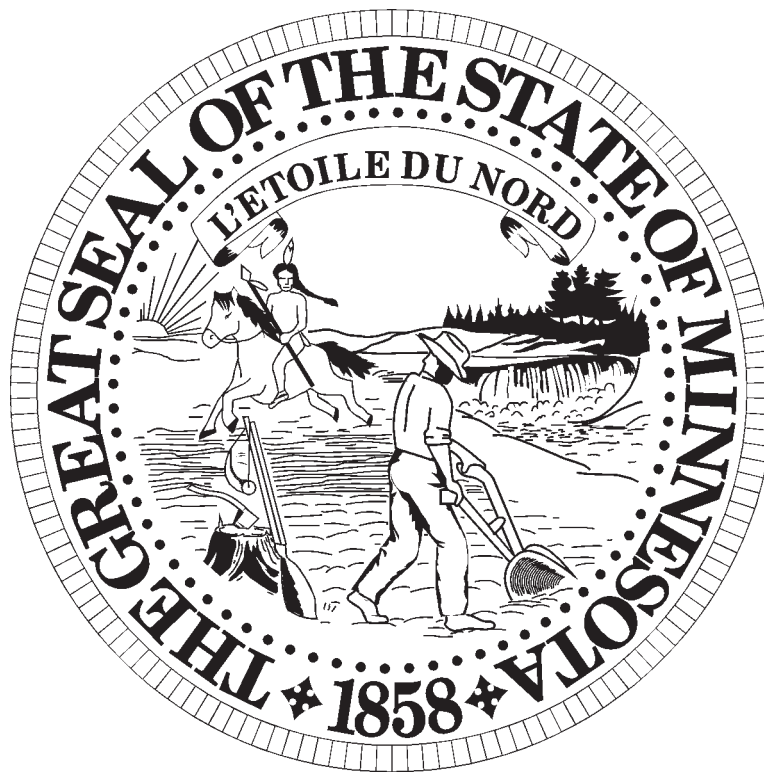


State of Minnesota

State Register



Rules and Official Notices Edition

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

Monday 1 August 2005
Volume 30, Number 5
Pages 83 - 120

State Register

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

- proposed, adopted, exempt, expedited emergency and withdrawn rules
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- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
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Printing Schedule and Submission Deadlines

Vol. 30 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Both Adopted and Proposed RULES
#5	Monday 1 August	Noon Tuesday 26 July	Noon Wednesday 20 July
#6	Monday 8 August	Noon Tuesday 2 August	Noon Wednesday 27 July
#7	Monday 15 August	Noon Tuesday 9 August	Noon Wednesday 3 August
#8	Monday 22 August	Noon Tuesday 16 August	Noon Wednesday 10 August

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Publication Number: 326630 (ISSN 0146-7751)

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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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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*.

KEY: Proposed Rules - 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** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota State Lottery

Proposed Permanent Rules Relating to the State Lottery

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING on Proposed Amendment to Rules Governing Lottery Retailers and Prize Payments, *Minnesota Rules*, 7856.4010, subpart 6 and 16; 7856.6010, subpart 2; 7856.7010; 7856.7040; 7857.4000; 7857.4010, subpart 2; 7857.4040; 7857.5000; Repealing *Minnesota Rules*, 7856.3030 and 7857.4041, subpart 2

Introduction. The Minnesota State Lottery 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. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until 4:30 p.m., August 31, 2005.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Dale L. McDonnell, Assistant Director and General Counsel, Minnesota State Lottery, 2645 Long Lake Road, Roseville, Minnesota 55113, **phone:** (651) 635-8213, **FAX:** (651) 297-7496, and **e-mail:** dalem@mnlottery.com. **TTY** users may call the Lottery at (651) 635-8268.

Subject of Rules and Statutory Authority. The proposed rules are related to requirements for lottery retailers and requirements for claiming a lottery prize. The proposed rules are amending *Minnesota Rules*, 7856.4010, subpart 6 and 16, 7856.6010, subpart 2, 7856.7010, 7856.7040, 7857.4000, 7857.4010, subpart 2, 7857.4040, 7857.5000, and repealing *Minnesota Rules*, 7856.3030 and 7857.4041, subpart 2. The statutory authority to adopt the rules is *Minnesota Statutes*, section 349A.05. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on August 31, 2005, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comments may be sent by email. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on August 31, 2005. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency 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

Proposed Rules

sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, 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.

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

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:** (651) 296-5148 or 1-800-657-3889.

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

Date: July 20, 2005

Clint Harris
Director, Minnesota State Lottery

7856.4010 CONDITIONS OF RETAILER CONTRACT.

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

Subp. 6. **Lost or missing tickets.** The lottery retailer shall agree to be responsible for lost, stolen, or missing, ~~or loose~~ tickets ~~not returned in sequential order.~~

[For text of subs 7 to 15, see M.R.]

Subp. 16. **Cash.** The lottery retailer shall agree to sell lottery tickets only for cash. For the purposes of this subpart, "cash" means coin, currency, money orders, ~~and checks,~~ and check and debit cards.

[For text of subp 17, see M.R.]

7856.6010 CANCELLATION, SUSPENSION, AND NONRENEWAL OF CONTRACT.

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

Subp. 2. **Discretionary.** A contract or authorization for a lottery retailer to sell lottery tickets at a particular business location may be canceled, suspended, or not renewed if it is determined by the director that the retailer:

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

N. sold, bartered, furnished, or given alcoholic beverages to a person under 21 years of age in violation of *Minnesota Statutes*, section ~~349A.06~~ 340A.503, subdivision 2, clause (1), two or more times within a twoyear period.

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

7856.7010 DEPOSIT OF FUNDS.

Lottery retailers shall deposit in a separate bank account in a designated bank, to the credit of the lottery; all money received by the retailer from the sale of lottery tickets, less the amount retained as compensation for the sale of tickets; and credit for direct payment of prizes; ~~and money authorized to be retained for payment of prizes.~~ The retailer will use, if possible, an account with a bank that can accept electronic funds transfer (EFT). ~~If there is not a bank in the retailer's area that can accept electronic funds transfer, the retailer may pay the lottery in a manner agreed to by the lottery and the retailer.~~ The lottery shall have access through electronic funds transfer (EFT) to all money required to be deposited by lottery retailers.

7856.7040 AGENTS RESPONSIBLE FOR TICKETS.

Tickets accepted by the retailer from the lottery, or its authorized representatives, are considered to have been purchased by the retailer,

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unless returned within the time specified. The retailer is responsible for lost, stolen, or missing, ~~or loose~~ tickets ~~not returned in sequential order~~.

7857.4000 CLAIM VERIFICATION.

The retailer lottery shall verify the information on the claim form and give a copy of the claim form to the claimant. ~~The retailer shall forward the winning ticket and the claim form to the lottery for validation.~~ Upon validation by the lottery, a check will be forwarded to the claimant in payment of the amount due subject to the restrictions of payment provided by law. In the event that the claim is not validated, the claim must be denied and the claimant will be notified.

7857.4010 CLAIMING A PRIZE.

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

Subp. 2. **Claim form.** Prizes over \$599 must be paid by filing a claim form provided by the lottery. The claimant shall prepare and submit a claim form and the apparent winning ticket to a lottery office for processing. For certain prizes over \$30,000 as set in the game procedures for that particular game, the claimant must submit a claim form and the apparent winning ticket in person at the lottery's headquarters for processing.

7857.4040 MANNER OF PAYMENT.

Payment of prizes may be by check, draft, cash, or a free ticket.

7857.5000 OWNERSHIP OF LOTTERY TICKETS.

A lottery ticket is considered to be owned by the person who has physical possession of the ticket until a name is imprinted or placed on the rear portion of the lottery ticket in the area designated. When a name is placed in the designated area, the person whose name appears in that area is the owner of the ticket and is entitled to any prize attributable to that ticket. The lottery will only make payment of a prize to the name on the back of the ticket, notwithstanding any name submitted on the claim form. If ~~one~~ two or more names appear on the rear of the ticket, ~~one of those persons will be designated to receive payment by indicating on the claim form and by signature on the claim form of all other persons whose names appear on the rear of the ticket.~~ The person or persons appearing for payment shall be the same as that which appears on the lottery ticket in the designated area or the owner of the ticket has otherwise agreed to share the prize, the prize will be paid as prescribed in the game procedures adopted for the game from which the prize was won.

REPEALER. Minnesota Rules, parts 7856.7030 and 7857.4041, subpart 2, are repealed.

Minnesota Pollution Control Agency Municipal Division

Proposed Permanent Rules Relating to Financial Assistance Programs for Construction of Municipal Wastewater and Storm Water Treatment Systems DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received Proposed Rule Amendments Governing Financial Assistance Programs for Construction of Municipal Wastewater and Stormwater Treatment Systems, *Minnesota Rules*, Chapter 7077

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* §§ 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 1, 2005, one public hearing will be held starting at 1:00 p.m. on September 20, 2005, at the St. Cloud Best Western Kelly Inn, University A Room, 100 Fourth Avenue South, St. Cloud, Minnesota 56301. 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 1, 2005, and before September 20, 2005.

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: Randy Thorson, P.E., Minnesota Pollution Control Agency, Municipal Division, 520 Lafayette Road North, St. Paul, MN 55155-4194, **telephone number:** (651) 296-7150; **facsimile number:** (651) 297-8676; and **e-mail:** mnrule7077@pca.state.mn.us. TTY users may call the MPCA at **TTY:** (651) 292-5332 or 1-800-657-3864.

Proposed Rules

Background. *Minnesota Rules*, Chapter 7077, provides for the MPCA's administration of its portion of the state's responsibilities for financial assistance programs for the construction of municipal wastewater and stormwater treatment systems. Originally adopted in 1990, and amended most recently in 1999, the existing Chapter 7077 rules include the: a) Financial Assistance Program, consisting of the Wastewater Infrastructure Fund (WIF), the State Revolving Fund (SRF), and the State Independent Grants Program; b) Combined Sewer Overflow Program; and c) Individual Sewage Treatment Systems Grants Program. Of these three programs, the primary source of state financial assistance for wastewater and stormwater treatment construction projects is the SRF Program. As explained below, these proposed rule amendments will primarily revise the existing scoring and ranking criteria contained within Chapter 7077, which are used in developing the MPCA's Project Priority List (PPL). The PPL is used for both the SRF and WIF Programs.

Under the SRF Program, established pursuant to the Federal Clean Water Act, the U.S. Environmental Protection Agency provides grants to states, requiring a state match of 20 percent, which enables states to provide low-interest loans to municipalities seeking to construct wastewater or stormwater treatment facilities. As loan principal and interest payments are paid back into the revolving fund, the money is used to finance new loan projects. Minnesota's SRF Program is managed by the Minnesota Public Facilities Authority (Authority) consisting of a board of six state commissioners from the departments of Employment and Economic Development (DEED), Finance, Health, Agriculture, Transportation and the MPCA. Staff from DEED supports the Authority. Staff from the Authority and MPCA jointly administer the wastewater and stormwater components of the SRF Program. The Authority is responsible for administering the financial aspects of the SRF Program, including the review of loan applications, setting the terms and conditions of the loans, and managing the funds, while the MPCA is responsible for the environmental review and technical review components, and for scoring and listing projects on the PPL.

The MPCA's annual review of wastewater and stormwater treatment projects, for which SRF financing is sought by the proposing municipalities, involves scoring and ranking them in accordance with the process and criteria found in existing *Minnesota Rules*, Chapter 7077 (namely, parts 7077.0115 to 7077.0197). The resulting list of projects ranked by the number of points assigned by the MPCA is called the PPL. In addition, under the existing rules, the MPCA's responsibilities include the review of proposed wastewater and stormwater projects to ensure they meet state requirements and are consistent with the MPCA's goals. The PPL is then submitted to the Authority. The Authority uses the PPL to develop its annual Intended Use Plan (IUP), which is a list of projects on the PPL that satisfy the requirements for MPCA certification and that the Authority expects to fund for construction during the coming year.

Demand for SRF loans has increased steadily in recent years. The Authority has established an IUP funding cutoff, or minimum number of priority points for a project to be eligible for funding. The practice of the Authority has been to use its revenue bonding authority to keep the funding cutoff low and meet as much of the demand for wastewater and stormwater loans as possible. However, it appears likely that the Authority will raise the funding cutoff to preserve lending capacity for future high-priority projects. Thus, the number of funded projects will be further limited. Consequently, it is increasingly important for the PPL to accurately represent the state's wastewater and stormwater priorities.

In addition to setting priorities for the SRF Program, the PPL sets priorities for the supplemental assistance grants and loans provided through the WIF Program. The PPL also plays an important role in identifying high-priority projects for coordinated interagency funding provided by the DEED's Small Cities Development Program and the U.S. Department of Agriculture's Rural Development Program. Consequently, the PPL is an important tool to prioritize funding from other federal and state financial assistance programs that may provide funds for wastewater treatment systems in Minnesota.

Subject of the Rules. The MPCA is proposing to revise *Minnesota Rules*, Chapter 7077, which establishes the MPCA's administrative requirements governing financial assistance programs that are available for constructing municipal wastewater and stormwater collection and treatment systems. The proposed rule amendments repeal existing *Minnesota Rules*, parts 7077.0165 to 7077.0197, and replace these parts with proposed new rules. Specifically, the proposed changes eliminate rules that reference programs no longer applicable and significantly alter the process and the categories for assigning priority points for each project to assist the MPCA in determining the PPL. The PPL contains the priority list of projects eligible for SRF and WIF financial assistance for each construction year. In addition, these proposed amendments will revise some of the definitions within this chapter. These proposed rule amendments are considered the first major revision to the priority ranking system since 1993.

The proposed rule amendments are necessary, in large part, because the current rule criteria for scoring and ranking projects in determining the MPCA's PPL is considered outdated. As detailed in the accompanying Statement of Need and Reasonableness (SONAR) for these proposed revisions, the MPCA has kept track of the problems and concerns with the existing rules. A summary of these problems, raised by partner agencies, legislators, municipalities, other stakeholders and MPCA staff, includes the following:

1. The current priority ranking system does not provide points according to the age and condition of municipal wastewater treatment facilities;
2. Points are not awarded for upgrades necessary to comply with more stringent effluent limits, nor is any consideration given to a facility's need to accommodate growth or to avoid/resolve a sewer moratorium;
3. The criteria used to assign points to projects in unsewered areas needs updating to more accurately reflect the extent to which these projects help to correct existing environmental or public health problems;

4. The criteria inadequately allocates points to proposed stormwater treatment projects;
5. The criteria does not take into account the environmental priority of restoring impaired waters;
6. The ongoing need to ensure that, with less funding available for projects and evolving local needs, the priority ranking system achieves its goals; and
7. The need to improve and clarify some technical and administrative requirements in the rules to resolve the following problems:
 - A. The method for documenting the wastewater “need” of an unsewered community should be revised to ensure a municipality has evaluated available alternatives to address this need, including the simplest and lowest-cost alternatives. Under the existing rules, funds are sometimes allocated to new regional sewer systems that extend beyond what is necessary to correct existing environmental or public health problems.

- B. The existing rules do not require proposed stormwater projects to submit plans and specifications for review and approval by the commissioner. Without these, the MPCA cannot certify to the Authority that the projects would achieve the projected environmental goals.

- C. The number of submittals that municipalities are required to make to the MPCA for their projects should be reduced.

To address these problems with the existing rules, these proposed rule amendments will generally modify the scoring and ranking criteria used to determine the MPCA’s PPL in the following manner, as more fully explained in the SONAR for this rulemaking:

1. Priority points will be assigned to municipal projects with an existing MPCA National Pollutant Discharge Elimination System (NPDES) or State Disposal System Permit that: a) propose to expand or upgrade collection or treatment facilities that are over 20 years old; b) currently operate at or above 85 percent of the design hydraulic flow or organic loading for the facilities and are proposing a project to reduce that flow or organic loading below 85 percent of the design capacity; and c) will address excessive infiltration or inflow, a facility’s effluent limit violations, or repeated facility failures like sewer back-ups, bypasses, overflow or surcharges.

2. Priority points will be assigned to municipal projects that have an existing NPDES permitted facility with assigned effluent limits that are more stringent than secondary treatment (explained in *Minnesota Rules*, part 7050.0211). Also, as mentioned in the preceding paragraph, priority points will be assigned to projects that address excessive infiltration or inflow, a facility’s effluent limit violations, or repeated facility failures like sewer back-ups, bypasses, overflow or surcharges. All of these can directly factor into the MPCA’s decision to declare (or maintain) a sanitary sewer moratorium.

3. Priority points will be assigned to projects in unsewered areas based upon a higher density of unsewered homes. The previous rule allowed as low as 25 percent of the homes in the project area to be in the density calculation. The proposed rule amendments will require 90 percent of the homes in the project area to be in the density calculation to ensure the density calculation reflects the true conditions of the service area.

4. The total maximum number of priority points available for proposed stormwater projects will be raised from the current level (1 point) to 47 points.

5. Priority points will be assigned to municipal wastewater and stormwater collection and treatment system projects that propose to improve their existing discharges to impaired waters for which a total maximum daily load has been established. Note: The MPCA drafted proposed *Minnesota Rules*, parts 7077.0117, subp. 16, 7077.0118, subp. 9, and 7077.0119, subp. 4, without knowing the final outcome of legislation introduced during the 2005 Special Session of State Legislative Session, which would provide additional SRF funding for addressing impaired waters. If the proposed legislation is not enacted into law, then the MPCA may reduce the proposed [30] total points assigned at each of these subparts, prior to adopting the rule amendments.

6. Projects seeking the SRF and WIF funding will be ranked more in accordance with the anticipated environmental and public health benefits that will be derived from the projects, which will help to assure that these limited funds will be allocated to future projects that provide important environmental and public health benefits.

7. The following improvements and clarification to the technical and administrative requirements are included in the proposed rules:

- A. Municipalities proposing projects within unsewered areas will be required to use forms prescribed by the commissioner, which will standardize the information necessary to document the “need” of a project area. One form will also require that a standardized list of alternatives has been analyzed before determining the chosen alternative for a project in an unsewered area, including the potentially simplest and lowest-cost alternatives.

- B. Plans and specifications will be required to be submitted to the commissioner for stormwater projects. This will enable the MPCA to review the environmental goals of proposed stormwater projects so they can be certified and forwarded to the Authority, where it may qualify for funding.

- C. Also, the proposed rule amendments will: 1) eliminate the need for municipalities to submit information regarding sewer service charges and sewer use ordinances to the MPCA; 2) replace the existing requirement that municipal end user documents (e.g., system operation and maintenance manuals) be submitted to the MPCA and require submittals of certification instead; and 3) clarify that the responsibility for preparing the annual intended use plan under *Minnesota Statutes* § 446A.07, subd. 4, has been shifted from the MPCA to the Authority. This reduction and elimination of submittals will simplify and streamline the project review process, allowing the eligible projects to proceed at a faster rate.

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Statutory Authority. The statutory authority to adopt these proposed rule amendments is found in: *Minnesota Statutes* § 116.182, subd. 5, and *Minnesota Statutes* § 446A.07, subd. 11.

Availability of Rules. A copy of the proposed rules is published in the *State Register* after this notice, or they can be viewed at the following MPCA Website: <http://www.pca.state.mn.us/water/wastewater.html#financial>. A free copy of the proposed rules is also available upon request by contacting Randy Thorson at (651) 296-7150. Only one free copy will be sent per request.

Comments. You have until 4:30 p.m. on September 1, 2005, to submit written comments in support of, or in opposition to, the proposed rules or any part or subpart of the rules. Your comments must be in writing and received by the MPCA contact person by the due date. Written comments may be submitted to the MPCA contact person at the address, facsimile number, or e-mail address listed above. 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 September 1, 2005. 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, the public hearing, scheduled above, will be held unless a sufficient number withdraw their requests in writing. If enough requests for a hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain any actions the MPCA took to affect the withdrawal, and invite written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes* §§ 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Dual 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, telephone number, or e-mail address listed above.

Modifications. As noted above, the MPCA may modify proposed *Minnesota Rules*, parts 7077.0117, subp. 16, 7077.0118, subp. 9, and 7077.0119, subp. 4, as a result of the outcome of the 2005 Special Session of the State Legislature. The proposed rules may also 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 September 20, 2005, as indicated above, will be canceled if the MPCA does not receive timely 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**, Randy Thorson, P.E., at (651) 296-7150 after September 1, 2005, 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 by 4:30 p.m. on September 1, 2005, a hearing will be held following the procedures in *Minnesota Statutes* §§ 14.131 to 14.20. The hearing will be held on the date and at the time, and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Richard C. Luis is assigned to conduct the hearing. Judge Luis can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401-2138, **telephone number** (612) 349-2542, and **facsimile** (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* §§ 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

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Statement of Need and Reasonableness. A statement of need and reasonableness (SONAR) is now available from the MPCA by contacting Randy Thorson, P.E., at (651) 296-7150. 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. Copies of the SONAR may be obtained at the cost of reproduction from the MPCA. In addition, the MPCA has placed a copy of the SONAR on its Website at: <http://www.pca.state.mn.us/water/wastewater.html#financial>.

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, MN, 55155, **telephone number** (651) 296-5148 or 1-800-657-3889.

Request to Have MPCA Citizens' Board Make Decision on Rule if No Hearing is Required. If a hearing is required, the MPCA Citizens' Board will make the final decision on whether to adopt the proposed rules. However, even if a hearing is not required, you may submit a request to the MPCA Commissioner or an MPCA Citizens' Board member to have the MPCA Citizens' Board make the decision on whether to adopt the proposed rule amendments. Your request must be in writing, must state to whom it is directed, and must be received by the MPCA contact person by 4:30 p.m. on September 1, 2005. Under *Minnesota Statutes* § 116.02, when a public hearing is not required, the MPCA Citizens' Board will only make the decision on the rule if the MPCA Commissioner grants your request or if an MPCA Citizens' Board member makes a timely request that the decision be made by the MPCA Citizens' Board.

Adoption Procedure if No Hearing. If no hearing is required, the MPCA may adopt the rules after the end of the 30-day comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may request the MPCA contact person to notify you of the date the rules are submitted to the Office of Administrative Hearings. In addition, if you 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.

Dated: July 19, 2005

Sheryl A. Corrigan
Commissioner
Minnesota Pollution Control Agency

7077.0100 PURPOSE.

This chapter provides for the Minnesota Pollution Control Agency's administration of financial assistance programs for the construction of municipal wastewater and storm water treatment systems. The programs in this chapter, which are jointly administered by the agency and the authority, are:

A. the financial assistance program, consisting of:

(1) the wastewater infrastructure fund, *Minnesota Statutes*, section ~~446A.071~~ 446A.072;

(2) the state revolving fund, *Minnesota Statutes*, section 446A.07;

(3) the state independent grants program ~~for grants awarded on or after July 1, 1990~~; under *Minnesota Statutes*, section 116.18, subdivision 3a; and

B. ~~the combined sewer overflow program for grants awarded on or after July 1, 1990, under *Minnesota Statutes*, section 116.162; and~~

C. the individual sewage treatment systems grants program ~~for grants awarded on or after July 1, 1990~~; under *Minnesota Statutes*, section 116.18, subdivision 3c.

Parts ~~7077.0111~~ 7077.0105 to 7077.0292 apply to the agency's responsibilities under the financial assistance program.

Parts ~~7077.0300 to 7077.0330~~ apply to the combined sewer overflow program.

Parts 7077.0700 to 7077.0765 apply to the individual sewage treatment systems grants program.

7077.0105 DEFINITIONS.

[For text of subs 1 to 8, see M.R.]

Subp. 8a. **Best management practices.** "Best management practices" has the meaning given it in ~~*Minnesota Statutes*, section 103F.711, subdivision 3~~ *Code of Federal Regulations*, part 40, section 122.2.

[For text of subp 9, see M.R.]

Subp. 9a. **Collection facilities.** "Collection facilities" means that part of a wastewater treatment system that collects and transports wastewater, including sewers, lift stations, conveyance systems, interceptors, temporary storage basins, and related facilities.

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[For text of subps 10 to 14, see M.R.]

Subp. 14a. **See repealer.**

[For text of subp 15, see M.R.]

Subp. 16a. **Individual sewage treatment system.** “Individual sewage treatment system” means ~~a wastewater treatment system, or part of the system, serving one or more structures with wastewater flows, which uses soil treatment and disposal~~ has the meaning given in part 7080.0020, subpart 21.

[For text of subps 17 to 18a, see M.R.]

Subp. 19. **Intended use plan.** “Intended use plan” means the document prepared annually by the agency according to the requirements in Title VI of the Act and submitted to the United States Environmental Protection Agency. ~~The plan shall identify the intended uses of the amounts available to the water pollution control revolving fund, including a list of wastewater treatment projects, storm water treatment projects, and other eligible activities proposed to be funded during the fiscal year. Projects will be listed on the intended use plan in the order of their priority ranking on the project priority list authority under Minnesota Statutes, section 446A.07, subdivision 4.~~

Subp. 19a. **Lake.** “Lake” means an enclosed basin filled or partially filled with standing fresh water with a maximum depth greater than 15 feet. A lake may have no inlet or outlet, an inlet or outlet, or both. If a different definition of lake is adopted in chapter 7050, that definition applies to this chapter.

Subp. 19b. **Maintenance plan.** “Maintenance plan” means a plan developed and administered by a municipality that demonstrates how the maintenance requirements of chapter 7080 shall be implemented and enforced.

Subp. ~~19b~~ 19c. **Maximum design flow.** “Maximum design flow” means the design flow used to size septic tanks. For structures with wastewater flows used as a residence, it is determined by the number of bedrooms as defined in chapter 7080. For other structures with wastewater flows, it is determined by the best available data provided by the agency.

Subp. 21a. **Maximum impact zone.** “Maximum impact zone” means a standardized area with the highest density of unsewered structures that allows the impact of wastewater discharged by individual sewage treatment systems to be compared between project service areas. ~~The maximum impact zone is the smallest circular area in a project service area circle which can be drawn which contains a certain number~~ 90 percent of unsewered the structures that discharge with wastewater flows in a project service area.

~~If the project service area contains 50 or more unsewered structures that discharge wastewater, the maximum impact zone shall include at least 25 percent of the total structures. If there are between 13 and 49 of these structures in a project service area, the maximum impact zone shall include at least 13 of these structures. If there are 12 or fewer of these structures in a project service area, the maximum impact zone shall include all of these structures.~~

[For text of subps 22a to 30, see M.R.]

Subp. 31. **Performance certification.** “Performance certification” means a certification made by a municipality one year after initiation of operation that states its newly constructed wastewater or storm water treatment system is meeting performance standards, as specified under ~~parts part~~ part 7077.0288 and 7077.0325.

[For text of subps 32 and 32a, see M.R.]

Subp. 33a. **Project priority list.** “Project priority list” means the priority list prepared by the commissioner under parts 7077.0115 to ~~7077.0197~~ 7077.0121.

[For text of subps 33b to 41d, see M.R.]

Subp. 42. **Total maximum daily load or TMDL.** “Total maximum daily load” or “TMDL” means a total maximum daily load established by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act.

[For text of subp 43, see M.R.]

Subp. 43a. **Treatment facilities.** “Treatment facilities” means that part of a wastewater treatment system which is designed to treat, stabilize, or dispose of wastewater.

[For text of subps 44 to 47, see M.R.]

Subp. 48. **Wastewater treatment system.** “Wastewater treatment system” means ~~a system or systems designed to treat, stabilize, or dispose of wastewater, including the sewer system and disposal system, which includes both collection and treatment facilities. An individual sewage treatment system which includes both collection and treatment facilities is a wastewater treatment system.~~

[For text of subps 49 and 50, see M.R.]

7077.0115 PROJECT PRIORITY LIST.

Subpart 1. **Requirement.** The commissioner shall develop and maintain a project priority list of projects for municipalities that have a need for a new ~~or upgraded~~ wastewater treatment system; improvement, rehabilitation, expansion, or replacement of an existing wastewater treatment system; or a storm water treatment system.

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

Subp. 3. **Request for placement on list.** A municipality may submit a written request to the commissioner on forms prescribed by the

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commissioner for eligibility review under subpart 4, assignment of priority points, and placement of a project on the project priority list. The request must include a description of the need for the new or upgraded wastewater or storm water treatment system. If known, the request shall also include a description of the proposed project and its costs. ~~The A municipality must that does not submit any information that is necessary for the project to receive accurate eligibility review under subpart 4. Unless a municipality requests that its wastewater treatment project shall be placed on the list with total points equal to one; information must be submitted according to items A to C until the information is provided or until removed under subpart 6.~~

A. ~~For municipalities that have wastewater treatment systems with an NPDES permit, the information submittal should include a request for the extra points under part 7077.0175, and the supporting documentation, if applicable to the project. The extra point information shall be accepted no later than the date the facilities plans are submitted to the commissioner.~~

B. ~~For municipalities that have wastewater treatment systems with an SDS permit, the information submittal should include a request for the extra points under part 7077.0185, and the supporting documentation, if applicable to the project. The extra point information shall be accepted no later than the date the facilities plans are submitted to the commissioner.~~

C. ~~For municipalities that have wastewater treatment systems without an NPDES or SDS permit, the information submittal must include:~~

(1) the total number of structures with wastewater flows in the project service area; and

(2) a map of the project service area which has an identifiable scale, identifies all the structures with wastewater flows, and has the maximum impact zone clearly encircled.

The submittal should also include a request for the extra points under part 7077.0195, and the supporting documentation, if applicable to the project. The extra point information shall be accepted no later than the date the facilities plan is submitted to the commissioner.

Subp. 4. **Eligibility review.** The commissioner shall review each request and take the action specified in items A to D.

A. ~~Projects in areas currently served by a wastewater collection system involving improvement, rehabilitation, expansion, or replacement of existing wastewater collection or treatment facilities in areas served by a wastewater treatment system that has an NPDES or SDS permit shall be added to the project priority list if the commissioner finds that a need currently exists or shall exist within the next five years.~~

B. ~~Projects in areas not currently served by a involving new wastewater collection or treatment facilities, in areas not served by a permitted wastewater collection treatment system that has an NPDES or SDS permit, shall be added to the project priority list only if the commissioner finds that a need currently exists.~~

C. ~~Storm water treatment system projects shall be assigned total points equal to one on added to the project priority list if the commissioner finds that:~~

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

D. ~~Projects that do not meet the criteria in item A, B, or C, as applicable, shall not be added to the project priority list and. The commissioner shall notify the municipality of the reasons for the determination not to place a project on the list.~~

Subp. 5. **Recalculation of total points.** Total points shall be recalculated when new information is available and the authority determines that the project is eligible for funding according to *Minnesota Statutes*, section 446A.071 and a request for recalculation are submitted to the agency by the applicant.

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

7077.0116 PRIORITY POINTS FOR TYPES OF PROJECTS.

Subpart 1. **Improved or expanded existing permitted sewer systems.** ~~Projects involving improvement, rehabilitation, expansion, or replacement of wastewater treatment or collection facilities in areas served by existing wastewater treatment systems that have an NPDES or SDS permit shall be assigned priority points under part 7077.0117.~~

Subp. 2. **New wastewater facilities in unsewered areas.** ~~Projects involving new wastewater collection or treatment facilities, in areas not served by a permitted wastewater treatment system that has an NPDES or SDS permit, shall be assigned priority points under part 7077.0118.~~

Subp. 3. **Projects involving both existing permitted sewer systems and new facilities in unsewered areas.** ~~If a project involves elements that fall within both subparts 1 and 2, the elements of the project that involve new collection or treatment facilities in previously unsewered areas shall be divided from the other elements of the project, and the two portions of the project shall be separately scored under the appropriate subpart.~~

Subp. 4. **Storm water projects.** ~~Storm water projects shall be assigned priority points under part 7077.0119.~~

Subp. 5. **Assignment of points by commissioner.** ~~The commissioner shall determine the number of points to be assigned under parts 7077.0116 to 7077.0119 based on the information provided by the municipality proposing the project.~~

Subp. 6. **Rounding of points.** ~~In calculating the number of points assigned to a project under parts 7077.0116 to 7077.0119, any fraction of a point shall be rounded up to the nearest whole number of points.~~

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7077.0117 POINTS FOR PROJECTS WITH EXISTING NPDES OR SDS PERMIT.

Subpart 1. Flow capacity. Five points shall be assigned if the project involves a facility that is operating at or above 85 percent of its NPDES or SDS permitted hydraulic flow or organic loading capacity and the project would expand treatment capacity or reduce loadings so that the facility will operate at less than 85 percent of its capacity. Actual flow capacity must be measured by average wet weather flow over the last 12 months or by average annual discharge. "Average annual discharge" means daily average flow measured over 365 consecutive days.

Subp. 2. Age of facilities. Ten points shall be assigned if construction of all or a substantial portion of the existing facility was completed more than 20 years before the date the agency received the request for priority listing of the project proposal.

Subp. 3. Excessive infiltration or inflow. Fifteen points shall be assigned if the existing facility has excessive infiltration or inflow and the project proposal includes measures to correct the excessive infiltration or inflow for that facility.

Subp. 4. Land discharge. Twenty points shall be assigned under this subpart for a project that meets either or both of the requirements in items A and B.

A. The project involves an existing facility that land discharges treated wastewater effluent and will continue to land discharge after project implementation, provided that the land discharge has not caused or contributed to, and is not projected to cause or contribute to, any release of nitrate into ground water exceeding ten milligrams per liter.

B. The project proposes a new land discharge of treated wastewater effluent and the project includes consumptive use (nitrogen or volume) spray irrigation or on-land disposal systems that are required by permit to denitrify the effluent.

Subp. 5. Effluent limit more stringent than secondary treatment. Ten points shall be assigned if the existing facility is subject to effluent limits for carbonaceous biochemical oxygen demand or total suspended solids that are more stringent than those which must be attained by a secondary treatment facility under part 7050.0211, or has an ammonia, total nitrogen, or phosphorus permit limit.

Subp. 6. Ponds in karst areas; separation of disposal system from ground water. Twenty points shall be assigned under this subpart for a project that meets either or both of the requirements in items A and B.

A. The project will replace or rehabilitate existing stabilization ponds located above karstic geological characteristics. Karstic geological characteristics are sinkholes; dry valleys in areas with humid climates; springs draining carbonate, sulfate, or halide rocks; caves; sinking streams; dissolutionally enlarged joints or bedding planes; grikes; or karren.

B. The project will replace or rehabilitate wastewater treatment facilities involving a disposal facility where the vertical distance from the wastewater discharge point to the seasonally high ground water table or to the bedrock is less than three feet.

Subp. 7. Projects with effluent discharge violations. Five points shall be assigned if the existing wastewater treatment facility is currently in violation of permit effluent limits that exceed the criteria for noncompliance reporting in the NPDES program under *Code of Federal Regulations*, title 40, section 123.45, appendix A, and the project is designed to remedy the violation.

Subp. 8. Projects addressing repeated facility failures. Ten points shall be assigned if a wastewater treatment or collection facility addressed by the project has experienced bypasses, overflows, or surcharges during two or more storm events within a 12-month period when operating at less than peak instantaneous wet weather flow, and if the project is designed to eliminate such failures.

Subp. 9. Discharges to impaired or outstanding resource value waters.

A. Five points shall be assigned if the existing facility discharges into an outstanding resource value water, or into any water that is identified as an impaired water in the most recent list submitted by the agency to the United States Environmental Protection Agency under section 303(d) of the Clean Water Act, or into both types of waters.

B. A project that is assigned points under item A shall be assigned additional points as follows:

(1) five additional points shall be assigned if the existing facility is currently in violation of chronic or acute effluent discharge standards; and

(2) five additional points shall be assigned if the existing facility is experiencing repeated failures as described in subpart 8.

Subp. 10. Proximity to potable water intake. Five points shall be assigned if the existing facility discharges into surface water and there is an intake for potable water less than 25 miles downstream from the point of discharge.

Subp. 11. Endangered or threatened species. Five points shall be assigned if the existing facility discharges into surface water and the water downstream of the discharge supports any endangered or threatened species listed in parts 6134.0200 to 6134.0400 or designated under *Code of Federal Regulations*, title 50, section 17.11 or 17.12.

Subp. 12. New standards more stringent. Ten points shall be assigned if the operation of an existing wastewater treatment facility must be improved because of one or more of the following circumstances:

A. the discharge limits for the facility have been or will be made more stringent in a modified or reissued agency permit;

B. a permit variance for the facility has been discontinued; or

C. the facility is required to accommodate increased hydraulic flow or organic loading without increasing either the permitted mass or concentration of discharges to receiving waters.

Subp. 13. Receiving water classification. Up to seven points shall be assigned based on the classification of the receiving water as provided in this subpart if the existing facility discharges into surface water. If the receiving water has multiple classifications, only the

classification with the highest point value under this subpart shall be used.

<u>Receiving Water Classification</u>	<u>Points</u>
2A	7
1,2Bd	5
2B,2C,2D	3
7	1

Subp. 14. Effluent impact on receiving water. A. Up to 15 points shall be assigned if a facility addressed by a project discharges into a surface water other than a lake or reservoir. The project shall be assigned points for the impact of the effluent discharge on the surface water by multiplying 15 points times the dilution ratio for that facility, which shall be determined in items B and C.

B. The dilution ratio for a facility is calculated by dividing the average low flow of effluent from the facility by the lowest daily average flow of the receiving water measured for seven consecutive days with a once in ten year recurrence interval (7Q10). The average low flow from the facility shall be calculated by averaging the influent flow reported on the discharge monitoring reports for the three consecutive months with the lowest average influent flow within the most recent three climatic years. A climatic year is the period from April 1 of a year until March 31 of the following year.

C. If the dilution ratio calculated for a facility under item B is greater than 1.0, or if the 7Q10 of the receiving water is zero, the dilution ratio for purposes of item A shall be 1.0.

Subp. 15. Project implements corrective measures. Five points shall be assigned to a project if it implements actions that contribute to the correction of a water quality problem identified in one or more of the following studies or an equivalent study:

A. a clean water partnership phase I diagnostic study under part 7076.0240, where the corrective actions are set forth in an implementation plan approved under part 7076.0260;

B. an impaired water assessment pursuant to section 303(d) of the federal Clean Water Act; or

C. a United States Environmental Protection Agency-approved watershed restoration action strategy pursuant to section 319 of the federal Clean Water Act.

Subp. 16. Project helps meet total maximum daily load for receiving water. Thirty points shall be assigned to the project if the project contributes to the achievement of a TMDL. To be considered as contributing to the achievement of a TMDL, the project must:

A. be designed to reduce the discharge of pollutants as specifically required by an agency-approved TMDL implementation plan; or

B. require an NPDES or SDS permit that will require reduced discharge of pollutants based on a TMDL.

Subp. 17. New or expanded discharge; points subtracted. Five points shall be subtracted from the project's priority score if the project involves one or more of the following:

A. a facility that will produce a new or expanded discharge to one or more of the following types of waters:

(1) outstanding resource value waters;

(2) water that is identified as an impaired water in the most recent list submitted by the agency to the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act; or

(3) a lake as defined in part 7077.0105, subpart 19a; or

B. a facility that will produce a new or expanded discharge exceeding 200,000 gallons per day to one or more of the following waters:

(1) waters defined as Class 2A waters under part 7050.0222, subpart 2; or

(2) a wetland as defined in part 7050.0130, item F.

For purposes of this subpart, if a reissued permit for a facility incorporates limits on pollutant loading which were frozen in a previous permit, a facility operating under the same limits in the reissued permit shall not be considered to have an expanded discharge.

7077.0118 PRIORITY POINTS FOR PROJECTS IN UNSEWERED AREAS.

Subpart 1. Discharges posing threat to public health or safety. Points shall be assigned to a project by multiplying 45 times the ratio of the number of existing structures with individual sewage treatment systems or other systems that collect and discharge wastewater in the proposed service area that have the potential to immediately and adversely affect or threaten public health or safety, including any ground surface or surface water discharge or sewage backup into a dwelling or other establishment resulting from the system, to the total number of existing structures with wastewater flows to individual sewage treatment systems or other systems in the proposed project service area.

Subp. 2. Discharges that fail to protect groundwater. Points shall be assigned to a project by multiplying 15 times the ratio of the number of existing structures in the proposed service area not counted in subpart 1 with individual sewage treatment systems or similar systems that have one or more sewage tanks which obviously leak below the designated operating depth or have less than the required vertical separation as described in part 7080.0060, subpart 3, item B, to the total number of existing structures with individual sewage treatment systems in the proposed project service area.

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Subp. 3. Noncompliance with setback requirements. Points shall be assigned to a project by multiplying five times the ratio of the number of existing structures with individual sewage treatment systems in the proposed service area that do not conform to a setback requirement set forth or cited by reference in part 7080.0170, subpart 1, item F, and that were not counted under subpart 1 or 2, to the total number of existing structures with individual sewage treatment systems in the proposed project service area.

Subp. 4. Proximity of individual sewage treatment systems to impaired or outstanding resource value water. Five points shall be assigned to a project if one or more existing individual sewage treatment systems in the proposed project service area are located within 500 feet of an outstanding resource value water, or any water that is identified as an impaired water in the most recent list submitted by the agency to the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act, or both.

Subp. 5. Proximity of failing individual sewage treatment systems to outstanding resource value or impaired water. Five points shall be assigned to a project where one or more of the following systems are located within 500 feet of an outstanding resource value water, or any water that is identified as an impaired water in the most recent list submitted by the agency to the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act:

A. individual sewage treatment systems or similar systems that have one or more tanks which obviously leak below the designated operating depth or have less than the required vertical separation as described in part 7080.0060, subpart 3; or

B. individual sewage treatment systems or other systems that collect and discharge wastewater that have the potential to immediately and adversely affect or threaten public health or safety, including any ground surface or surface water discharge or sewage backup into a dwelling or other establishment resulting from the system.

Subp. 6. Density of individual sewage treatment system discharges.

A. Up to 30 points shall be assigned to a project based on the density of structures with wastewater flows in the proposed project service area.

B. For the purpose of this subpart, density shall be determined by dividing the number of structures with wastewater flows treated by individual sewage treatment systems or similar systems, or other systems that collect and discharge wastewater, in the proposed project service area by the number of acres in the maximum impact zone for the project.

C. The following priority points shall be assigned for a project depending upon the density of structures with wastewater flows as determined under item B:

Density	Points
less than 0.25	0
0.25 to 0.50	10
greater than 0.50 to 1.0	20
greater than 1.0	30

Subp. 7. Land discharge. Twenty points shall be assigned if the project proposes a new land discharge of treated wastewater effluent and the project includes consumptive use (nitrogen or volume) spray irrigation or on-land disposal systems that are required by permit to denitrify the effluent.

Subp. 8. Project implements corrective measures. Five points shall be assigned to a project if it implements actions that contribute to correction of a water quality problem identified in one or more of the following studies or an equivalent study:

A. a clean water partnership phase I diagnostic study under part 7076.0240, where the corrective actions are set forth in an implementation plan approved under part 7076.0260;

B. an impaired water assessment pursuant to section 303(d) of the federal Clean Water Act; or

C. a United States Environmental Protection Agency-approved watershed restoration action strategy pursuant to section 319 of the federal Clean Water Act.

Subp. 9. Project helps meet total maximum daily load for receiving water. Thirty points shall be assigned to the project if the project contributes to the achievement of a TMDL. To be considered as contributing to the achievement of a TMDL, the project must:

A. be designed to reduce the discharge of pollutants as specifically required by an agency-approved TMDL implementation plan; or

B. require an NPDES or SDS permit that will require reduced discharge of pollutants based on a TMDL.

Subp. 10. New or expanded discharge; points subtracted. Five priority points shall be subtracted from the project's priority score if the project involves one or more of the following:

A. a facility which will produce a new or expanded discharge to one or more of the following types of waters:

(1) outstanding resource value waters;

(2) water that is identified as an impaired water in the most recent list submitted by the agency to the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act; or

(3) a lake as defined in part 7077.0105, subpart 19a; or

B. a facility that will produce a new or expanded discharge exceeding 200,000 gallons per day to one or more of the following waters:

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- (1) waters defined as Class 2A waters under part 7050.0222, subpart 2; or
- (2) a wetland as defined in part 7050.0130, item F.

7077.0119 POINTS FOR STORM WATER PROJECTS.

Subpart 1. Discharges to impaired or outstanding resource value waters. Five points shall be assigned if the storm water project provides treatment that reduces the quantity or improves the quality of storm water discharges and if the storm water project area currently discharges into water that is identified as an impaired water in the most recent list submitted by the agency to the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act, or an outstanding resource value water, or both. For the purposes of this part, discharge into a subwatershed that flows into an impaired water is considered a discharge into that impaired water.

Subp. 2. Receiving water classification. Up to seven points shall be assigned based on the classification of the receiving water as provided in this subpart if the storm water project provides treatment that reduces the quantity or improves the quality of storm water discharges. If the receiving water has multiple classifications, only the classification with the highest point value under this subpart shall be used.

<u>Receiving Water Classification</u>	<u>Points</u>
2A	7
1,2Bd	5
2B,2C,2D	3
7	1

Subp. 3. Project implements corrective measures. Five points shall be assigned to a project if it implements actions that contribute to correction of a water quality problem identified in one or more of the following studies or an equivalent study:

A. a clean water partnership phase I diagnostic study under part 7076.0240, where the corrective actions are set forth in an implementation plan approved under part 7076.0260;

B. an impaired water assessment pursuant to section 303(d) of the federal Clean Water Act; or

C. a United States Environmental Protection Agency approved watershed restoration action strategy pursuant to section 319 of the federal Clean Water Act.

Subp. 4. Project helps meet total maximum daily load for receiving water. Thirty points shall be assigned to the project if the project contributes to the achievement of a TMDL. To be considered as contributing to the achievement of a TMDL, the project must:

A. be designed to reduce the discharge of pollutants as specifically required by an agency approved TMDL implementation plan; or

B. require an NPDES or SDS permit that will require reduced discharge of pollutants based on a TMDL.

Subp. 5. New or expanded diversion of storm water; points subtracted. Five priority points shall be subtracted from the project's priority score if the project involves one or more of the following:

A. A new or expanded diversion of storm water to one or more of the following types of waters or to a subwatershed that flows into that water:

(1) outstanding resource value waters;

(2) waters identified as impaired waters in the most recent list submitted by the agency to the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act;

(3) waters defined as Class 2A waters under part 7050.0222, subpart 2; or

(4) a wetland as defined in part 7050.0130, item F; or

B. a lake as defined in part 7077.0105, subpart 19a.

7077.0121 RANKING OF PROJECTS WITH EQUAL TOTAL NUMBER OF POINTS.

Subpart 1. Tie breaker based on environmental and human health threat. When two or more projects on the project priority list have been assigned the same total number of priority points under parts 7077.0116 to 7077.0118, the project that has the highest number of points assigned based upon environmental and human health threats shall be ranked higher. For purposes of this part, points assigned under parts 7077.0117, subparts 6 to 11; 7077.0118, subparts 1 to 5; and 7077.0119, subpart 1, are based upon environmental and human health threats.

Subp. 2. Tie breaker based on population. If two or more projects remain tied in total priority points after application of subpart 1, the projects shall be ranked in order of the population of the municipalities served by the project as recorded in the last federal census, with the highest population ranked first.

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7077.0272 FACILITIES PLAN FOR WASTEWATER TREATMENT SYSTEMS.

Subpart 1. **In general.** Facilities plans for wastewater treatment systems must be prepared and signed by a professional engineer registered in Minnesota; provided that facilities plans for individual sewage treatment systems designed to treat 5,000 gallons or less of wastewater per day must be prepared and signed by either a professional engineer registered in Minnesota or an evaluator/designer individual sewage treatment system designer authorized under agency rules to prepare such plans. Facilities plans must be submitted to the commissioner for review and approval according to part 7077.0278, subpart 3, item C.

Subp. 1a. **Approval by commissioner.** Facilities plans must be submitted to the commissioner for review and approval. Approval shall be based on the commissioner's determination of the adequacy of the facility plan to address the requirements of this part. If the municipality is proposing to change the selected treatment method or any other major element of a previously approved facilities plan or storm water project plan, the municipality must receive the commissioner's approval of a facilities plan addendum.

Subp. 2. **Facilities plan contents.** A facilities plan must address items A to E in the amount of detail that is appropriate to describe a project accurately.

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

~~D. A discussion~~ An analysis of all feasible treatment alternatives that ~~were considered during the facility selection process and~~ are capable of meeting the applicable effluent, water quality, and public health requirements for 20 years. Where the project area is currently served by individual sewage treatment systems, the analysis of feasible treatment alternatives must be submitted on a form prescribed by the commissioner. The discussion of the considered alternatives must include:

(1) a ~~cost-effective~~ cost-effectiveness comparison of the ~~cost-effectiveness~~ of the alternatives considered. The ~~cost~~ comparison must include a detailed breakdown of the present worth of all capital costs, annual operation and maintenance costs, equipment replacement costs, and salvage values. If excessive levels of infiltration or inflow exist, the ~~cost~~ comparison of treatment alternatives must include a comparison of the cost of eliminating excessive infiltration or inflow with the cost of transportation and treatment of the infiltration or inflow;

(2) a site assessment of the existing soil and groundwater conditions conducted and signed by a professional engineer. For individual sewage treatment systems designed to treat less than 5,000 gallons per day of wastewater, a site assessment must be done by either a professional engineer or ~~a certified evaluator/designer~~ an individual sewage treatment system designer authorized under agency rules to make the assessment;

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

E. If the project service area is currently served by individual sewage treatment systems, the facilities plan must include:

(1) a determination of the operating condition of each individual sewage treatment system made by an individual authorized by agency rules to determine the compliance status of individual sewage treatment systems;

(2) a determination of whether each lot in the project service area can support a replacement individual sewage treatment system made by an individual authorized by agency rules to make such a determination; and

(3) an assessment of the suitability of an individual sewage treatment system that would serve multiple dwellings.

The assessment in subitem (3) must be conducted by an individual authorized by agency rules to make such an assessment unless the flow volumes or other circumstances of the system would warrant issuance of an SDS permit, in which case the assessment must be conducted by a registered professional soil scientist or professional engineer.

F. A description of the selected treatment alternative and the complete wastewater treatment system of which it is a part, including:

(1) the specific design parameters of all individual treatment units and the complete treatment system;

(2) estimated construction, annual operation and maintenance, and equipment replacement costs;

(3) estimated annual sewer service charges;

(4) a determination of whether pretreatment of any industrial wastes is needed in order to avoid disruption of the proper operation of the proposed system;

(5) an evaluation of how and where sludge or septage resulting from the treatment process will be disposed;

(6) an analysis of the 25- and 100-year flood elevations in relation to the proposed project site or sites, showing that the project will be operable during a 25-year flood and protected during a 100-year flood; and

(7) an analysis of how interim treatment will be accomplished during construction to meet permit requirements.

Subp. 2a. **Facilities plans supplement.** The following items must be submitted to the commissioner with the facilities plans:

~~A. for individual sewage treatment systems that serve more than one structure with wastewater flows, an assurance from the municipality stating that all property owners who will be served by the proposed system agree to be part of the system, to participate in the construction project, and to finance future operation, maintenance, and replacement of the system;~~

~~B. a complete list of addresses used for public notice purposes and listed on a form provided prescribed by the agency commissioner;~~

~~C. B. a summary of the information presented and public comments received at a public hearing, required under subpart 3, and the action taken to address those comments;~~

~~D. C. a formal resolution of the municipality's governing body adopting the facilities plan;~~

~~E. D. a list of ordinances or intermunicipal agreements necessary for the successful implementation and administration of the project;~~

- F. E. a signed treatment agreement with each significant industrial user; and
- G. a completed environmental information sheet; and
- G. documentation of notification to other governmental units, summaries of comments received, and county certification as required under Minnesota Statutes, section 116.182, subdivision 3a, clause (5).

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

7077.0277 STORM WATER PROJECT PLAN

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

Subp. 1a. Approval by commissioner. Storm water project plans must be submitted to the commissioner for review and approval. Approval shall be based on the commissioner's determination of the adequacy of the project plan to address the requirements of this part. If the municipality is proposing to change the selected treatment method or any other major element of a previously approved storm water project plan, the municipality must receive the commissioner's approval of a project plan addendum.

[For text of subs 2 to 4, see M.R.]

7077.0279 PLANS AND SPECIFICATIONS FOR STORM WATER TREATMENT SYSTEMS.

Subpart 1. In general. A municipality must submit plans and specifications to the commissioner for review and approval according to part 7077.0280, subpart 4, item D. The plans and specifications must be consistent with the scope of the approved storm water project plan under part 7077.0277. The project must be constructed according to the approved plans and specifications and change orders.

Subp. 2. Contents. A complete set of plans and specifications must address the following items in the amount of detail that is appropriate to describe a project accurately:

- A. plans and specifications signed by a professional engineer registered in Minnesota;
- B. a summary of design parameters for the storm water treatment units;
- C. a summary of the storm water treatment system flow conditions for average design flow and maximum design flow on a form prescribed by the commissioner;
- D. a hydraulic profile of the flow through the storm water treatment system;
- E. a plan for interim treatment to meet permit construction storm water permit requirements during construction of the storm water treatment systems;
- F. the latest detailed cost estimate based on the plans and specifications submitted; and
- G. administrative, bidding, and contract documents according to the applicable requirements under Minnesota Statutes, including a 100 percent performance bond from the contractors.

Subp. 3. Additional submittals. The following items must be submitted to the commissioner with the plans and specifications:

- A. a project schedule on a form prescribed by the commissioner;
- B. a certification from the municipality that states that full-time resident inspection shall be provided during construction and that written inspection reports, describing the construction inspected, construction problems, and the amount of inspection time required, shall be submitted to the commissioner on a monthly basis; and
- C. finalized and executed intermunicipal agreements necessary for the successful implementation and administration of the project.

7077.0280 CERTIFICATION SUBMITTAL REQUIREMENTS.

Subpart 1. Requirements. To receive project certification under part 7077.0281, a municipality must submit to the commissioner for review and approval the items under subparts 2 to 4 that are applicable to the project. These items must be submitted within ~~90 days~~ six months from the date ~~the municipality was notified that the authority approves an intended use plan which includes the project was placed on the intended use plan for which the municipality seeks certification.~~

Subp. 2. Planning and design projects. Municipalities seeking certification for planning and design projects shall submit:

- A. a description of the scope of work and estimated costs that will lead to an approved facilities plan or storm water project plan;
- B. a schedule for completion of the facilities plan or the storm water project plan on a form provided prescribed by the agency commissioner; and
- C. ~~in addition;~~ for wastewater and storm water treatment projects, a schedule for completion of plans and specifications; and
- D. for individual sewage treatment system projects, a copy of a draft ordinance that adopts the requirements of chapter 7080, individual sewage treatment standards.

Subp. 3. See repealer.

Subp. 4. Construction projects. Municipalities seeking certification for construction projects shall submit:

- A. for wastewater treatment systems, plans and specifications as required under part 7077.0274 for the commissioner's review and approval;
- B. ~~for wastewater treatment systems that are required to have an NPDES or SDS permit, a certification that the municipality has~~

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adopted a sewer service charge system that includes, at a minimum:

- (1) the engineering and accounting data for the wastewater flows and loadings of the users of the wastewater treatment system;
 - (2) the estimated annual costs of equipment replacement and operating and maintaining the system;
 - (3) the rates that shall be charged to each user for the cost of operation, maintenance, and equipment replacement; and
 - (4) the rates that shall be charged to each user for the cost of debt retirement for the local capital cost of the treatment system;
- C. for wastewater treatment systems, a copy of the municipality's resolution adopting the sewer service charge system;
- D. for wastewater treatment systems, a certification that the municipality has enacted a sewer use an ordinance; sewer rate ordinance; or combined sewer use and sewer rate ordinance that, at a minimum:

- (1) establishes a rate setting method for user charges;
- (2) establishes a rate setting method for debt charges;
- (3) requires separate funding accounts for operation and maintenance, equipment replacement, and debt retirement;
- (4) establishes financial management procedures for the sewer service charge system;
- (5) establishes procedures for public noticing sewer service charge system amendments;
- (6) prohibits new inflow connections to be added to the wastewater treatment system;
- (7) (2) requires new sewers and connections to be properly designed and constructed; and
- (8) (3) prohibits toxics and other pollutants to be placed in the municipal wastewater treatment system in amounts or concentrations that endanger public safety or the physical integrity of the treatment system or cause exceedance of permit limitations;

E. for wastewater treatment systems, an affidavit of publication for the sewer use ordinance and the sewer rate ordinance;

F. C. for individual sewage treatment system projects, a certification that the municipality has enacted and is enforcing an ordinance that:

- (1) adopts the requirements of chapter 7080;
- (2) prohibits nonsewage discharges from nonresidential structures with wastewater flows or nonsewage discharges from residential structures with a waterusing business to individual sewage treatment systems; and
- (3) establishes a maintenance plan; and

G. for wastewater treatment systems, a certification that the municipality is enforcing the ordinance under item F; and

H. D. for storm water treatment systems, the municipality must submit the following:

- (1) plans and specifications as required under part 7077.0279 for the commissioner's review and approval;
- (2) a project schedule on a form provided prescribed by the agency commissioner; and
- (2) (3) if applicable, finalized and executed intermunicipal agreements necessary for the successful implementation and administration of the project.

Subp. 5. **See repealer.**

7077.0281 COMMISSIONER CERTIFICATION TO AUTHORITY.

Subpart 1. **Certification of planning and design projects.** Upon review and approval of the documents required by part 7077.0280, subpart 2, and a determination that the project meets the applicable requirements of the act, federal regulations, state statutes, and this chapter, the commissioner shall certify the project to the authority.

Subp. 2. **See repealer.**

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

Subp. 3a. **Essential project components.** In certifying a wastewater treatment project under this part, the commissioner shall include a statement of essential project components and associated costs, which shall be based upon the essential project component percentage calculated under this subpart. "Essential project components" are those components of a project that are necessary to convey or treat a municipality's existing wastewater flows and loadings. Based on information contained in the approved facilities plan submitted under part 7077.0272, the essential project component percentage shall be calculated by multiplying 100 times the number obtained by dividing the total existing daily carbonaceous biochemical oxygen demand (CBOD) mass loading by the proposed total 20year growth daily CBOD mass loading.

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

7077.0286 COMPLETION OF CONSTRUCTION AND INITIATION OF OPERATION; WASTEWATER TREATMENT SYSTEMS.

Subpart 1. **Construction reporting requirements.** At least 60 days before the scheduled initiation of operation, the municipality shall submit to the commissioner, as appropriate:

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

B. an operation and maintenance manual or a maintenance plan for the commissioner's approval, or a certificate of completion of an

operation and maintenance manual on a form prescribed by the commissioner.

[For text of subs 2 to 4, see M.R.]

7077.0288 PROJECT PERFORMANCE.

Subp. 2. **Performance certification for wastewater treatment systems.** One year after the initiation of operation of ~~the~~ a wastewater treatment project, the municipality shall submit to the commissioner the following items, as appropriate for a project:

A. A certification on a form prescribed by the commissioner and signed by a professional engineer registered in the state of Minnesota stating ~~whether that~~ the project meets the following performance standards:

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

(4) ~~the project facility meets the effluent limitations as assigned in the NPDES or SDS permit;~~

(5) nonresidential wastewater discharges to the treatment system do not interfere with the operation of the project, disposal, or use of septage or municipal sludges, and do not degrade groundwater or surface water;

(5) (6) septage treatment and disposal is accomplished in accordance with applicable state, federal, and local standards; and

(6) (7) the project meets the requirements in the approved plans and specifications for the prevention of contamination of underground drinking water sources beyond the property boundary;

The certification shall include one copy of "asbuilt" plans and specifications on microfiche.

~~B. a startup evaluation report describing the performance of the project;~~

~~C. A revised operation and maintenance manual or revised maintenance plan based on actual operating experience obtained during the one-year start-up period; or a certificate of completion of a revised operation and maintenance manual on a form prescribed by the commissioner.~~

~~D. C. Documentation that the municipality is collecting sufficient funds to provide for operation and maintenance and equipment replacement costs in conformance with the approved operation and maintenance manual on a form provided by the agency; and~~

~~E. two copies of "asbuilt" plans and specifications on microfiche prescribed by the commissioner.~~

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

REPEALER. *Minnesota Rules*, parts 7077.0105, subpart 14a; 7077.0111; 7077.0165; 7077.0167; 7077.0169; 7077.0171; 7077.0173; 7077.0175; 7077.0176; 7077.0177; 7077.0179; 7077.0181; 7077.0185; 7077.0186; 7077.0187; 7077.0189; 7077.0191; 7077.0195; 7077.0196; 7077.0197; 7077.0276; 7077.0278; 7077.0280, subparts 3 and 5; 7077.0281, subpart 2; 7077.0300; 7077.0310; 7077.0315; 7077.0320; 7077.0325; and 7077.0330, are repealed.

Appointments

Minnesota Statutes, Section 15.06, Subd. 5, requires notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the *State Register*.

Office of Enterprise Technology

Notice of Appointment of Acting State Chief Information Officer Keith D. Payden

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Keith D. Payden to the office of Acting Chief Information Officer at the Office of Enterprise Technology effective July 1, 2005. He fills a new position at a new agency.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Administration are:

- Article 5 House File 1481 of the Regular Session

Acting Chief Information Officer Payden resides at 1012 - 136th Lane NE, Ham Lake, Minnesota 55304, Anoka County, Congressional District Six.

He can be reached at the Office of Enterprise Technology, 658 Cedar Street, 510 Centennial Office Building, St. Paul, MN 55155. Telephone (651) 297-5525. E-mail address: keith.payden@state.mn.us

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.

Emergency Medical Services Regulatory Board Notice of Completed Application in the Matter of the License Application of the Wheaton Ambulance, Wheaton, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter EMSRB) has received a completed application from the **Wheaton Ambulance, Wheaton, Minnesota**, for a new license, advanced ambulance – part time.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* section 144E.11, subdivision 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB within 30 days or by September 2, 2005, 4:30 p.m.

Written recommendations or comments opposing the application should be sent to: Mary Hedges, Executive Director, EMSRB, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

If fewer than six comments opposing the application are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes* section 144E.11, subdivision 4. If six or more comments in opposition to the application are received during the comment period or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 days, pursuant to *Minnesota Statutes* section 144E.11, subdivision 5(a), (b). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a contested case hearing one will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes* section 144E.11, subdivision 5(c), (e).

Dated: July 14, 2005

Mary F. Hedges, Executive Director

Minnesota Gambling Control Board REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Lawful Gambling, *Minnesota Rules*, parts 7861, 7863, and 7864, and Repeal of Rules Governing Bingo Halls, *Minnesota Rules*, part 7862.0010

Subject of Rules. The Minnesota Gambling Control Board requests comments on its possible amendment to rules governing lawful gambling and repeal of rules governing bingo halls. The Board is considering rule amendments to address legislative changes that occurred in *Minnesota Statutes* section 349 in 2005. Legislation gives the Board the authority to promulgate rules for the optional use of electronic bingo devices. Other statutory changes impacting rules which must be addressed include the repeal of bingo hall licenses, and language clarification pertaining to bingo, bingo rent, lawful purpose expenditures, allowable expenses, licensing qualifications and restrictions, raffles, and tipboards. Included in the rule process will be changes to remove inconsistencies and eliminate any language that is duplicative of statute or determined to be obsolete.

Persons Affected. The amendment to the rules would likely affect nonprofit organizations authorized to conduct lawful gambling, distributors of lawful gambling equipment, linked bingo game providers, and manufacturers of gambling equipment.

Statutory Authority. *Minnesota Statutes*, section 349.151, subdivision 4(a)(5) authorizes the Board to make rules authorized by Chapter 349; *Minnesota Statutes*, section 349.151, subdivision 4(a)(17) authorizes the Board to take all necessary steps to insure the integrity of and public confidence in lawful gambling; *Minnesota Statutes*, section 349.151, subdivision 13 authorizes the Board to adopt rules when necessary or proper in discharging the Board's powers and duties. *Minnesota Statutes* 349.151, subdivision 4c authorizes the Board to make rules for electronic bingo devices.

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 Board intends to adopt or to withdraw the rules. The Board does contemplate appointing an advisory committee to comment on the possible rules. If you wish to be considered as a participant in the Public Advisory Committee for this rules process, notify the agency contact person listed below. The Public Advisory Committee meetings will be conducted at the

Board's office at 1711 West County Road, Suite 300, Roseville, Minnesota 55113. It is anticipated that the meetings will be conducted once a month.

Rules Drafts. The Board has not yet prepared a draft of the possible rules amendments to *Minnesota Rules*, parts 7861, 7863, and 7864, and repeal of *Minnesota Rules, part 7862*.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, participation in the Public Advisory Committee, and requests for more information on these possible rules should be directed to: Bernice Caruth at Gambling Control Board, 1711 West County Road B, Suite 300 South, Roseville, Minnesota 55113, **phone:** (651) 639-4030, **Fax:** (651) 639-4032, or *e-mail:* Bernice.caruth@gcb.state.mn.us. TTY users may use the Minnesota Relay Service and ask to place a call to the Gambling Control Board at (651) 639-4030.

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: August 1, 2005

Tom Barrett, Executive Director
Minnesota Gambling Control Board

Metropolitan Council

Notice of Availability – Metropolitan Livable Communities Act Funding Tax Base Revitalization Account

Purpose: The Metropolitan Livable Communities Act (*Minnesota Statutes* Chapter 473.25) created a **Tax Base Revitalization Account** to make grants to clean up contaminated land for subsequent redevelopment activities supporting job retention and job growth and increase in tax base. Applications will be prioritized to the extent that they address the following: increase local tax base; create net gain in regional jobs; demonstrate market demand for proposed site; supplement a previously approved project; preserve and/or increase living wage jobs; improve the environment by reducing human health risk; promote compact development; provide living wage jobs; leverage private investment; and make more efficient use of current infrastructure capacity. Local community affordable and life-cycle housing performance will leverage the selection process. This program is being coordinated with complementary programs at the MN Pollution Control Agency (MPCA) and the MN Department of Employment and Economic Development (DEED).

Eligible Applicants: Statutory or home rule charter cities participating in the Metropolitan Livable Communities Housing Incentives Program are eligible to apply. Metropolitan counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington) and development authorities (e.g., Housing and Redevelopment Authority, Economic Development Authority or Port Authority) may apply for projects in eligible communities.

Submission Date: An original and two (2) copies of each application are due at the Metropolitan Council, Attn: Terrence Kayser, 230 East Fifth Street, St. Paul, MN 55101 by **5 p.m., Tuesday, November 1, 2005**.

Amount Available: Approximately \$2.7 million will be available for grants awarded this cycle. Grants will be awarded on a competitive basis. If applications for grants exceed the available funds for this cycle, no more than one-half of the funds may be granted to projects in a single city, and no more than three-quarters of the funds may be granted to projects located in cities of the first class.

Obtain Information: For a copy of the grant application guide and format, contact Terrence Kayser, Metropolitan Council at (651) 602-1356 or via **e-mail:** terry.kayser@metc.state.mn.us. An informational workshop will be offered on August 10, 2005 at the League of Minnesota Cities (145 University Avenue West, St. Paul MN) in the St. Croix Room from 8:00 a.m. - 12:30 p.m. The application form may be copied from the Metropolitan Council website at www.metrocouncil.org under the topic "Livable Communities."

Department of Natural Resources

Notice of Conveyance to Establish Boundary Lines Relating to Certain State Landholdings

NOTICE IS HEREBY GIVEN that pursuant to *Minnesota Statutes*, section 84.0273, the State of Minnesota proposes to convey by an agreement and conveyance document and quit claim deed such rights, titles and interests in state lands located in Sections 9, 10, and 16,

Official Notices

Township 117 North, Range 24 West, Hennepin County, to Minnesota Annual Conference of the United Methodist Church, a non-profit Minnesota corporation and Minnetonka Sportsmen, Inc. a Minnesota Corporation, who in return proposes to convey by the same agreement and quit claim deed such right titles and interests in its adjacent lands as are necessary for the purpose of establishing boundaries.

The reason for this conveyance is that the existing property descriptions were derived by scaling angles and distances on an air photo and are not in agreement with existing conditions as located per field measurements made in March – May 2004.

The parties wish to make their mutual boundaries more definite and certain, and clarify their legal descriptions to coincide more accurately with the actual use on the ground.

Additional information about this conveyance or a copy of the proposed conveyance can be obtained by contacting:

Minnesota Department of Natural Resources
Division of Lands and Minerals
500 Lafayette Road Box 45
St. Paul, Minnesota 55155-4045
Bruce W. Shepperd, Project Surveyor
Telephone: (651) 296-5278
E-mail: bruce.shepperd@dnr.state.mn.us

Department of Natural Resources

Division of Lands and Minerals

Notice of Plans to Issue State Industrial Minerals Leases

NOTICE IS HEREBY GIVEN, that the Minnesota Department of Natural Resources, Division of Lands and Minerals, is planning to issue eight state mineral leases to explore for, mine and remove industrial minerals in Beltrami and Koochiching counties in accordance with *Minnesota Rules*, part 6125.8000, the industrial minerals rules, issued under authority of *Minnesota Statutes*, sections 93.08 through 93.12, and 93.25. The industrial minerals covered by the leases are diamonds, dimension stone, gemstones, graphite, and quartz.

The areas located in Beltrami County to be covered by the industrial minerals leases are as follows:

Southwest Quarter (SW1/4) in Section Two (2); Southeast Quarter of Southeast Quarter (SE1/4-SE1/4) in Section Three (3); Northeast Quarter (NE1/4) in Section Ten (10); Northwest Quarter (NW1/4) in Section Eleven (11); all in Township One hundred fifty-eight (158) North, Range Thirty-eight (38) West.

Lot Six (6), Lot Seven (7), East Half of Southwest Quarter (E1/2-SW1/4), and Southeast Quarter (SE1/4) in Section Six (6); Northeast Quarter (NE1/4), East Half of Northwest Quarter (E1/2-NW1/4), Lot One (1), and Lot Two (2) in Section Seven (7); all in Township One hundred fifty-eight (158) North, Range Thirty-eight (38) West.

Southwest Quarter (SW1/4) in Section Five (5); Northwest Quarter (NW1/4) in Section Eight (8); all in Township One hundred fifty-eight (158) North, Range Thirty-eight (38) West.

West Half of Southeast Quarter (W1/2-SE1/4) and Southeast Quarter of Southeast Quarter (SE1/4-SE1/4) in Section Twenty (20); Northwest Quarter (NW1/4) in Section Twenty-eight (28); Northeast Quarter (NE1/4) in Section Twenty-nine (29); all in Township One hundred fifty-six (156) North, Range Thirty-six (36) West.

South Half of Northeast Quarter (S1/2-NE1/4), South Half of Southwest Quarter (S1/2-SW1/4), and Southeast Quarter (SE1/4) in Section Four (4); Southeast Quarter of Northeast Quarter (SE1/4-NE1/4) and East Half of Southeast Quarter (E1/2-SE1/4), in Section Five (5); all in Township One hundred fifty-five (155) North, Range Thirty-six (36) West.

The areas located in Koochiching County to be covered by industrial minerals leases are as follows:

Section Twenty-five (25), Township One hundred fifty-nine (159) North, Range Twenty-seven (27) West.

Section Thirty-six (36), Township One hundred fifty-nine (159) North, Range Twenty-seven (27) West.

Northeast Quarter (NE1/4), East Half of Northwest Quarter (E1/2-NW1/4), Lot One (1), Lot Two (2), Lot Three (3), Lot Four (4), East Half of Southwest Quarter (E1/2-SW1/4), and North Half of Southeast Quarter (N1/2-SE1/4), all in Section Thirty (30), Township One hundred fifty-nine (159) North, Range Twenty-six (26) West.

The applicant for the leases is Rock Fish Quarries, Inc., 151 Good Counsel Drive, Mankato, Minnesota 56001. The effective date of the leases is September 8, 2005, contingent upon State Executive Council approval.

For more information, contact Vicki Hubred, Department of Natural Resources, Division of Lands and Minerals, 1525 Third Avenue East, Hibbing, Minnesota 55746; **telephone** (218) 262-6767, **TTY**: 1-800-657-3929.

Minnesota Pollution Control Agency

Municipal Division

REQUEST FOR COMMENTS on Planned Amendment to Rules Governing Hazardous Waste Manifests, *Minnesota Rules*, Chapter 7045

Subject of Rules. The Minnesota Pollution Control Agency (Agency) requests comments on its planned amendment to rules governing the shipping manifest that is required for transportation of hazardous waste. The Agency will be adopting the revised federal uniform hazardous waste manifest and associated rule amendments regarding the use of the uniform hazardous waste manifest as published in the March 4, 2005 *Federal Register*. Amendments to the state rules and the Minnesota hazardous waste manifest are required in order for the Agency to continue to maintain federal authorization to conduct the hazardous waste program in Minnesota. The amendments being planned will change the type of information that is required to be provided on a hazardous waste manifest and the appearance of the hazardous waste manifest, and may also modify the state rules that relate to the use and submission of manifest copies.

Persons Affected. The planned amendments to the rules will affect all generators who transport hazardous waste, hazardous waste transporters and the owners and operators of facilities that receive hazardous waste.

Statutory Authority. *Minnesota Statutes*, section 116.07, subd. 4, rules and standards, authorizes the Agency to adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of this chapter for generators of hazardous waste, the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste.

Public Comment. Interested persons or groups may submit comments or information on these planned rule amendments until further notice is published in the *State Register* that the Agency intends to adopt or to withdraw the rules. The Agency does not contemplate appointing an advisory committee to comment on the planned amendments to the rules. If you are interested in being notified when the amendments to the rules are published for comment, please contact Carol Nankivel at the telephone number below.

Rules Drafts. The Agency has not yet prepared a draft of the planned rule amendments, although interested parties may request to be notified when a draft is available by contacting Carol Nankivel at the telephone number below.

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

Carol Nankivel
Minnesota Pollution Control Agency
520 Lafayette Road, St. Paul, MN. 55055-4194
Telephone: (651) 297-8371 or (TTY) (651) 282-5332
E-mail: carol.nankivel@pca.state.mn.us

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 submit 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.

Date: August 1, 2005

Sheryl Corrigan, Commissioner
Minnesota Pollution Control Agency

Official Notices

Minnesota Department of Revenue

Announcement of the Formation of an Advisory Committee to Assist the Commissioner of Revenue in the Development of Utility Valuation Rules

As work on a possible new utility valuation rule proceeds, the Commissioner of Revenue would like to establish a Utility Rule Advisory Committee to help ensure that all important issues are identified and, to the extent possible, bring consensus on recommended changes in the rules. The committee will include 10 to 15 members representing electric, natural gas, and pipeline companies as well as host cities and counties from metro and non-metro areas of the state.

The purpose of the advisory committee will be to advise, inform and, to some extent, persuade the agency on the development of utility rules. Ideally it will include both anticipated opponents and supporters, and provide a structure that allows for an airing of all viewpoints.

A successful advisory committee will bring openness to the rule development process; result in more thoughtful input and reaction to recommended rule changes than would occur if each affected party communicates separately, and provide an opportunity for companies and host communities to influence the decisions about the rule that will affect them.

Members will be appointed by the commissioner with the understanding that they are representing their larger constituent group – *e.g.*, host cities or host counties, gas pipelines companies, etc. – not the interests of their individual company or community. While the department will prepare official minutes for each meeting, committee members will be responsible for keeping their respective groups informed about the agenda and issues discussed.

Interested parties who are not members of the committee may be invited to attend the meetings and address the committee on a specific issue.

It is important to note that while the advisory committee will provide information and feedback with regard to proposals made by the department, it will have no voting authority on what may ultimately go into a new rule. The Commissioner of Revenue will make final decisions on any new utility rule.

Current plans are to hold 3 to 4 meetings to review proposed rule changes. The meetings will be held between October 2005 and February 2006 and each meeting would last approximately 2 to 3 hours.

If you would like to serve on the Utility Rule Advisory Committee, please submit your name, telephone number, address, email address and the group you represent by August 31, 2005 to:

Harriet Sims
Appeals and Legal Services Division
Minnesota Department of Revenue
600 North Robert Street
St. Paul Minnesota 55146-2220
Telephone: (651) 556-4085
Fax: (651) 296-8229
E-mail: harriet.sims@state.mn.us
TTY users may call the department at TTY 711

We anticipate that Daniel Salomone, Commissioner of Revenue, will appoint members of the advisory committee by September 16, 2005.

Publication Date: August 1, 2005

Department of Transportation

Program Management Division, Office of Transit

Notice of Intent to Solicit Outside Information and Opinion on the Proposed Disadvantaged Business Enterprise (DBE) Overall Goal for Transit for Federal Fiscal Year 2006

NOTICE IS HEREBY GIVEN that the Minnesota Department of Transportation (Mn/DOT) proposes to set the 2006 overall goal for transit for DBE participation on all Federal Transit Administration-assisted contracts at 1.5%.

Mn/DOT proposes to meet 1% of this goal through race/gender neutral means.

Mn/DOT proposes to meet .5% of this goal through race conscious means.

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 3rd 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
Mail Stop 430
395 John Ireland Boulevard
St. Paul MN 55155
Fax: (651) 297-7252
E-mail: donna.allan@dot.state.mn.us

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Employment and Economic Development (DEED) Minnesota Job Skills Partnership Training Grant Deadlines

The Minnesota Job Skills Partnership (MJSP) Board solicits grant proposals from accredited educational and training institutions for training programs designed for specific private, for-profit businesses. Proposals will be accepted for the Job Skills Partnership Grant Program, the Pathways Program, the MJSP Pre-Development Program, and the Healthcare and Human Service Training Program.

Due to limited funding, priority will be given to training projects that are innovative and create new educational capacity and projects that have significant economic development impact. A participating business is limited to one active grant in each grant program at any given time, with the exception of businesses that have multiple locations or businesses engaged in projects that involve a consortium of businesses.

The deadline for submission of proposals is 4:00 p.m. on September 12, 2005, DEED MJSP, 1st National Bank Bldg., 332 Minnesota Street, Suite E200, St. Paul, MN 55101-1351. No late proposals will be considered. Ten final copies must be submitted at that time for consideration at the MJSP Board meeting to be held on October 24, 2005. It is important to use the current application forms that are available on the web at: <http://www.deed.state.mn.us/mjsp/forms.htm> or by calling the Job Skills Partnership at (651) 296-2953 or 1-800-657-3858.

Open for application on a continuous basis are the MJSP Short Form, which is for grants to accredited educational or training institutions of \$50,000 or less and is intended to help small businesses, and the Hire Education Loan Program (HELP) to assist Minnesota businesses with training needs for new or existing employees. The loan may be up to \$250,000 and the business is required to contract for the training with an accredited Minnesota public or private training institution.

State Grants and Loans

Minnesota Office of Higher Education

Request for Proposals for Grant Funding under the Intervention for College Attendance Program (ICAP)

The Office of Higher Education requests proposals from postsecondary institutions, school districts, businesses, foundations, professional organizations, community-based organizations or other nonprofits for provision of outreach services that foster postsecondary attendance by Minnesota's historically underserved elementary and secondary students. Priority will be given to collaborative efforts between two or more organizations submitting quality proposals.

ICAP grants will support programs that provide precollege outreach services including, but not limited to: academic counseling, mentoring, fostering and improving parental involvement in planning and facilitating a college education, services for students with English as a second language, academic enrichment activities, tutoring, career awareness and exploration, orientation to college life, assistance with high school course selection and information about college admission requirements, financial aid counseling, and summer academic enrichment opportunities.

For each year of the 2006 – 2007 biennium \$446,000 is available to support grant activities.

The Request for Proposals is available on the agency's website at: <http://www.ohe.state.mn.us> Click on News and then click the Request for Proposals page. In addition, the document may be obtained by contacting:

Nancy B. Walters, Ph.D., Program Manager
Office of Higher Education
1450 Energy Park Drive, Suite 350
St. Paul, MN 55108-5227
Phone: (651) 642-0596
Fax: (651) 642-0675
E-mail: walters@heso.state.mn.us

Proposals must be delivered by 4:00 p.m., Monday, September 19, 2005. Faxed or emailed proposals will not be accepted.

Department of Human Services

Request for Proposals for the Planning and Implementation of Integrated Primary Prevention Services to Fund Comprehensive Primary Prevention Efforts Designed to Delay or Reduce Substance Use

Project Overview

According to data from the Minnesota Student Survey (MSS) use of alcohol, tobacco and other drugs by young people in Minnesota is declining, but it continues to be at unacceptable levels as evidenced by the following data.

Indicator	9 th Grade		12 th Grade	
	% Male	% Female	% Male	% Female
Binge Drinking	16	15	39	26
Alcohol use prior 30 days	26	29	50	46
Marijuana use prior 30 days	12	11	22	16

The Chemical Health Division (CHD) of the Minnesota Department of Human Services is the Single State Authority for receiving the Federal Substance Abuse Prevention and Treatment Block Grant dollars from the Substance Abuse and Mental Health Services Administration (SAMHSA). A total of \$2,400,000 will be available from the to fund Alcohol, Tobacco and Other Drug (ATOD) prevention efforts in Minnesota.

The CHD is requesting proposals for the planning and implementation of integrated primary prevention services by coalitions within selected Minnesota communities. It is the intent of the CHD to fund comprehensive primary prevention efforts designed to delay or reduce substance use by decreasing risk factors and enhancing protective factors related to alcohol, tobacco and other drug (ATOD) use/abuse.

Primary prevention is targeted toward people who have neither received chemical dependency treatment, nor have been assessed as being in need of treatment. Research has shown comprehensive primary prevention efforts in numerous domains (individual, peer, school/work, family, community, environmental) are most effective in deterring and/or delaying ATOD use/abuse. Research has further demonstrated the importance of substantially involving stakeholders (local leaders and citizens) from the community served, in the planning and

implementation of collaborative prevention efforts.

Goal

The goal of this Request for Proposals (RFP) is to reduce substance abuse and related problems within select communities by successfully implementing comprehensive collaborative community prevention efforts. The following *goals* must be included in each proposal:

1. Complete an approved Community Readiness Survey in the first year and implement a set of evidence-based environmental prevention programs and strategies based on the results of the readiness survey during the second year.
2. Implement within the selected community evidence-based ATOD prevention programs and strategies which have been shown to reduce substance use/abuse by youth. Strategies and programs must focus on multiple domains (individual, peer, school/work, family, community, environmental). Any program or practice must meet either the CHD established standards for prevention programs and practices or be a SAMHSA Model Program shown to reduce substance use/abuse by youth.
3. Strengthen and expand an existing or newly formed coalition in ATOD prevention.

Communities which successfully complete goals listed below may be eligible for an additional three year grant from the CHD:

1. Completion of the readiness survey in year one and implementation of appropriate evidence-based environmental strategies based on the readiness survey results in year two
2. Implementation of evidence-based ATOD prevention programs and strategies which have been shown to reduce substance use/abuse by youth. Strategies and programs must focus on multiple domains (individual, peer, school/work, family, community, environmental) and meet either the CHD established standards for prevention programs and practices or be a SAMHSA Model Program shown to reduce substance use/abuse by youth.
3. Coalitions will also conduct a community-wide methamphetamine prevention program, using evidence-based prevention strategies. Activities will focus on environmental strategies for communicating effective prevention efforts.
4. Enhancement of an ATOD prevention coalition through added membership, a clear mission statement and specific strategic planning. By the end of year two, an action plan will be completed, with clear goals substantiated with data and other information readily understood by the community.

Application Workshops

Eligible applicants are non-profit organizations and local units of government. To assist applicants in applying for grants, application workshops will be conducted. While it is not mandatory for applicants to attend a workshop, formal registration is expected in order to plan for these events. Important information about the application process will be shared. Sessions will cover:

- General application requirements
- The use of the MSS to demonstrate -need for services,
- Information about the Community Readiness Survey,
- Selecting a program and/or strategies based on identified needs.

All application workshops will be held from **9 a.m to noon** at the following locations:

August 16— Best Western Hotel
The Falls Inn & Suites
925 Western Avenue
Fergus Falls, MN 56537

August 18—Brainerd Regional Treatment Center
11800 State Highway 18
Brainerd, MN

August 23—Best Western Marshall Inn
1500 E. College Drive
Marshall, MN 56258

August 25—Days Inn
2301 East Main St.
Albert Lea, MN 56007

State Grants & Loans

August 29—Department of Human Services
2284 Highcrest Road
Roseville, MN 55113

August 31—Holiday Inn Express
2422 Ridgeway Ave. N.W.
Bemidji, MN 56601

Sept. 1 — The Coates Hotel
502 Chestnut Street
Virginia, MN 55792

To register for an application workshop, please call Kathy Mostrom at **(651) 582-1850**.

All questions must be in writing. Responses to oral questions given at the workshops will be non-binding.

Required Duties

At a minimum, application work statements must include the following duties:

The Community Readiness Survey:

1. Conduct the CHD-approved Community Readiness Survey and analyze results to develop an appropriate strategic plan to guide environmental prevention efforts within the community. The community readiness survey is to be completed during the first program year (July 1, 2006-June 30, 2007). Implementation of evidence-based environmental programs and strategies based on the results of the survey and other data, to follow in year two (July 1, 2007-June 30, 2008).

Evidence-Based Programs and Strategies:

2. Implementation of evidence-based ATOD prevention programs and strategies which have been shown to reduce substance use/abuse by youth. Strategies and programs must focus on multiple domains (individual, peer, school/work, family, community, environmental) and meet either the CHD established standards for prevention programs and practices (See Appendix A of complete RFP) or be a SAMHSA Model Program shown to reduce substance use/abuse by youth. If based on the CHD standards in Appendix A, information must be included in the application that describes how each of the standards is being addressed.

3. Promote the ATOD prevention program and strategies throughout the community being served.

4. Work with an evaluation team provided by the CHD to implement a process and outcome evaluation plan of the program.

Strengthen and Expand the Coalition:

5. At least one (1) program manager and two (2) staff will complete the full 40 (forty) hour Substance Abuse Prevention Specialist (SAPS) training offered by the CHD by June 30, 2007.

6. Strengthen and expand an existing or newly formed ATOD prevention coalition through added membership, a clear mission statement and specific strategic planning to include by the end of year two an Action Plan with clear goals which can be substantiated with data or other information readily understood by the community

7. Obtain and continue membership in the Community Anti-Drug Coalitions (CADCA).

8. Employ one full-time (40 hours per week) staff person to coordinate and oversee coalition- directed activities.

9. Provide training and ongoing supervision for staff and volunteers in implementing the evidence-based programs or practices selected.

10. Establishment of relationships with other entities for financial and in-kind support must be an early and major priority. In order to improve the ability of the community to sustain this coalition, grantees will be expected to obtain 20% of funding for the one full-time coordinator (who monitors and manages coalition- directed activities) from other sources for the second year of the grant. If awarded a three-year grant extension, 40% of the third year salary for the coordinator will come from sources other than the CHD. In the fourth year 60% of the coordinator's salary must be supplemented from other funders, and 80% of the coordinator's salary in the fifth and last year of the grant must be obtained from sources other than the CHD.

Questions and Application Forms

This RFP does not obligate the state to award a contract or complete the project, and the state reserves the right to cancel the solicitation

State Grants and Loans

if it is considered to be in its best interest.

Prospective responders who have questions regarding this RFP may contact:

Kathy Mostrom
Prevention & Treatment Consultant
DHS, Chemical Health Division
444 Lafayette Rd.
St. Paul, MN 55155-3823
E-mail: kathy.mostrom@state.mn.us
Telephone: (651) 582-1850

Al Fredrickson
Prevention & Treatment Consultant
DHS, Chemical Health Division
444 Lafayette Rd.
St. Paul, MN 55155-3823
E-mail: al.fredrickson@state.mn.us
Telephone: (651) 582-1837

Other personnel are **NOT** authorized to discuss this request for proposal with responders, prior to the proposal submission deadline. Applicants' questions regarding this RFP must be submitted in writing by **October 7, 2005**. Questions will be answered in writing and distributed to all identified prospective applicants who have provided email addresses, by October 17, 2005. To have your email address added to the list, please contact Kathy Mostrom at Kathy.Mostrom@state.mn.us.

CHD application forms must be completed and received by 3:30 p.m., Central Time, October 31, 2005

For "**Prevention Planning and Implementation RFP**" application forms and instructions, contact:

Vicki Taylor
Chemical Health Division
(651) 582-1832

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 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.

Colleges and Universities, Minnesota State (MnSCU) Rochester Community and Technical College (RCTC)

Request for Proposals for a pre-design for a community domed stadium for the Rochester Community and Technical College

The Rochester Community and Technical College is requesting proposals (RFP's) for a pre-design, feasibility study and architectural program for a domed community stadium. Please call or write June Meitzner, RCTC 851 - 30th Ave. SE, Rochester, MN 55904 (Phone) (507) 285-7213 for the full RFP which will be sent free of charge to interested vendors.

MANDATORY PRE-BID MEETING

DATE: Monday Aug. 15th 10:00 A.M.

PLACE: RCTC SPORTS CENTER-ALL AMERICAN ROOM

PROPOSAL DUE DATE: Wednesday August 24, 2005 4:00 P.M.

This request for proposal does not obligate the Rochester Community and Technical College to enter into the proposed contract and the Rochester Community and Technical College reserves the right to cancel this solicitation if it is considered to be in its best interest.

The purpose of this contract is to provide the College with

1. A feasibility study for a stadium which is to include if the project is financial, physical, and legally possible for the following:
 - Synthetic turf surface allowing constant use
 - Bleachers to seat from 2,000 to 5,000 spectators

State Contracts

- Lights for both the stadium and parking areas
- Press box area with a PA system
- Restroom and concession facilities
- Locker room facilities for home and visiting teams
- Paved parking lots.
- A dome bubble covering the playing surface only from November to April, allowing for year-round use and creating additional revenue.

2. A full architectural program that includes an articulation of the specific space requirements to meet the functional and program needs of the proposed project.

The estimated dollar amount for this RFP is approximately \$50,000.00. This proposal does not obligate Rochester Community and Technical College to spend the estimated dollar amount.

Questions regarding this request for proposal should be directed to:

Chuck Siefert
Director of RCTC Sports Center
Rochester Community and Technical College
851 - 30th Ave. SE
Rochester, MN 55904
Phone: (507) 285-7565
Fax: (507) 285-7104
E-mail: *chuck.siefert@roch.edu*

Please be advised that other College personnel are **NOT** allowed to discuss this request for proposal with anyone, including responders, before the submission deadline.

All proposals must be sent to and received by:

June Meitzner, Accounting Technician
Rochester Community and Technical College
Office EA135
851 - 30th Ave. SE
Rochester, MN 55904

Proposals must be received no later than 4:00 P.M., Wednesday, Aug. 24th, 2005. Late proposals will not be considered. All costs incurred in responding to the RFP will be borne by the responder. Interested parties are requested to submit two (2) copies of their proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. An authorized representative must sign each copy of the proposal in ink. Prices and terms of the proposals as stated must be valid for the length of the resulting contract. All proposals must include detailed descriptions of costs for entire project.

Representatives of Rochester Community and Technical College will evaluate all proposals received by the deadline. In some instances, an interview will be a part of the evaluation project.

All materials submitted in response to this RFP will become the property of the Rochester Community and Technical College and will become public record after the evaluation process is completed and an award decision made.

Responders should be aware of the standard contract terms and conditions in preparing a response. A sample MnSCU Professional and Technical Services contract will be attached to the RFP. Much of the language reflected in the contract is required by statute. If you take exceptions to any of the terms, conditions, or language in the contract, you must indicate those exceptions in your response to the RFP. Certain exceptions may result in your proposal begin disqualified from further review and evaluation. Only those exceptions indicated in your response to the RFP will be available for discussion or negotiation.

Colleges and Universities, Minnesota State (MnSCU)**St. Cloud Technical College, St. Cloud, Minnesota****Call for Bids for 2005/06 House Project Building Materials and Cantius II House Project Building Materials**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the St. Cloud Technical College, St. Cloud, Minnesota, until 2:00 P.M. Central Time, Tuesday, August 16th, 2005, for the purchase of **2005/06 HOUSE PROJECT BUILDING MATERIALS & CANTIUS II HOUSE PROJECT BUILDING MATERIALS** according to specifications on file in the Business Office, Room 1-102, St. Cloud Technical College, 1540 Northway Drive, St. Cloud, Minnesota, at which time the bids will be opened publicly and read aloud in the Business Office located in the St. Cloud Technical College building, 1540 Northway Drive, St. Cloud, Minnesota, and tabulated for review by staff members who will make recommendations for purchase. At that time, copies of the tabulation will be available to interested parties or the bids otherwise made public and action to purchase will be taken.

Specifications and bid forms may be obtained from the St. Cloud Technical College, Administrative Affairs/Business Office, 1540 Northway Drive, St. Cloud, MN (320) 308-5512.

Colleges and Universities, Minnesota State (MnSCU)**Winona State University****Request for Sealed Bids for an Atomic Force Microscope System**

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for an Atomic Force Microscope System.

Bid specifications will be available August 1, 2005 from the Winona State University Purchasing Department, P.O. Box 5838, 205 Somsen Hall, Winona, MN 55987 by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt at P.O. Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 p.m. August 15, 2005.

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

Department of Commerce**Energy Division****State Energy Office****Notice of Request for Proposals for Community Wind Energy Projects**

The *Minnesota Department of Commerce, State Energy Office* is authorized by the Legislative Commission on Minnesota Resources under *Minnesota Law 2005, First Special Session, Chapter 1, Article 2, Section 11, Subdivision 10(a)*, in part, to provide financial assistance for the development of community wind energy projects from the Environment and Natural Resources Trust Fund.

NOTICE IS HEREBY GIVEN that the State Energy Office is requesting proposals for two rebates of \$200,000 each for new grid-connected community wind energy projects of 900 kilowatts or larger to be installed, interconnected, and operating with a Minnesota electric utility by June 30, 2007. Community projects are defined as owned by one or more non-taxable and non-profit entities, including but not limited to units of Minnesota government, educational institutions, tribal governments, or non-governmental organizations. The total rebate funding pool is \$400,000 but this Request for Proposals does not obligate the agency to spend the total amount. For information materials contact:

Wind Rebate Application Materials

Energy Information Center

Minnesota Department of Commerce

85 7th Place East, Suite 500

St. Paul, MN 55101

Telephone: (651) 296-5175 (metro)

Toll-free: (800) 657-3710 (Minnesota toll free)

E-mail: Energy.info@state.mn.us

Website: www.commerce.state.mn.us (follow links to) Energy Info Center > Wind > Rebate

Deadline for receipt of proposals is 4:30 PM , Thursday 6 October 2005.

State Contracts

Department of Natural Resources

Request for Proposals to Prepare and Execute a Study of Annual Recreational Fuel Consumption by All-Terrain Vehicles

The Minnesota Department of Natural Resources (DNR)—in cooperation with the Department of Transportation (DOT) and Department of Revenue (DOR)—is requesting proposals from qualified firms and individuals to conduct a study of annual recreational gas consumption by all-terrain vehicles (ATVs). The study will involve surveys of ATV owners.

The study will provide information to the Minnesota Legislature on the allocation of gasoline-tax dollars to all-terrain vehicle programs. A previous study was done in 1984 (“Three-Wheel Off-Road Vehicle Gasoline Consumption in Minnesota”), and this study will provide an update of that study. However, the methodology used in 1984 should not be replicated today for a variety of reasons, including current ATV-registration requirements. Thus, a different methodology will need to be developed.

The goals of the project are (1) to estimate annual recreational gas consumption by all-terrain vehicles (ATVs), and (2) to provide information to allocate gas-consumption among different ATV-facility types. These estimates will be derived from ATV-owner surveys. The contractor will need to decide whether it is best to accomplish both goals in one survey or to have a separate survey for each goal. The contractor will need to propose methods to contact ATV owners. In the past, mail surveys have worked well for recreational-vehicle gas-consumption studies.

Prospective respondents who have any questions regarding this request for proposals, or who would like to obtain a more detailed description of this project, may call or write:

Tim Kelly
Minnesota Department of Natural Resources, OMBS, Box 10
500 Lafayette Road
St. Paul, Minnesota 55155-4010
Telephone: (651) 296-4892
E-mail: tim.kelly@dnr.state.mn.us

All proposals must be sent to and received by Mr. Kelly no later than 2:00 p.m. Central Daylight Time, August 26, 2005.

All final deliverables from this project will be submitted to Mr. Kelly by April 30, 2006.

It is estimated that the cost of this project should not exceed \$65,000.

Office of the Minnesota Secretary of State

Request for Proposals for Help America Vote Act (HAVA) Compliant Voting Equipment

The Office of the Secretary of State is soliciting proposals from interested, qualified vendors for voting equipment and systems that comply with the provisions of the Help America Vote Act and other laws, rules and guidelines issued in association with that Act, to be purchased by counties on behalf of local and municipal government units.

Proposals must be delivered to Lea Halverson at Department of Administration, Materials Management Division, 50 Sherburne Avenue, 112 Administration Building, St. Paul, MN 55155, by September 6, 2005, at 3:00 p.m.

A full Request for Proposal will be available on the Minnesota Department of Administration Materials Management Division website after August 1, 2005: www.mmd.admin.state.mn.us

For further information, please contact:

Lea Halverson, Acquisition Management Specialist
Department of Administration
Materials Management Division
50 Sherburne Avenue
112 Administration Building
St. Paul, MN 55155
Telephone: (651) 296-2546
Fax: (651) 297-3996
E-mail: Lea.halverson@state.mn.us

Other State personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

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

Department of Transportation (MnDOT) 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.

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 (MnDOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities

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

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

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.

Metropolitan Airports Commission

Request for Qualifications for Noise Consulting Services

The Metropolitan Airports Commission invites a Submittal of Qualifications for noise consulting services for the Metropolitan Airport Commission's system of airports including Minneapolis-St. Paul International Airport. Support services are required but not limited to: noise studies including 14 CFR Part 150 and 14 CFR Part 161, various noise monitoring and analyses efforts, National Environmental Policy Act (NEPA) and Minnesota Environmental Policy Act (MEPA) analyses and document development, and GIS analysis support.

Deadline for receipt of statement of qualifications submittals is August 26, 2005.

A copy of the invitation is available from Mr. Chad E. Leqve, Manager – Aviation Noise and Satellite Programs, Metropolitan Airports Commission, 6040 28th Avenue South, Minneapolis, MN 55450, (612) 725-6326.

Metropolitan Airports Commission

Public Notice for Qualifications Statements for Legal Services

The Metropolitan Airports Commission (MAC) is requesting qualifications statements from firms or persons interested in representing MAC as non-felony prosecution outside counsel as set forth in the Request for Qualifications, which is available for review at the Commission's General Office.

To request a copy of the "Request for Qualifications for Non-Felony Prosecution Legal Services" which outlines the selection process, contact the Legal Department of the MAC at (612) 726-8192. The qualifications statements are due on or before 4:00 p.m. on August 30, 2005.

University of Minnesota

Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24 hour/day, 7day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

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