (1).

B. Demolition debris land disposal facilities designed for less than 15,000 cubic yards total capacity and operating less than a total of 12 consecutive months, not located adjacent to another demolition debris permit by rule facility, and in compliance with parts 7035.2525 to 7035.2655, 7035.2825, and 7035.2855;

C. Compost facilities receiving yard waste only and in compliance with part 7035.2836, subparts 2 and 3;

D. Recycling facilities in compliance with part 7035.2845;

E. Energy recovery facilities governed by chapters 7007, 7009, and 7011, except that facilities processing refusederived fuel onsite prior to incineration and energy recovery at the site, must be permitted in accordance with parts 7001.0010 to 7001.0210 and 7001.3000 to 7001.3550;

F. Storage sites for nonsludge wood waste generated from the wood preparation phase prior to processing or water treatment lime sludge and in compliance with part 7035.2855;

G. Facilities receiving solid waste from the exploration, mining, milling, smelting, and refining of ores and minerals provided that:

- (1) the owner or operator does not accept waste for storage, processing, or disposal other than solid waste generated from the exploration, mining, milling, smelting, and refining of ores and minerals;
- (2) the owner or operator has obtained a permit in accordance with part 7001.0020, item D; and
- (3) the owner or operator is operating the facility in compliance with chapter 6130; ~~or~~

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

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

## 7001.3075 SOLID WASTE MANAGEMENT FACILITY PERMIT APPLICATION.

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



# Proposed Rules

## Subp. 3. **Transfer facilities extended permit term.**

A. For transfer facilities that have operated under an existing permit issued under parts 7001.0010 to 7001.0200, no application is required for permit reissuance upon the expiration date of the permit and the term of the permit shall be extended indefinitely unless (1) the commissioner requires the facility to be repermited as provided in part 7001.3410, subpart 3, or (2) the owner or operator of the facility plans to make a major modification to the facility. In either of these cases, the owner and operator shall submit an application for reissuance or modification of the permit as provided in this chapter. This application shall be approved or denied following the procedures in this chapter. As used in this part, “operated” means to have accepted waste at levels constituting normal expected volumes for facilities for a minimum of one year during the most recent fiveyear term of the permit, such that the agency can reasonably conclude that the facility is operating in compliance with applicable rules and its permit. For purposes of this part, a “major modification” means a change in the type of waste managed at the facility, an increase beyond the original permitted capacity, or a change that could significantly affect compliance with the design or operation standards of part 7035.2870, subparts 4 and 5. The owner or operator may request, in writing, that the agency make a written determination as to whether any planned changes significantly affect compliance with design or operation standards.

B. Owners and operators of transfer facilities operating under an extended permit may make minor modifications as listed in part 7001.3550, subpart 3, at any time, provided that notice of the minor modification is given to the agency as provided in part 7001.3410, subparts 1 and 2. Owners of facilities operating under an extended permit must follow the requirements in part 7001.0190, subpart 2, before transferring ownership and control of the facility. Transfer facilities operating under an extended permit, as provided in this subpart, must submit to the agency the notification required by part 7001.3410, and the annual report required under part 7035.2585.

## **7001.3400 FINAL PERMIT APPLICATION INFORMATION REQUIREMENTS FOR TRANSFER FACILITIES.**

The application for a transfer facility permit must include the following information in addition to the information required by part 7001.3300:

A. detailed plans and an engineering report specifying how the facility will be constructed and operated including:

**For text of subitems (1) to (12), see M.R.**

(13) the operating procedures to ensure the facility is maintained in compliance with part 7035.2865 7035.2870;

(14) any recycling or composting to be done at the site and how it will be conducted; and

(15) the safety and emergency procedures for the site operators;

B. ~~any additional information necessary to meet the requirements of part 7035.2865: information demonstrating that the facility will meet the design standards in part 7035.2870, subpart 4, or that the facility qualifies under part 7035.2870, subpart 3, and information demonstrating that the facility will meet the operations standard in part 7035.2870, subpart 5; and~~

C. ~~evidence that the owner and operator have obtained all necessary local governmental unit approvals. The owner or operator must submit a copy of any approvals obtained. If the facility is located in an area where no local governmental unit approval is required, the owner or operator shall submit a signed written statement indicating that no local governmental unit approval is required.~~

## **7001.3410 EXTENDED PERMIT NOTIFICATION AND TERMINATION PROCEDURES.**

Subpart 1. **Notification contents.** Owners or operators of transfer facilities operating under an extended permit shall submit to the agency, upon the anniversary of the expiration date of the permit, or five years after the effective date of the rule, whichever is sooner, and every five years thereafter, a notification containing the following information:

A. the facility name, address, mailing address, and facility contact name and phone number;

B. the permit number;

C. any minor modifications that have been made at the facility since permit issuance or the date of last notification;

D. a summary of annual updates, if any, to the industrial solid waste management plan required by part 7035.2535, subpart 5; the contingency action plan required by part 7035.2615; the emergency response plan required by part 7035.2595, subpart 5; the operations and maintenance plan required by part 7001.3300, item P; the inspection schedule required by part 7035.2535, subpart 4; the storm water pollution prevention plan if required under parts 7001.1000 to 7001.1100; the household hazardous waste management plan required under part 7035.2535, subpart 6; and the closure plan as provided under part 7035.2625; and

E. signatures and certifications in accordance with parts 7001.0060, 7001.0070, and 7001.3150.

Subp. 2. **Updates in the annual report.** For any minor modifications and for any changes to the plans and schedules listed under subpart 1, item D, the owner or operator shall include a description of any changes in the annual report submitted under part 7035.2585, item L. These changes are considered approved upon receipt by the agency, but the owner or operator must amend the plans or schedules if, at any time, the agency notifies the owner or operator that the plans or schedules are deficient.

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# Proposed Rules

Subp. 3. Termination of extended permit operation as allowed under part 7001.3075. The agency shall notify the owner or operator of a transfer facility operating under an extended permit that the transfer facility is no longer eligible to operate under an extended permit and must be repermited under chapter 7001 under any of the following conditions:

- A. the transfer facility has unresolved noncompliance or has not been operated substantially in accordance with applicable standards;
- B. the owner or operator has made changes to the facility that require a major modification as described in part 7001.3075, subpart 3, without filing a permit application;
- C. the owner or operator has failed to update required plans or schedules or has submitted reports that contain material deficiencies and has not corrected those deficiencies; or
- D. the owner or operator has failed to submit the notification or the annual report required under part 7035.2585.

In the termination notice, the agency shall state the reasons why the agency proposes to require repermitting of the facility and shall provide the owner or operator with 30 days to respond to the notice. Following receipt of the response, if any, the agency shall make a final determination and shall notify the owner and operator of that decision. Upon receipt of this final determination, the owner or operator may elect to seek to continue the operation of the transfer facility by submitting a permit application, or may close the facility. If the owner or operator elects to continue the operation, the owner or operator shall submit a permit application within 30 days of receipt of the final determination. This application will be approved or denied following the procedures in chapter 7001. If the owner or operator elects to close the facility, the owner or operator must notify the agency and initiate closure procedures within 30 days of receipt of the final determination.

## **7001.3500 TERMS AND CONDITIONS OF SOLID WASTE MANAGEMENT FACILITY PERMITS.**

Subpart 1. **Terms of permit.** Except as modified by part 7001.3075, subpart 3, a solid waste management facility permit is effective for a fixed term not to exceed five years as determined by the agency.

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

## **7011.1245 GENERAL WASTE COMBUSTOR FACILITY REQUIREMENTS.**

The owner or operator of a waste combustor shall design, construct, and operate the facility in compliance with the solid waste management requirements as set forth in items A to H. Plans required in the items in this part shall identify those required portions of the plan which are not applicable.

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

G. solid waste transfer facility requirements as required in part ~~7035.2865~~ 7035.2870; and

H. for waste combustors accepting infectious wastes, infectious waste management requirements of parts 7035.9100 to 7035.9150.

## **7035.0300 DEFINITIONS.**

[For text of subs 1 to 110, see M.R.]

Subp. 110a. **Tipping floor.** “Tipping floor” means an area onto which solid waste is unloaded and staged for reloading into processing equipment or transport vehicles, or for removal of recyclable materials. Tipping floor includes containers or trucks when used to consolidate waste for future transport.

[For text of subs 111 to 121, see M.R.]

## **7035.0800 COLLECTION AND TRANSPORTATION OF SOLID WASTE.**

Subpart 1. **Owner’s or occupant’s duty.** The owner and occupant of any premises, business establishment, or industry and/or the refuse collection service are responsible for the satisfactory collection and transportation of all solid waste accumulated at a premise, business establishment, or industry to a solid waste disposal, transfer, or processing facility ~~for which a permit has been issued by the agency, unless otherwise provided in these parts that is authorized to accept the waste.~~

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

## **7035.2525 SOLID WASTE MANAGEMENT FACILITIES GOVERNED.**

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

Subp. 2. **Exceptions.** Parts 7035.2525 to 7035.2915 do not apply to the following solid waste management facilities or persons, except as indicated:

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

F. industrial solid waste land disposal facilities; ~~and~~

G. solid waste from the extraction, beneficiation, and processing, of ores and minerals stored, collected, transferred, transported, utilized, processed, and disposed of or reclaimed, provided the facility is permitted for such use under part 7001.0020, item D, and chapter 6130;

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## Proposed Rules

H. transfer facilities in compliance with part 7001.3050, subpart 3, item A, must only comply with parts 7035.2535, subparts 1, 2, 3, 4, items A, B, D, and E, 5, 6, items A, B, and C; 7035.2545, subpart 5; 7035.2555, subparts 1 and 2; 7035.2565, subparts 1, 3, and 4; 7035.2575, subparts 1 and 2; 7035.2585; 7035.2595; 7035.2605; 7035.2625; 7035.2635; 7035.2855; and 7035.2870, subpart 2;

I. transfer facilities in compliance with part 7001.3050, subpart 2, item G, must only comply with parts 7035.2535, subparts 1 and 6, item C; 7035.2565, subparts 1, 3, and 4; and 7035.2870, subpart 2; and

J. transfer facilities in compliance with part 7001.3050, subpart 2, item H, must only comply with parts 7035.2535, subparts 1 and 6, item C; 7035.2565, subparts 1, 3, and 4; and 7035.2870, subpart 2.

### 7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

Subpart 1. **Unacceptable wastes.** The owner or operator of a solid waste management facility must not accept the following wastes for treatment, storage, processing, transfer, or disposal:

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

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

Subp. 6. **Household hazardous waste management.** A solid waste management facility operator, ~~not including a transfer facility operator,~~ must develop a plan ~~by June 30, 1992,~~ addressing household hazardous wastes and must include in the plan an explanation of how it will comply with the requirements of items A to C.

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

### 7035.2545 PERSONNEL TRAINING.

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

#### Subp. 5. **Transfer facilities.**

A. The owner or operator of a transfer facility shall provide training to staff, as appropriate to the staff position, on the requirements of this part or the facility permit, or both, as applicable.

B. At a minimum, training must include the content of the industrial solid waste management plan if required, contingency action plan, emergency response plan, operations and maintenance plan, inspection schedule, storm water pollution prevention plan, household hazardous waste management plan, and closure plan.

C. New employees must be trained before beginning work or work under direct supervision until training is completed, and the training must include yearly updates for new, revised, and existing procedures. Previously trained employees must be provided refresher training on an annual basis.

D. Documentation of staff training must include the training date, staff name, trainer name, and a brief description of training content. Documentation must be submitted with the annual report.

### 7035.2565 GROUNDWATER QUALITY, SURFACE WATER QUALITY, AND AIR QUALITY AND SOIL PROTECTION.

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

Subp. 3. **Air quality protection.** A person who operates or maintains a solid waste management facility or permits the use of property for such, must operate and maintain the site in conformance with the agency air pollution control rules. Open burning is prohibited, unless a permit is obtained as provided in parts 7028.0010 to 7028.0150 *Minnesota Statutes*, section 88.17, and the material to be burned complies with *Minnesota Statutes*, section 88.171.

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

### 7035.2585 ANNUAL REPORT.

The owner or operator of a solid waste management facility shall prepare and submit a single copy of an annual report to the commissioner no later than February 1 for the preceding calendar year. A report form and instructions may be obtained from the commissioner. The annual report must cover all facility activities during the previous calendar year and must include the following information:

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

J. the personnel training information required by part 7035.2545, subpart 1; ~~and~~

K. a certification by the owner or operator of the solid waste management facility; ~~and~~

L. for transfer facilities operating under an extended permit term, the information required in part 7001.3410, subpart 2.

Waste facilities that do not dispose of waste need not include items D, H, and I.

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# Proposed Rules

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## 7035.2625 CLOSURE.

Subpart 1. **Closure.** The owner or operator of a solid waste management facility must cease to accept waste and must immediately close the facility in compliance with this part and parts 7035.2635 and 7035.2815 to 7035.2915, when:

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

H. the required financial assurance for closure, postclosure care, or corrective actions is not maintained with the proper payment or substitute instrument; ~~or~~

I. the facility is unpermitted, is not a land disposal site, or is required to be permitted under parts 7001.0010 to 7001.1220; 7001.1400 to 7001.3550; and 7023.9000 to 7023.9050 and the owner or operator has not applied for a permit within 180 days after November 15, 1988; or

J. the facility is a transfer facility operating under an extended permit term and was required by the agency to apply for a permit and failed to do so or applied for the permit as required by the agency and was denied.

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

Subp. 3. **Submittal and contents of closure plan.** The owner or operator of a solid waste management facility shall submit a closure plan with the permit application, or as required by a closure document, or in order to establish financial assurance mechanisms in accordance with part 7035.2695. For unpermitted land disposal sites, the owner or operator shall submit a closure plan within 90 days after November 15, 1988. The agency shall approve the closure plan as part of the permit issuance procedure or as part of a submittal required by a closure document or other enforcement action. Compliance with the approved closure plan must be a condition of any permit, order, closure document, or stipulation agreement issued for the facility. ~~Before approving the closure plan, the agency must ensure that~~ The closure plan is must be consistent with subparts 2, 4, and 5, part 7035.2635, and the applicable closure requirements of parts 7035.2665; 7035.2815, subpart 16; and 7035.2825 to 7035.2915.

A copy of the approved closure plan, and all revisions to the plan, must be kept at the facility until closure is completed and certified under part 7035.2635. ~~At the time of closure~~ Except for transfer facilities and other facilities that will not have waste present following closure, the agency will issue a closure document in accordance with part 7001.3055. The plan must identify steps needed to close each fill phase, if appropriate, and the entire site at the end of its operating life. The closure plan must include:

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

Subp. 4. **Amendment of plan.** The owner or operator may amend the closure plan any time during the life of the facility. The owner or operator must amend the plan whenever changes in the operating plan or facility design affect the closure procedures needed and whenever the expected year of closure changes. If a permit modification as authorized in part 7001.3550 is needed, the owner or operator shall submit an amended closure plan with the modification request. In all other cases, the owner or operator must request a modification of the plan, or, for transfer facilities operated under an extended permit term, make a modification to the plan as provided under part 7001.3410, subparts 1, item D, and 2, within 60 days of any change or event that affects the closure plan.

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

## 7035.2635 CLOSURE PROCEDURES.

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

Subp. 3. **Certification of closure.** For solid waste disposal facilities, when the final facility or fill phase closure is completed, the owner shall submit to the commissioner certification by the owner and an engineer registered in Minnesota that the facility or phase has been closed in accordance with subpart 2. The certification must contain: a completed and signed Site Closure Record and asbuilt plans showing changes from the original design plans; testing results indicating compliance with final cover, waste removal, equipment decontamination, and other closure requirements; and other forms of documentation such as pictures showing the construction techniques used during closure. The final facility closure certification must include a copy of the notation filed with the county recorder and carrying the recorder's seal. For all other facilities, the owner or operator shall submit to the commissioner a document including certification under part 7001.0070, demonstrating that all steps in the closure plan have been completed.

## 7035.2645 POSTCLOSURE.

Subpart 1. **Submittal of postclosure plan.** The landowner and the owner of a solid waste ~~management disposal~~ facility shall submit a postclosure plan with the permit application. The agency must approve the plan in accordance with part 7001.3055 as part of the permit issuance procedure or as a submittal required by a closure document, stipulation agreement, or other enforcement action. Compliance with the approved postclosure plan shall be a condition of any permit or closure document issued.

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

## 7035.2655 POSTCLOSURE CARE AND USE OF PROPERTY.

Subpart 1. **Postclosure care requirements.** Postclosure care requirements apply to solid waste disposal facilities and are as follows:

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

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

## **7035.2870 SOLID WASTE TRANSFER FACILITIES.**

**Subpart 1. Scope.** The requirements of this part apply to the owners or operators of transfer facilities operating under a permit or in extended permit status, or as otherwise provided in this chapter or chapter 7001. In addition, permitted facilities must comply with the conditions in their permits. Nothing in this part relieves the owner or operator of the duty to comply with other applicable requirements, including, but not limited to, local ordinances or codes.

**Subp. 2. Delivery of solid waste.** No waste may be transported from a transfer facility unless the owner or operator has reasonable belief that the person or facility receiving the waste may lawfully do so under applicable federal, state, or local rules. Reasonable belief means that the owner or operator has verified that the person or facility receiving the waste holds a valid license, permit, or other approval, or that no such approval is required.

**Subp. 3. Applicability.** This part applies to the applicability of design requirements for transfer facilities operating and accepting waste under a permit issued under parts 7001.0010 to 7001.0200 prior to the effective date of this part. The design requirements of subpart 4 do not apply to a facility constructed prior to the effective date of this rule, unless the owner or operator intends to make a major modification to the facility. In that case, the design requirements in subpart 4 apply to all modified portions of the facility, unless otherwise provided in the agency permit. The commissioner shall require compliance with the design requirements in subpart 4 unless the owner or operator demonstrates that the existing facility design is adequately protective of the environment considering the change in waste volume, type, or other operating parameters.

**Subp. 4. Design standards.** An owner or operator of a permitted transfer facility must ensure that all buildings and roads are designed and constructed in accordance with this subpart, unless exempt under subpart 3.

A. The waste transfer or tipping floor area must have adequate capacity for the projected throughput and storage of waste and other materials, including recyclables and unacceptable materials. The area must be adequate to support activities related to the segregation of recyclable, processable, and unacceptable materials from waste.

B. Intrafacility roads must be allweather and suitable for the volume and types of collection vehicles or other transportation equipment that will be used to move waste from the entrance gate to loading and unloading areas. The vehicle and equipment traffic areas must bear the expected frequency and weight of vehicles and equipment navigating the surface without failure. Downward sloped vehicle ramps must be less than a ten percent grade, and upward sloped vehicle ramps shall be less than a six percent grade, unless the commissioner approves an alternative design in the permit. The commissioner shall approve an alternative design if the owner or operator demonstrates that fully loaded vehicles can utilize the ramps without compromising safety. Roadway widths, number of lanes, and turning radii must be adequate considering the design traffic volume and vehicle types expected to use the facility.

C. The facility must include an area designed for the storage of bulky items such as mattresses and large appliances, if accepted. The facility must also include an area where unacceptable materials may be safely stored in compliance with applicable standards prior to removal from the facility.

D. If the facility will use walls, pushwalls, or barriers for the management or containment of waste, the structures must be designed so that failure will not occur, taking into account the type of waste, bearing pressure, and the method of operation, including the equipment that will be used to move waste at the facility.

E. The facility must be designed to control litter.

F. The facility must include access control structures such as gates to prevent unauthorized access during hours when the facility is not open.

G. Noncontainerized waste stored outdoors must be stored in an area that meets the solid waste storage standards in part 7035.2855.

H. If waste management activities will take place within a structure, the structure must meet the following criteria:

(1) the minimum interior clearance height must be 28 feet, unless the commissioner approves a different height based on the equipment that is anticipated to be used at the facility during its expected life;

(2) the building door must be a minimum width of 16 feet and a minimum height of 25 feet to allow safe passage of traffic exiting or entering the facility in the unloaded position, unless the commissioner approves a different dimension based on the equipment that is anticipated to be used at the facility during its expected life;

(3) the facility must include floors constructed of high strength concrete capable of bearing 5,000 pounds per square inch as verified by ASTM C 107498, ASTM C 39/C 39M01, or an equivalent test method, unless the commissioner approves an alternative design in the permit. The commissioner shall approve a floor consisting of lower strength concrete provided the owner and operator demonstrate that its durability is consistent with the operational goals of the facility;

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(4) the facility floor must include floor joints adequate to prevent cracking of the slab, but floor joints using compressible filler shall be minimized and located so as to prevent joint deterioration and release of leachate through the compressible filler. The floor must be treated with a concrete hardener to increase durability and extend wear life by decreasing water absorption (see ASTM C 64297), increasing compressive strength (see ASTM C 14002a), and increasing curing time (see the general specifications in ASTM C 30998a);

(5) all surfaces coming into contact with waste must be constructed of a material that is readily cleanable;

(6) the facility floor must include a trap to collect solids and a sump that has been adequately sized to collect and contain liquids at the facility;

(7) all floors must be sloped such that free moisture from the waste and liquids applied to the surface for cleaning purposes can be collected for treatment or disposal in the sump; and

(8) storm water must be routed away from the structure through the use of a leakproof roof, adequate gutters and down spouts, and the building apron must be graded to promote positive drainage away from the building.

American Society of Testing and Materials (ASTM) methods C 107498, C 39/C 39M01, C 64297, C 14002a, and C30998a, as amended, are incorporated by reference in this subpart. These methods are published in the Annual Book of ASTM Standards: Section 4, Construction, Volume 04.02, Concrete and Aggregates, 2003 Edition and Volume 04.05, ChemicalResistant Nonmetallic Materials; Vitriified Clay Pipe; Concrete Pipe; FiberReinforced Cement Products; Mortars and Grouts; Masonry; 2003 Edition. This publication is available through the Minitex interlibrary loan system or through ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 194282959, and the methods are not subject to frequent change.

**Subp. 5. Operation standards.** The owner or operator of an existing transfer facility operating under a permit or permitbyrule must comply with this subpart no later than 90 days following the effective date of this part. The owner or operator of a new facility must comply with the following before accepting waste:

A. roads, gates, doors, and tipping floor areas must be clear of obstructions at all times;

B. an employee who has received training as required by part 7035.2545 must be on duty at all times the facility is open for the purposes of receiving waste;

C. all industrial waste or mixed municipal solid waste at the facility must be transferred or stored in (1) a completely enclosed structure, (2) containers constructed of impervious materials and designed to prevent leakage, or (3) in a designated solid waste storage area meeting the storage standards of part 7035.2855;

D. if the facility has operating doors, they must remain closed except when vehicles are expected to be entering or leaving the facility, and as necessary to minimize odors, noise, and litter;

E. all equipment and the facility must be maintained in good working condition. Routine maintenance must be conducted in accordance with the operations and maintenance plan submitted with the permit application under part 7001.3400 or amendments submitted with the notification under part 7001.3410, subparts 1 and 2. The owner or operator must keep records of maintenance performed at the facility or on facility equipment;

F. all solid waste shall be confined within the tipping floor area or other designated processing and storage areas;

G. all separated salvageable and recyclable materials must be containerized or stored in a designated area where they will not be contaminated by solid waste or other materials. All separated salvageable and recyclable materials must be removed from the facility when the capacity of the container or designated area is reached;

H. if the facility accepts putrescible industrial waste or mixed municipal solid waste, the tipping floor and storage areas must be cleared of waste and cleaned at least once every seven days unless no waste has been received at the facility during the preceding seven-day period. For facilities that do not accept putrescible industrial waste or mixed municipal solid waste, the tipping floor and waste storage areas must be cleared and cleaned at least once every 30 days;

I. a sign must be posted that is visible to haulers to notify haulers transporting waste to facility site of the requirements of *Minnesota Statutes*, section 169.81, subdivisions 5 and 5b, paragraph (c);

J. a sign must be posted that is visible to persons using the facility prior to entry that lists the wastes that are accepted at the facility, its hours of operation, and a number to call for assistance with disposal of items that are not accepted at the facility;

K. the facility grounds and immediately adjacent property shall be free of litter stemming from facility operations. If litter is found on adjacent property, the operation of the facility shall be modified as necessary to prevent further litter generation by making physical or operational changes. The facility grounds shall be cleared of all litter at least once every seven days;

L. the facility must be managed in compliance with:

(1) the National Pollutant Discharge Elimination System permit requirements located in parts 7001.1000 to 7001.1100; and

(2) part 7011.0150 to prevent particulate matter from becoming airborne;

M. in the event of breakdowns or malfunctions in facility equipment or structures, the owner or operator shall purchase or lease replacement equipment or make repairs as necessary to ensure compliance with this part;

N. the owner or operator shall post local fire and police department contact information and arrangements listed in the emergency response plan required under part 7035.2595 in a conspicuous area of the facility accessible by all employees;

## Proposed Rules

O. the plans and schedules listed under part 7001.3410, subpart 1, item D, including all updates as required in part 7001.3410, subpart 2, shall be maintained at the facility site so they are available for employees and inspectors;

P. free liquids in containers and within buildings that have contacted waste must be managed as leachate and disposed of properly. If a building is equipped with a trap, the trap must be cleaned of waste each time the facility tipping floors and storage areas are cleaned. If a building is equipped with a sump, the liquid must be removed from the sump before reaching capacity, or more often as necessary to prevent odors or release of leachate;

Q. all unacceptable waste inadvertently received at the facility must be properly managed in accordance with applicable standards;  
and

R. once a facility is no longer open for the purposes of receiving waste during an operating day, all putrescible waste remaining at the facility must be:

(1) properly disposed of;

(2) stored in an enclosed structure; or

(3) stored in containers constructed of impervious materials and designed to prevent leakage and to prevent precipitation, insects, and other vectors from coming into contact with the waste.

**REPEALER.** Minnesota Rules, part 7035.2865, is repealed.

**INCORPORATION BY REFERENCE:** Part 7035.2870, subpart 4: American Society of Testing and Materials (ASTM) methods C 1074-98, C 39 / C 39M-01, C 642-97, C 140-02a, and C 309-98a, as amended, published in the Annual Book of ASTM Standards: Section 4, Construction, Volume 04.02, Concrete and Aggregates, 2003 Edition and Volume 04.05, Chemical-Resistant Nonmetallic Materials; Vitrified Clay Pipe; Concrete Pipe; Fiber-Reinforced Cement Products; Mortars and Grouts; Masonry; 2003 Edition, available through the Minitex Interlibrary Loan System or through ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959.

## Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

## Office of the Governor

### Executive Order #04-08: Providing for State Departments to Take Actions to Reduce Air Pollution in Daily Operations

**I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this executive order:

**WHEREAS**, clean air is essential to the quality of life, health, and continued vitality of Minnesota's economy; and

**WHEREAS**, while Minnesota currently meets all applicable federal air quality standards, the state's population and economy continue to grow, requiring vigilance in maintaining its air quality; and

**WHEREAS**, Clean Air Minnesota, a program of the Minnesota Environmental Initiative, is a unique coalition of businesses, environmental organizations, nonprofits, government agencies, and citizens, seeking to help Minnesota reduce air pollution by fostering effective voluntary pollution reduction actions by its partner organizations and others; and

**WHEREAS**, Clean Air Minnesota leverages the expertise and resources of its partners to achieve significant, measurable reductions in air pollution; and

**WHEREAS**, Minnesota has successfully pursued a number of measures aimed at reducing air pollution from large industrial operations and, as a result, 73 percent of the state's air pollution, now comes from the daily activities of individuals, businesses, and organizations going about their normal activities; and

**KEY: Proposed Rules Section -** Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules Section -** Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

# Executive Orders

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**WHEREAS**, information and education on ways to reduce individual and work-related air pollution is an effective means of reducing overall air pollution, especially during air pollution alert days when weather and other factors result in elevated levels of air pollution; and

**WHEREAS**, Clean Air Minnesota has requested state participation in promoting activities and behaviors that reduce air pollution by state departments and in providing state leadership in taking actions similar to those of other Clean Air Minnesota partners; and

**WHEREAS**, the Minnesota Environmental Policy Act, *Minnesota Statutes*, Chapter 116D, directs all departments of the state to promote efforts that will prevent or eliminate damage to the environment, and to improve and coordinate state plans, functions, programs and resources to carry out this policy;

**NOW, THEREFORE**, I hereby order state departments to support the efforts of Clean Air Minnesota by taking the following specific actions:

1. The Interagency Pollution Prevention Advisory Team established in executive order 99-04, and continued in executive order 03-04, shall assist state departments in implementing the requirements of this order, including providing information, guidance, sample policies and procedures, and technical assistance to ensure effective and efficient state participation under this order.

2. Each state department shall seek to reduce its contribution to air pollution by implementing two or more of the following actions whenever legally, technically and economically feasible, subject to the specific needs of the department and responsible management of agency finances:

- a. Purchase or lease the most fuel-efficient and least polluting vehicles that meet the operational needs of the state department;
- b. Refuel state-operated vehicles with the cleanest fuel available;
- c. Encourage employees to consider alternatives to single-occupancy vehicle commuting;
- d. Reduce state energy use through purchasing energy-efficient office equipment and appliances;
- e. Employ energy-conserving strategies in state-owned or leased buildings;
- f. Procure and use products with the lowest potential to contribute to air pollution, such as cleaning products with low amounts of volatile organic compounds;
- g. Employ landscaping that reduces the need for gasoline-powered maintenance equipment; and
- h. Purchase electricity generated from renewable sources.

3. Each state department shall designate a staff member and an alternate to receive the Minnesota Pollution Control Agency's Air Pollution Alerts and notify staff in a timely manner of the alert and of measures state employees could take to minimize their contributions to air pollution during the alert.

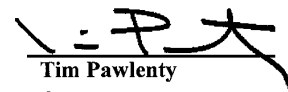
4. On or about May 1 and October 1 of each year, each state department shall provide its employees via email with a fact sheet about steps that employees can take at work and at home to reduce air pollution.

5. Within 30 days of the effective date of this order, each state department shall notify the Interagency Pollution Prevention Advisory Team of the steps it will take to meet the requirements of this order.

6. The Interagency Pollution Prevention Advisory Team will provide a reporting form and technical assistance to the state departments to report their progress on implementing this executive order as part of their annual pollution prevention reports.

Pursuant to *Minnesota Statutes* 2004, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 2004, section 4.035, subd. 3

**IN TESTIMONY WHEREOF**, I have set my hand on this 5th day of August 2004.

  
Tim Pawlenty  
Governor

Filed According to Law:

  
Mary Kiffmeyer  
Secretary of State

# Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270.0604.

## Department of Revenue

### Revenue Notice # 04-07: Corporate Franchise Tax - Petition for Use of Alternative Method of Allocation

The Commissioner of Revenue has published Form ALT, Application for Alternative Methods of Allocation so that taxpayers may comply with *Minnesota Statutes*, section 290.20, subdivision 1a, if they choose to petition for another method of allocation of income. Taxpayers petitioning on this form, and filing the information required thereon, will meet the requirements for filing a petition pursuant to *Minnesota Statutes*, section 290.20.

*Minnesota Rules*, part 8020.0100, subpart 3, requires that a taxpayer include the following information on a petition:

- 1) The name, address, and tax identification number of the taxpayer;
- 2) The state of incorporation and location of the principal office or place of business of the taxpayer;
- 3) The tax year or tax years of the petition;
- 4) A statement of the kinds of business activities of the taxpayer from which income was derived;
- 5) A summary statement of facts by which the taxpayer demonstrates the unfairness of *Minnesota Statutes*, sections 290.17 or 290.20 as applied to the taxpayer's income, and the fairness of the method of allocation proposed by the taxpayer; and,
- 6) A hypothetical computation of Minnesota taxable net income in accordance with the proposed method of allocating income.

Petitions using Form ALT are in a form required by the commissioner pursuant to *Minnesota Statutes*, section 290.20, subdivision 1a. Use of Form ALT will ensure that the commissioner recognizes a petition as such, and will also ensure that the taxpayer substantially complies with the requirements of *Minnesota Rules*, part 8020.0100. Form ALT is available from the Department of Revenue, Mail Station 5100, St. Paul, MN 551465100.

Terese M. Mitchell, Director  
Appeals and Legal Services Division

# 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.

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Enrollee Appeal Committee

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Enrollee Appeal Committee will be held at 9:00 a.m. on Friday, August 20, 2004, at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

This meeting may be closed to the public, if so requested by the appellant(s), pursuant to Minnesota Statutes 62E.10, subd. 4. For additional information, please call Lynn Gruber at (952) 593-9609.

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Executive Committee

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Executive Committee will take place on Thursday, August 19, 2004 at 12:00 p.m. The meeting will take place at the MCHA Executive Office, 5775

# Official Notices

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Wayzata Blvd., Suite 910, St. Louis Park, MN.

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

## Department of Employment and Economic Development Job Opportunity Building Zones (JOBZ) Modifications

Pursuant to *Minnesota Statutes* § 469.320, Subd. 3, the following modifications were made to the Job Opportunity Building Zones:

### **Positively Southern MN JOBZ Growth Corridor –**

New Ulm Subzone 42 was reduced by 0.5 acres

New Ulm Subzone 42.1 was created using 0.5 acres

### **West Central JOBZone –**

Sauk Centre Subzone 110 was reduced by 12.9 acres

Avon Subzone 115 was created using 12.9 acres

### **Southwest JOBZone –**

Pipestone Subzone 118 was reduced by 20 acres

Pipestone Subzone 119.1 was created using 20 acres

Litchfield Subzone 131 was reduced by 5.2 acres

Litchfield Subzone 131.1 was created using 5.2 acres

### **Upper Valley JOBZone –**

Murdock Subzone 30 was reduced by 0.2 acres

Murdock Subzone 28 was reinstated to 0.2 acres

### **Northwest JOBZone –**

Coleraine Subzone 41 was reduced by 1.5 acres

Coleraine Subzone 42.1 was created using 1.5 acres

Dated: August 3, 2004

Commissioner Matt Kramer

## Minnesota Department of Health

### Division of Family Health

## REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program), *Minnesota Rules*, chapter 4617

**Subject of Rules.** The Minnesota Department of Health requests comments on its possible amendment to rules governing the WIC Program. These rules govern both WIC vendors and WIC local agencies. The possible amendment to the rules governing WIC vendors is in response to changes in the federal laws governing WIC vendors. The Department is considering amendments to the WIC vendor rules that will cure inconsistencies with certain federal laws, interpret other federal laws, reduce costs in the operation of the Department's vendor unit, and enhance vendor integrity. In addition, the Department is considering amendments to the WIC local agency rules that will modify the process for agencies to apply for and be approved as WIC local agencies. The possible amendments will also simplify WIC local agency operations by eliminating certain state requirements and by clarifying other requirements. The Department is considering rule amendments that will potentially address the following subjects: definitions; notice of availability of WIC Program funds; application for WIC Program funds; agency eligibility criteria; agency application review and approval; disqualification of local agencies; local agency contracts and agreements; authorized participation levels; administrative funding; reporting requirements; evaluations and monitoring of local agencies; vendor application process; change of vendor ownership, name, or business site; vendor eligibility requirements; vendor operating requirements; vendor stamps; content and duration of vendor agreements; vendor sanctions; maximum prices of vouchers; rejection of vouchers and reimbursement by vendors; appeals by vendors and local agencies; transition period; and approval process for WIC foods.

**Persons Affected.** The amendment to the rules would likely affect WIC local agencies, applicants to become WIC local agencies, WIC vendors, and applicants to become WIC vendors. Other persons who may be indirectly affected by the amendment to the rules are WIC participants and potential participants.

**Statutory Authority.** *Minnesota Statutes*, section 144.894(k), requires the Department to adopt all rules necessary to carry out the provisions of sections 145.891 to 145.897 (the Maternal and Child Nutrition Act of 1975). *Minnesota Statutes*, section 144.11, autho-



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## Official Notices

izes the Department to promulgate reasonable rules necessary to carry into effect the provisions of section 144.10.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department does not contemplate appointing a special advisory committee to comment on the possible rules, but will seek comment on the possible rules from the existing WIC Advisory Committee and the existing WIC Vendor Advisory Committee. The Department hopes that both of these committees will complete their review of the possible rules by July 2004.

**Rules Drafts.** The Department has prepared a draft of the possible rules amendments.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Wendy Willson Legge at the Minnesota Department of Health, Executive Office, 85 East Seventh Place, P.O. Box 64882, St. Paul, Minnesota 55164-0882, **phone:** (651) 281-9925, **fax:** (651) 215-8831, **e-mail:** [wendy.legge@health.state.mn.us](mailto:wendy.legge@health.state.mn.us). **TTY** users may call the Department at (612) 676-5522.

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

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 29 August 2004

Dianne Mandernach, Commissioner  
Department of Health

## Minnesota Department of Natural Resources

### Order Approving Names of Geographic Features

Pursuant to the authority granted by *Minnesota Statutes*, Section 83A.02 (2004), I hereby approve the naming/renaming of the following geographic features of the state as stated herein:

- UnnamedLake, Minnesota Public Water No. 82-391, located in Section 12, Township 29 North, Range 21 West, Washington County, Minnesota, is named "Veronica Pond."
- Long Lake, Minnesota Public Water No. 47-17, located in Section 23 and 24, Township 118 North, Range 29 West, Meeker County, Minnesota, is renamed "Colling Lake."

Dated: 15 July 2004 for Veronica Pond  
27 July 2004 for Collins Lake

Gene Merriam, Commissioner  
Department of Natural Resources

## Department of Natural Resources

### Notice of Proposed Reclassification of the Fond du Lac State Forest with Respect to Off Highway Vehicle Use as required by MR 6100.1950, Subp 1-4

**NOTICE IS HEREBY GIVEN** that the Commissioner of the Minnesota Department of Natural Resources proposes to reclassify the Fond du Lac State Forest in Carlton County, Minnesota with respect to operation of off highway vehicles. The proposal is to change the current classification of Fond du Lac State Forest, (in which forest roads and forest trails are open for motor vehicle use unless posted closed), to 'Limited' (in which forest trails are closed to motor vehicle use unless posted open). The classification of State Forests with respect to Off Highway Vehicle use is governed by *Minnesota Rules Chapter 6100.1950*.

The Fond du Lac State Forest was classified as "managed" with respect to off highway vehicle use in September 1998. This proposal will result in the entire State Forest being classified as "limited".

In conjunction with the proposed reclassification the DNR and the Carlton County Land Department have developed a plan that designates which roads and trails will be open to motor vehicle use. There are 169.7 miles of forest roads and trails on state- and county-administered forestlands in the Fond du Lac State Forest. If the proposed reclassification and trail use designations are implemented motorized and non-motorized use in the forest will be allowed as follows:

- 34.4 miles of roads will be open to both highway-licensed vehicles (HLV's) and off-highway vehicles (OHVs). OHVs include all terrain vehicles (ATVs), off highway motorcycles (OHMs) and off road vehicles (ORVs). ORVs are off road trucks.

# Official Notices

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- 40 miles of trail will be open to ATVs and OHMs.
- Total mileage of roads and trails open to ATVs and OHMs will be 74.4 miles.
- 19.4 miles of trail will be designated as non-motorized x-country ski trail or hunter walking trail.
- Motor vehicle use would generally be prohibited on about 95.3 miles of existing inventoried routes that will have no designated uses.

There will be a public meeting on the proposed reclassification and road and trail use designations from 6:00 PM to 9:00 PM, on Tuesday October 26, at the University of Minnesota - Cloquet Forestry Center, 175 University Road Cloquet. The department will present information and receive public comments on the proposal. A copy of the reclassification proposal, road and trail designation plan, and map of the area affected can be obtained from:

Jim Weseloh, Natural Resources Planner  
Minnesota Department of Natural Resources  
1201 East Highway 2  
Grand Rapids, MN 55744  
**Phone:** (218) 828-2701  
**E-mail:** [jim.weseloh@dnr.state.mn.us](mailto:jim.weseloh@dnr.state.mn.us)

The documents are also available on the DNR website at [www.dnr.state.mn.us](http://www.dnr.state.mn.us) (click on the "public input" and then the "management plans" links). Written comments on the proposal can be submitted via the web site or to the above address until 4:30 PM on November 12, 2004.

Mark Holsten, Deputy Commissioner  
Minnesota Department of Natural Resources

## Department of Natural Resources

### Notice of Proposed Reclassification of the Whiteface River State Forest with Respect to Off Highway Vehicle Use as required by MR 6100.1950, Subp 1-4

**NOTICE IS HEREBY GIVEN** that the Commissioner of the Minnesota Department of Natural Resources proposes to reclassify the Whiteface River State Forest in St. Louis County, Minnesota with respect to operation of off highway vehicles. The proposal is to change the current classification of Whiteface River State Forest, (in which forest roads and forest trails are open for motor vehicle use unless posted closed), to 'Closed' (in which only forest roads are open to motor vehicles licensed for highway use. The closed classification is proposed because the vast majority of land in the Whiteface River State Forest is wetland that is highly susceptible damage by motorized use. The closed classification means no trails in the forest will be open to OHV use. Forest roads will be open to motor vehicles licensed for highway use. No OHVs will be permitted on the forest roads under existing rules. Cross-country OHV use will not be allowed anywhere in the forest even during hunting seasons. *Minnesota Rules* Chapter 6100.1950 governs the classification of State Forests with respect to off highway vehicle use.

The Whiteface River State Forest was classified as managed with respect to off highway vehicle use in September 1998. This proposal will result in the entire State Forest being classified as "Closed".

In conjunction with the proposed reclassification the DNR and the St. Louis County Land Department have agreed the forest trails should be closed because the vast majority of the forest is wetland. If the proposed reclassification is implemented there will be about 1.2 miles of roads open to highway-licensed vehicles. OHVs would not be allowed on the open roads under current rule. Motor vehicle use would generally be prohibited on about 3.9 miles of existing inventoried routes that will have no designated uses.

There will be a public meeting on the proposed reclassification and road and trail use designations from 6:00 PM to 9:00 PM, on Tuesday October 26, at the University of Minnesota - Cloquet Forestry Center, 175 University Road, Cloquet. The department will present information and receive public comments on the proposal. A copy of the reclassification proposal, road and trail designation plan, and map of the area affected can be obtained from:

Jim Weseloh, Natural Resources Planner  
Minnesota Department of Natural Resources  
1201 East Highway 2  
Grand Rapids, MN 55744  
**Phone:** (218) 828-2701  
**E-mail:** [jim.weseloh@dnr.state.mn.us](mailto:jim.weseloh@dnr.state.mn.us)

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## Official Notices

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Mark Holsten, Deputy Commissioner  
Minnesota Department of Natural Resources

### Minnesota Pollution Control Agency Call for Water Monitoring Data

The Minnesota Pollution Control Agency (MPCA) is requesting surface water monitoring data for use in its assessment activities, including determination of fishable and swimmable status and determination of impairment required by Section 303(d) of the Clean Water Act.

#### How to Share Your Monitoring Data -

In order to use all applicable, credible and readily accessible data collected by all levels of government and citizens, the MPCA utilizes Minnesota's STORET database, a statewide repository of water quality monitoring data. For the 2006 assessment cycle, data will only be used if it is entered properly and confirmed by the monitoring project staff before January 15, 2005. Please note that, typically, a span of approximately three months is required to complete the process of submitting descriptive data and measurement results from a monitoring project, reviewing, and finalizing the data. For assistance with entering data into the MPCA database, contact Jennifer Oknich at (651) 297-8466, or email [jennifer.oknich@pca.state.mn.us](mailto:jennifer.oknich@pca.state.mn.us). Data already in the database is accessible for viewing and download at: <http://www.pca.state.mn.us/data/eda/index.cfm>.

#### Types of Data for Assessment -

In accordance with EPA guidance, the MPCA makes assessments of lakes and streams by comparing monitoring results to State Water Quality Standards. For a list of the types of water quality measurements used, and the method standards to produce them, please refer to Tables 1 and 2 in “Monitoring Requirements for MPCA 305(b) and 303(d) Assessment”, available in Appendix D of the “Volunteer Surface Water Monitoring Guide”, on the agency Web site at <http://www.pca.state.mn.us/water/monitoring-guide.html>

#### Clean Water Act Assessments -

More details about the assessment process are published in the “Guidance Manual for Assessing the Quality of Minnesota Surface Waters for the Determination of Impairment, January 2004”.

See: <http://www.pca.state.mn.us/publications/manuals/tmdl-guidancemanual04.pdf>. For more information about the assessment process, contact Douglas Hansen at (651) 296-9192, or email [douglas.hansen@pca.state.mn.us](mailto:douglas.hansen@pca.state.mn.us).

Sheryl Corrigan  
Commissioner

### Department of Transportation Notice of Intent to Solicit Outside Information and Opinion on the Proposed Disadvantaged Business Enterprise (DBE) Overall Goal for Transit for Federal Fiscal Year 2005

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Transportation (Mn/DOT) proposes to set the overall goal for transit for DBE participation on all Federal Transit Administration-assisted contracts at **.10%**.

In accordance with U.S. DOT regulations at 49 *Code of Federal Regulations* Part 26, Mn/DOT has established a DBE Program, which mandates setting an annual overall DBE goal.

The DBE overall goal and its rationale are available for public inspection for 30 days from the date of publication of this notice during normal business hours from 8 a.m. until 4:30 p.m. at the Mn/DOT Office of Transit, located on the 3<sup>rd</sup> floor of the Transportation Building at 395 John Ireland Boulevard, St. Paul, Minnesota 55155. The Mn/DOT Office of Transit will accept comments on the overall DBE goal for 45 days from the date of publication of this notice. The overall DBE goal may be adjusted in response to comments received during the public comment period.

Address written comments to:

Donna Allan, Director  
Office of Transit  
Minnesota Department of Transportation  
395 John Ireland Boulevard  
Mail Stop 430

# Official Notices

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St. Paul MN 55155

**Email:** [donna.allan@dot.state.mn.us](mailto:donna.allan@dot.state.mn.us)

**Fax:** (651) 297-7252

## 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) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at [www.mmd.admin.state.mn.us](http://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.

## Department of Administration

### State Architect's Office

#### Notice of Availability of Request for Proposals for Roof Inspection Services for the new DHS Office Building and Parking Ramp Project SAO Project No. 02281 SPX

The State of Minnesota through its Department of Administration, State Architect's Office ("State") is soliciting proposals for the services of roof inspection for the new DHS Office Building and Parking Ramp.

The full Request for Proposals is available at [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us), click on "Solicitation Announcements", click on "RFP for Roof Inspection Services for DHS Office Building and Parking Ramp, SAO Project No. 02281 SPX". Responses must be received no later than 2:00 p.m., Central Time, on Tuesday, Sept. 14, 2004. RFP clarifications or changes, if any, will be available on the Web at: [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us), click on "Solicitation Announcements", click on "RFP for Roof Inspection Services for DHS Office Building and Parking Ramp, SAO Project No. 02281 SPX". Late responses will not be considered.

Questions may be **Emailed** to attention of Glenn Metz, SAO Project Manager, at [Glenn.Metz@state.mn.us](mailto:Glenn.Metz@state.mn.us). Questions must be received no later than 4:00 p.m. on Tuesday, Sept. 7, 2004, and responses to questions will be available by Thursday, Sept. 9, 2004 on the Web at: [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us), click on "Solicitation Announcements". This is the only person authorized to respond to questions.

## Minnesota State Colleges and Universities

### Minneapolis Community & Technical College

#### NOTICE OF INTENT to Request Proposals for Renovation of Interior Signage for Five Buildings on the Minneapolis Community & Technical College Campus

**Sealed Proposals** delivered to: Mary Prozeller  
Minneapolis Community & Technical College  
1501 Hennepin Avenue South  
Room T11  
Minneapolis, MN 55403  
(612) 659-6808

**Envelope shall be addressed to:** Michael Noble-Olson / Purchasing Manager  
Minneapolis Community & Technical College]

**Due Date & Time:** 2:00 p.m., August 24, 2004 all proposals will be opened and publicly read aloud.

Bid Forms, Contract Documents, Drawings and Specifications as prepared by the Project Consultant, Visual Communications Inc. are on file at the offices of:

- 1) Visual Communications Inc.
- 2) The builder's exchanges of St. Paul and Minneapolis

Complete sets of bid forms and Drawings and Specifications for use by Bidders may be obtained from the Consultant beginning July 26, 2004. Send a check (non-refundable) for \$35.00 (includes cost of materials and the mailing fee) to:

Dennis Engman  
Visual Communications  
475 Cleveland Avenue South  
St. Paul, MN 55104  
**Phone:** (651) 644-4494  
**FAX:** (651) 644-4289

Every bid of more than \$15,000.00 must be accompanied by a certified check, payable to the State of Minnesota, in the sum of not less than five percent (5%) of the total bid **OR** a corporate surety bond, in the sum of not less than five percent (5%) of the total bid, issued by a surety company authorized to do business in the State of Minnesota.

## **Colleges and Universities, Minnesota State (MnSCU)**

### **St Cloud Technical College**

#### **Request for Proposal (RFP) for a 3D Printer for the Mechanical Drafting and Design Program**

**NOTICE IS HEREBY GIVEN** that Offers will be received by the Director of Purchasing, St. Cloud Technical College, until 2:30 P.M. on August 30, 2004 for the purpose of purchase and installation of a 3D Printer for the Mechanical Drafting and Design Program, according to the specifications on file at:

St. Cloud Technical College  
Business Office  
1540 Northway Drive  
St. Cloud, Minnesota 56303  
Attention: Jeff John  
Director of Purchasing  
**Phone:** (320) 308-5512  
**Fax:** (320) 308-5027  
**Email:** [jjohn@sctc.edu](mailto:jjohn@sctc.edu)

Specifications and Request for Proposal forms may be obtained from Jeff John the Director of Purchasing at the address shown above. The request for proposal may also be downloaded off of the St Cloud Technical College's web site by visiting [www.sctc.edu/rfp](http://www.sctc.edu/rfp) beginning August 16, 2004 until August 30, 2004.

Offers are to be submitted in a sealed envelope addressed to the Director of Purchasing at the above address and clearly marked :

#### **“RFP for 3D Printer “**

All applicants must provide one original and (2) copies of the proposal. Each copy of the proposal must be signed, in ink, by an authorized member of the company. Prices and terms of the proposal as stated must be valid for the length of any resulting contract. **The final date for submitting a proposal is August 30, 2004 by 2:30 P.M. Central Daylight Time. Late proposals will not be considered. Faxed or e-mailed proposals will not be considered.**

St. Cloud Technical College reserves the right to reject any and all offers and to waive any informalities contained in such offers. This request does not obligate the St Cloud Technical College to complete this project. The St Cloud Technical College reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## **Colleges and Universities, Minnesota State (MnSCU)**

### **St Cloud Technical College**

#### **Request for Proposal (RFP) for a Used Truck for the Truck Driving Program**

**NOTICE IS HEREBY GIVEN** that Offers will be received by the Director of Purchasing, St. Cloud Technical College, until 2:00 P.M. on August 31, 2004 for the purpose of purchase of a used truck for the truck driving program, according to the specifications on file at:

St. Cloud Technical College  
Business Office  
1540 Northway Drive  
St. Cloud, Minnesota 56303  
Attention: Jeff John



# State Contracts

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**Phone:** (320) 308-5512

**Fax:** (320) 308-5027

**Email:** [jjohn@sctc.edu](mailto:jjohn@sctc.edu)

Specifications and Request for Proposal forms may be obtained from Jeff John, Director of Purchasing, at the address shown above. The request for proposal may also be downloaded from St Cloud Technical College's web site by visiting [www.sctc.edu/rfp](http://www.sctc.edu/rfp) beginning August 16, 2004 until August 31, 2004.

Offers are to be submitted in a sealed envelope addressed to the Director of Purchasing at the above address and clearly marked

## **"RFP for SCTC Truck Equipment"**

All applicants must provide one original and (2) copies of the proposal. **The final date for submitting a proposal is August 31, 2004 by 2:00 P.M. Central Daylight Time. Late proposals will not be considered. Faxed or e-mailed proposals will not be considered.**

St. Cloud Technical College reserves the right to reject any and all Offers and to waive any informalities contained in such Offers. This request does not obligate St Cloud Technical College to complete this project. St Cloud Technical College reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## **Minnesota Historical Society**

### **Notice of Request for Proposals for Exhibit Demolition, Construction and Painting**

The Minnesota Historical Society is seeking proposals from qualified and experienced vendors for wall demolition, construction and painting for a new photography exhibit at the Minnesota History Center called "Strange Days, Dangerous Nights: Photos from the Speed Graphic Era." This new exhibit will be opening to the public on December 10, 2004.

Please be advised that a mandatory pre-proposal informational meeting will be held on Monday, August 30, 2004 at 9:00 a.m. in Gallery C on the 3rd floor of the Minnesota Jostpy Center. The address is 345 Kellogg Boulevard West, St. Paul, MN 55102. The exhibits conference room is located on the 4th floor.

The Request for proposals is available by calling Mary Green Toussaint, Contracting & Purchasing Assistant, Minnesota Historical Society, 345 Kellogg Blvd. W., St. Paul, MN 55102. Telephone: (651) 297-7007 or e-mail: [mary.green-toussaint@mnhs.org](mailto:mary.green-toussaint@mnhs.org).

Proposals must be received no later than 2:00 p.m., Local Time, Thursday, September 9, 2004. No late proposals will be accepted.

## **Department of Human Services**

### **Notice of Request for Proposals – Consumer Satisfaction and Quality of Life Survey in Minnesota Nursing Homes**

The Department of Human Services is soliciting proposals from qualified vendors to conduct consumer satisfaction and quality of life survey work in Minnesota nursing homes by performing face to face interviews.

*Minnesota Statutes*, Section 256B.439 authorizes the commissioner of human services, in cooperation with the commissioner of health, to develop and implement a quality profile system for nursing facilities. The design of the quality profile and the consumer satisfaction and quality of life survey instrument, including the methods of implementing them has been completed.

Requests for copies of the complete RFP, "Consumer Satisfaction and Quality of Life Survey in Minnesota Nursing Homes" should be directed to Deb Woods at (651) 296-7123. The original and two (2) copies of your proposal in response to this RFP must be submitted to Valerie Cooke, Minnesota Department of Human Services, Nursing Facility Rates and Policy Division, 444 Lafayette Road, St. Paul, MN 55155-3836, no later than 4:20 p.m. on Tuesday, September 7, 2004.

The Department of Human Services and the State of Minnesota reserve the right to reject any and all proposals submitted. This request for proposals does not obligate the Department of Human Services to complete the project, and the department reserves the right to cancel the solicitation if it is considered to be in its best interest.

## **Department of Transportation**

### **Engineering Services Division**

### **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.

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## State Contracts

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 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](http://www.dot.state.mn.us/consult).

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

## Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the 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.

## Anoka-Hennepin Independent School District No. 11

### Request for Proposal for Fiber Optic Network - #RFP50008

Proposal closes at 1:00 p.m. Central Daylight Time on Thursday, September 23, 2004.

By order of the School Board of Independent School District #11, sealed Proposals for Fiber Optic Network will be received in accordance with the specifications prepared by the Independent School District #11 until 1:00 p.m. Central Daylight Time on Thursday, September 23, 2004 at the District Purchasing Office, 2727 North Ferry Street, Anoka, MN 55303. All proposals are to be marked **Attn: Kathleen Bergquist, Director of Purchasing**. All sealed proposals must be labeled with the name of proposer, proposal number P50008 and a notation "Proposal Enclosed."

The following project dates have been established: RFP Issue August 10, 2004; Site Survey, Beginning August 23, 2004; Written Questions Received, September 2, 2004; Written Responses Provided, September 7, 2004; Response Opening, September 23, 2004 (1:00 p.m. C.D.T.).

For Site Surveys, the District will publish a schedule by August 18, 2004. Vendors should contact Hattie Leary at (**Phone:** 763-506-

# Non-State Contracts & Grants

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1022; **Email:** [Hattie.Leary@anoka.k12.mn.us](mailto:Hattie.Leary@anoka.k12.mn.us)) to obtain a site visit schedule. There will be no makeup time for site visits. Site visits are not mandatory but vendors will be responsible for meeting the inside fiber cabling requirements required to comply with applicable local, state, and federal coded including any District mandated requirements.

Specifications may be examined or obtained at the Anoka-Hennepin School District #11, Purchasing Department, 2727 N. Ferry Street, Anoka, Minnesota 55303 between the hours of 7:30 a.m. and 3:00 p.m.

No vendor may withdraw their proposal within forty-five (45) days after the scheduled closing time for the receipt of proposals.

The School Board reserves the right to reject any or all proposals or parts of proposals and to waive informalities in the proposals.

Dated: August 4, 2004

Anoka-Hennepin Independent School District 11  
Scott Wenzel, Clerk of the School Board

## Metropolitan Council

### Notice of Request for Proposals (RFP) for Electrical Maintenance Engineering Services

#### Reference Number 04P076

The Metropolitan Council is soliciting Request for Proposals for Regular and Armed Security Guard Service for the Council's Environmental Services Division (MCES).

*Issue Request for Proposals*

**August 13, 2004**

*Proposals Due*

**September 21, 2004**

*Award Contract*

**October 2004**

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

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

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

## Metropolitan Council

### Notice of Request for Proposals (RFP) for a Third Party ADA Eligibility Assessment Project

#### Contract Number 02P146

The Metropolitan Council is requesting proposals for a comprehensive Facility Plan for a Third Party ADA Eligibility Assessment Project. This will include evaluation of applicants who are requesting ADA paratransit eligibility. The evaluation is based upon in-person functional assessment of the applicant's physical and/or cognitive and/or mental abilities and makes ADA paratransit eligibility recommendations to Council staff. It is noted that this is a reissue of an earlier RFP with a new revised scope of work

*Issue Request for Proposals*

**August 9, 2004**

*Receive Proposals*

**September 14, 2004**

*Contract negotiated, executed, NTP*

**November, 2004**

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

Harriet Simmons, Senior Administrative Assistant, Contracts and Procurement Unit  
Metropolitan Council  
230 East Fifth Street  
Mears Park Centre

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## Non-State Contracts & Grants

St. Paul, MN 55101

**PHONE:** (651) 602-1068

**FAX:** (651) 602-1083

**Email:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

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

## 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](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

Request 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.



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