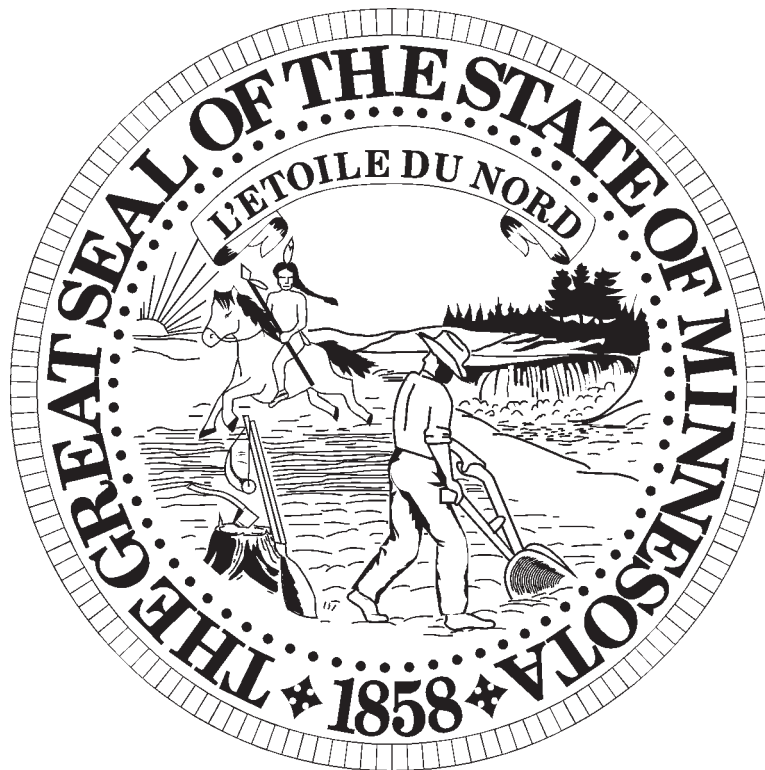


State of Minnesota

State Register



**Rules, Executive Orders, Appointments,
Commissioners' Orders, Revenue Notices, Official Notices, Grants,
State Contracts & Loans, Non-State Bids, Contracts & Grants**

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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:

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- state grants and loans
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# 14	Monday 1 October	Noon Tuesday 25 September	Noon Wednesday 19 September
# 15	Monday 8 October	Noon Tuesday 2 October	Noon Wednesday 26 September
# 16	Monday 15 October	Noon Tuesday 9 October	Noon Wednesday 3 September

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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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

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

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

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

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 Pollution Control Agency

Industrial Division

Proposed Amendments to Rules Governing Underground Storage Tanks, *Minnesota Rules*, Chapter 7150

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

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Thursday, October 25, 2007, public video-conference hearings will be held at the MPCA office locations listed below from 6:00 p.m. to 8:30 p.m. on Wednesday, November 28, 2007 and from 9:00 a.m. to 4:30 p.m. on Thursday, November 29, 2007. The Administrative Law Judge may elect to close the hearing sooner than the listed time on each day if no more speakers are present. 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 October 25, 2007 and before November 28, 2007. All visitors to MPCA offices will be asked to sign-in and must provide photo identification, such as a driver's license, for building security purposes.

Proposed Rules

The hearing will be held in the 4th Floor Video Conference Room at the MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155.

The hearing can be viewed through video conference links at the following locations:

MPCA-St. Paul: 1st Floor Conference Room, 520 Lafayette Road North, St. Paul, Minnesota 55155

MPCA-Duluth: 525 Lake Avenue South, Suite 400, Duluth, Minnesota 55802

MPCA-Brainerd: 7678 College Road-Suite 105, Baxter, Minnesota 55802

MPCA-Willmar: 1601 East Highway 12, Suite 1, Willmar, Minnesota 56201

MPCA-Marshall: 1420 East College Drive, Suite 900, Marshall, Minnesota 56258

MPCA-Mankato: 1230 South Victory Drive, Mankato, Minnesota 56001

MPCA-Rochester: 18 Wood Lake Drive Southeast, Rochester, Minnesota 55904

MPCA-Detroit Lakes: 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota 56501

Video conference links are provided for the convenience of the public and are designed to allow the public an opportunity to participate in the hearings (i.e., provide testimony and enter relevant documents into the rule record). The 4th Floor Video Conference Room location in St. Paul will be the location of the hearing of record. The MPCA will be able to display any written documents presented at the hearing at all video conference sites. The hearing will not be rescheduled in the event that the video conferencing links to one or more regional offices fails.

The MPCA will post any exhibit that it intends to use or reference at the hearing on its website no later than noon on November 19, 2007.

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: Chris Bashor, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155-4194, (651) 297-8618. TTY users may call the MPCA teletypewriter at (651) 282-5332.

Subject of Rules. The proposed amendments are to MPCA rules governing the operation of regulated Underground Storage Tanks (USTs) in Minnesota. The purpose of these rules is to prevent the improper design, installation, use, maintenance and closure of USTs and their appurtenances such as piping and dispensers, which could adversely affect water quality and the public health, safety, and general welfare through releases of petroleum or hazardous materials to the land, groundwater, and surface waters of the state.

Statutory Authority. The statutory authority to adopt the rules is *Minnesota Statutes*, section 116.49.

Rule Availability. The proposed changes to Minnesota Rules Chapter 7150 are published in the State Register or they can be viewed on the MPCA Web site at <http://www.pca.state.mn.us/news/index.html> or <http://www.pca.state.mn.us/rulesregs/ust-rules.html>. A free copy of the proposed rules is available upon request by contacting Wendy Gardner-Pritchard at (651) 296-3960. Only one copy will be sent per request.

Comments. You have until 4:30 p.m. on Thursday, October 25, 2007, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the MPCA contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m. on Thursday, October 25, 2007. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the

Proposed Rules

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

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

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

Cancellation of Hearing. The hearing scheduled for November 28 and 29, 2007, will be canceled if the MPCA does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the MPCA contact person at (651) 297-8618 after October 25, 2007 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Richard C. Luis is assigned to conduct the hearing. Judge Luis can be reached at the Office of Administrative Hearings, P.O. Box 64620, St. Paul, Minnesota 55164-0620. Requests for a direct number or fax number for Judge Luis should be routed through the Office of Administrative Hearings general telephone number (651) 361-7900.

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

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

Statement of Need and Reasonableness. The MPCA has prepared a Statement of Need and Reasonableness (SONAR). This SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The SONAR is now available for viewing in the MPCA library in the St. Paul Office, 520 Lafayette Road North, St. Paul, MN 55155. You may obtain a copy of the SONAR from the MPCA for the cost of reproduction by contacting Wendy Gardner Pritchard at (651) 296-3960. The SONAR is also available on the MPCA's Web site at:

<http://www.pca.state.mn.us/news/index.html> or <http://www.pca.state.mn.us/rulesregs/ust-rules.html>.

Request to Have MPCA Board Make Decision on Rule if No Hearing is Required. If a hearing is required, the MPCA Board will make the final decision on whether to adopt the proposed rules. If no hearing is required, you may submit a petition to the MPCA Commissioner or an MPCA Board member to have the MPCA Board make the decision on whether to adopt the proposed rule amendments by following the procedures in *Minnesota Rules* part 7000.0650, subpart 3. Your request must be in writing, must state to whom it is directed, identify the matter that the person would like placed on the agenda and the reasons for placing it on the agenda. The petition must be received by the MPCA contact person at least 21 days before the meeting during which the petitioner would like the matter to be considered. The schedule of MPCA Board meetings is available at <http://www.pca.state.mn.us/about/board/index.html> or by

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contacting the MPCA contact person Chris Bashor. Requests received after the MPCA Commissioner has made a decision on whether to approve the rules will not be considered. The Commissioner is anticipated to make a decision on or about November 27, 2007 whether to approve the rules. Under *Minnesota Statutes*, section 116.02 where a hearing is not required, the MPCA Board will only make the decision on the rule if the MPCA Commissioner grants a petition or if an MPCA Board member makes a timely request that the decision be made by the MPCA Board.

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

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 Chris Bashor.

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

Dated: September 7, 2007

Brad Moore, Commissioner
Minnesota Pollution Control Agency

7150.0010 APPLICABILITY.

Subpart 1. **Scope.** The requirements of this chapter apply to all owners and operators of an underground storage tank system as defined in part 7150.0030, except as otherwise provided in this ~~subpart and subparts 2 and 3~~ part. ~~Any underground storage tank system listed in subpart 3 must meet the requirements of part 7150.0020.~~

Subp. 2. **Exclusions.** The following underground storage tank systems are excluded from the requirements of this chapter:

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

M. a flow-through process tank; ~~and~~

N. a storage tank situated in an underground area such as a basement, cellar, mineworking, drift, shaft, or tunnel if the storage tank is located upon or above the surface of the floor;

O. an oil-water separator;

P. underground storage tank systems containing radioactive material that are regulated under the Atomic Energy Act of 1954, United States Code, title 42, sections 2011 to 2296;

Q. an underground storage tank system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under *Code of Federal Regulations*, title 10, part 50, Appendix A; and

R. airport hydrant fuel distribution systems.

Subp. 3. [See repealer.]

Subp. 4. ~~Release detection deferrals~~ **Emergency power generator tanks.** Parts 7150.0300 to ~~7150.0350~~ 7150.0340 and 7150.0450, ~~subpart 3, item D,~~ do not apply to an underground storage tank system that stores fuel solely for use by emergency power generators.

Subp. 5. ~~Heating oil underground storage tank deferrals~~ **tanks.** Parts ~~7150.0100 to 7150.0440, except 7150.0120, subparts 2 and 6, do not~~ 7150.0010; 7150.0030; 7150.0090, subparts 1, 2, 4, and 6; 7150.0100, subparts 7, 9, and 10; 7150.0205, subparts 1 to 4; and ~~7150.0215~~ apply to an underground storage tank system of over 1,100 gallons capacity used exclusively for storing heating oil for consumptive use on the premises where stored.

7150.0030 DEFINITIONS.

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

Subp. 3. **Appurtenances.** "Appurtenances" means devices such as piping, fittings, flanges, valves, dispensers, and pumps used to distribute, meter, or control the flow of regulated substances to or from an underground storage tank.

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

Subp. 6. **Cathodic protection tester.** “Cathodic protection tester” means a person who ~~can demonstrate~~ has demonstrated an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems, by passing a cathodic protection test given by the National Association of Corrosion Engineers or the Steel Tank Institute. ~~At a minimum,~~ Such persons must also have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

Subp. 7. **Change in service status.** “Change in service status” means a permanent removal from service or a change in the reported uses, contents, or ownership of an underground storage tank under *Minnesota Statutes*, section 116.48, subdivision 3, ~~or an upgrade under this chapter~~ including temporary closure of 90 days or more and change to storage of a nonregulated substance.

Subp. 8. **Permanent closure or removal.** “Permanent closure” or “removal” means permanently taking an underground storage tank out of service by either closing it in place; or removing it from the ground, ~~or converting it to store a nonregulated substance as required by this chapter.~~

Subp. 9. **Commissioner.** “Commissioner” means the commissioner of the Minnesota Pollution Control Agency.

Subp. 10. **Compatible.** “Compatible” means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another ~~for the design life of the tank system~~ under conditions likely to be encountered in the underground storage tank system.

Subp. 11. **Connected piping.** “Connected piping” means underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to an individual underground storage tank system, the piping that joins two underground storage tank systems ~~should be~~ is allocated equally between them.

[For text of subps 12 to 14, see M.R.]

Subp. 14a. **Dispenser.** “Dispenser” means equipment that is used to transfer a regulated substance from underground piping, through a rigid or flexible hose or piping located above ground, to a point of use outside of the underground storage tank system, such as a motor vehicle.

[For text of subps 15 and 16, see M.R.]

Subp. 17. [See repealer.]

[For text of subps 18 to 21, see M.R.]

Subp. 22. **Hazardous material.** “Hazardous material” means:

A. a substance listed in Code of Federal Regulations, title 40, part 302, including petroleum constituents under subpart 36, item C, but not including:

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

B. any mixture of substances identified in item A and petroleum, unless the amount of the substance identified in item A is de minimus. Substances identified in items A and B which also meet the definition of petroleum are considered hazardous materials.

[For text of subps 23 to 25, see M.R.]

Subp. 25a. **Lessee.** “Lessee” means a person who leases an underground storage tank system. A lessee is also an operator if the lessee is in control of the daily operation of the underground storage tank system.

[For text of subp 26, see M.R.]

Subp. 27. **Motor fuel.** “Motor fuel” means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or 2 diesel fuel, biodiesel, or any grade of gasohol, and is typically used in the operation of a motor engine.

Subp. 28. [See repealer.]

[For text of subps 29 and 30, see M.R.]

Subp. 31. **Operational life.** “Operational life” means the period beginning when installation of the tank system has begun until the time the tank system is ~~properly permanently~~ permanently closed under ~~parts 7150.0400 to 7150.0440~~ part 7150.0410.

[For text of subps 32 to 35, see M.R.]

Subp. 36. **Petroleum.** “Petroleum” means one of the following substances:

A. diesel fuel oil, gasoline, and heating fuel oil as defined in Minnesota Statutes, section ~~296.01, subdivisions 18 and 21~~ 296A.01, subdivisions 14, 23, and 26;

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

[For text of subps 37 to 42, see M.R.]

Subp. 43. **Repair.** “Repair” means the correction; ~~or restoration, modification, or upgrading to operating condition of a~~ an underground storage tank system, ~~including, but not limited to, the addition of cathodic protection systems, the replacement of piping, valves, fill pipes or vents, the lining of a tank through the application of materials such as epoxy resins, or any other similar activities that may affect the integrity of the tank system or appurtenance.~~ “Piping repair” includes installation of a single run of up to ten feet of new piping to replace existing piping. Piping repair involving installation of a single run of more than ten feet of new piping to replace existing piping constitutes

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replacement. “Dispenser repair” includes installation of a new dispenser to replace an existing dispenser so long as work is performed entirely on or above any shear valves and check valves. Installation of a new dispenser to replace an existing dispenser constitutes replacement if the work is performed beneath any shear valves or check valves or on any flexible connectors or unburied risers.

Subp. 43a. **Replace or replacement.** “Replace” or “replacement” means the installation of a new underground storage tank or appurtenance in substantially the same location as another tank or appurtenance in lieu of that tank or appurtenance, not including installation of new piping in connection with certain repairs as described in subpart 43.

Subp. 44. **Residential tank.** “Residential tank” means a tank located on property used primarily for dwelling purposes.

Subp. 44a. **Secondary containment tank or secondary containment piping.** “Secondary containment tank” or “secondary containment piping” means a tank or piping that:

A. is designed with an inner primary shell and a liquid-tight outer secondary shell or jacket that extends around the entire inner shell;

B. is designed to contain any leak through the primary shell from any part of the tank or piping that routinely contains a regulated substance; and

C. allows for monitoring of the interstitial space between the shells and detection of any leak.

[For text of subs 45 to 51, see M.R.]

Subp. 52. [See repealer.]

[For text of subp 53, see M.R.]

7150.0090 NOTIFICATION AND CERTIFICATION.

Subpart 1. **Prenotification.** At least ten days before beginning any of the following activities, owners and operators must notify the commissioner in the manner prescribed by the commissioner of their intent to perform the activity:

- A. installation or replacement of an underground storage tank system, including tanks, piping, or dispensers;
- B. permanent closure of an underground storage tank system;
- C. change in status of an underground storage tank system to storage of a nonregulated substance; and
- D. inspection of an internally lined tank.

Subp. 2. **Notification of installation, replacement, or change in status.** An owner or operator who brings an underground storage tank system, including tanks, piping, or dispensers, into use or makes a change in status must, within 30 days of bringing such tank system into use or making a change in status, submit to the agency, in the manner prescribed by the commissioner, a notice of the existence of such tank system or type of change in status, including the information required by *Minnesota Statutes*, section 116.48, subdivisions 1 and 3.

Subp. 3. **Certification by owners and operators.** Owners and operators of new and replacement underground storage tank systems, including tanks, piping, and dispensers, must sign and certify in the notification form compliance with the following requirements:

- A. installation of tanks, piping, and dispensers according to parts 7150.0100 and 7150.0205, including secondary containment of new and replacement tanks, piping, and dispensers;
- B. financial responsibility under *Code of Federal Regulations*, title 40, part 280, subpart H; and
- C. release detection according to parts 7150.0300 to 7150.0340.

Subp. 4. **Certification by installers.** Owners and operators of new and replacement underground storage tank systems, including tanks, piping, or dispensers, must ensure that the installer signs and certifies in the notification form that:

- A. all work was performed as specified by the manufacturer’s instructions;
- B. all work was performed according to the applicable codes of practice in part 7150.0205;
- C. all work was performed according to applicable state and federal regulations, including this chapter; and
- D. the installer is in compliance with certification requirements imposed by chapter 7105.

Subp. 5. **Notification of cathodic protection testing.** Owners and operators of underground storage tank systems with cathodic protection must notify the agency, or ensure that a cathodic protection tester notifies the agency, of the results of testing of cathodically protected tanks and piping as required by part 7150.0215, within 30 days of completion of testing, in the manner prescribed by the commissioner.

Subp. 6. **Notification of tank sale.** A person who sells a tank intended to be used as an underground storage tank or property that the seller knows contains an underground storage tank must notify the purchaser of the tank in writing prior to closing the transaction of the new owner’s notification obligations under subpart 2 and *Minnesota Statutes*, section 116.48.

Subp. 7. **Notification of tank purchase.** A person who purchases property that the purchaser knows contains an underground storage tank system must notify the commissioner within 30 days after closing the transaction, pursuant to subpart 2. The notification shall include the change in ownership and verify that all operators, including lessees, have read this chapter and have sufficient knowledge in the operation and maintenance of underground storage tank systems.

7150.0100 PERFORMANCE STANDARDS FOR NEW UNDERGROUND STORAGE TANK SYSTEMS.

Subpart 1. **Purpose.** To prevent releases due to structural failure, corrosion, or spills and overfills for as long as the underground storage tank system is used to store regulated substances, all owners and operators of new underground storage tank systems must meet the requirements in subparts ~~2 to 8~~ 7 to 14.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. **Installation.** All ~~tanks and piping~~ underground storage tank systems must be properly installed according to the manufacturer's instructions and one of the following codes of practice developed by a nationally recognized association or independent testing laboratory. The codes are incorporated by reference under part 7150.0500:

A. American Petroleum Institute ~~1615~~, Installation of Underground Petroleum Storage Systems, API 1615 (1996);

B. Petroleum Equipment Institute ~~RP-100~~, Recommended Practices for Installation of Underground Liquid Storage Systems, RP100 (2005);

C. American National Standards Institute ~~B31.3~~, Chemical Plant and Petroleum Refinery Society of Mechanical Engineers, Process Piping, B31.3 (2005); or

D. American National Standards Institute ~~B31.4~~, Liquid Society of Mechanical Engineers, Pipeline Transportation Systems for Liquid Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia and Alcohols and Other Liquids, B31.4 (2006).

Subp. 8. [See repealer.]

Subp. 9. **Compatibility.** Owners and operators must use underground storage tank systems, spill catchment basins, submersible pump sumps, and dispenser sumps made of or lined with materials that are compatible with the substance stored in the underground storage tank system. Owners and operators storing alcohol blends may use the following guidance to comply with the requirements of this part: American Petroleum Institute, Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations, API 1626 (1985). The document is incorporated by reference under part 7150.0500.

Subp. 10. **Repairs allowed.** Owners and operators of underground storage tank systems must ensure that repairs will prevent releases due to structural failure or corrosion as long as the underground storage tank system is used to store regulated substances. The owner and operator shall ensure that the person performing the repairs has been certified under chapter 7105. The repairs must meet the requirements in items A to E.

A. Repairs to underground storage tank systems must be properly conducted according to one of the following codes of practice developed by a nationally recognized association or independent testing laboratory. The codes are incorporated by reference under part 7150.0500:

(1) National Fire Protection Association, Flammable and Combustible Liquids Code, NFPA 30 (2003);

(2) American Petroleum Institute, Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines, API RP 2200 (1994);

(3) American Petroleum Institute, Interior Lining and Periodic Inspection of Underground Storage Tanks, API 1631 (2001); or

(4) American Petroleum Institute, Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API 1632 (1996).

B. If metal pipe sections are found to have pitting type corrosion damage, or if metal or fiberglass reinforced plastic pipe sections have released a regulated substance, then the entire piping segment between the tank and any dispensers must be replaced with secondary containment piping according to part 7150.0205, subpart 3, item D. Piping may be repaired and the entire segment need not be replaced if:

(1) the piping is already secondarily contained; or

(2) a release is due to an external, onetime cause such as damage during excavation activity.

C. Within 30 days after completion of a tank repair, the tank must pass either a tightness test in accordance with part 7150.0330, subpart 4, or a tightness test at a 0.1 gallon per hour leak rate using equipment for automatic tank gauging. Within 30 days after completion of a piping repair, the piping must pass a tightness test in accordance with part 7150.0340, subpart 3.

D. Within six months after the repair of a cathodic protection system, the cathodic protection system must be tested according to part 7150.0215 to ensure that it is operating properly.

E. Cathodic protection systems must be repaired by a corrosion expert.

Subp. 11. **Spill and overflow release prevention.**

A. Owners and operators must ensure that releases due to spilling or overfilling do not occur. The owner or operator must ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling. One of the following codes of practice developed by a nationally recognized association or independent testing laboratory must be used to comply with this subpart. The codes are incorporated

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by reference under part 7150.0500:

- (1) National Fire Protection Association, Flammable and Combustible Liquids Code, NFPA 30 (2003);
- (2) National Fire Protection Association, Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA 385 (2007); or
- (3) American Petroleum Institute, Bulk Liquid Stock Control at Retail Outlets, API 1621 (1987).

B. The owner and operator must report, investigate, and clean up any spills and overfills according to *Minnesota Statutes*, section 115.061.

Subp. 12. **Sump and basin maintenance.** Spill catchment basins, submersible pump sumps, and dispenser sumps shall have liquid-tight sides and bottom and be maintained free of storm water and debris. Regulated substances spilled to any spill catchment basin, submersible pump sump, or dispenser sump shall be immediately removed.

Subp. 13. **Shear valves.** All shear valves shall be securely anchored.

Subp. 14. **Drop tubes.** All underground storage tanks shall have a drop tube that extends to within 12 inches of the tank bottom.

7150.0205 DESIGN AND CONSTRUCTION.

Subpart 1. **Tanks.** Each tank must be properly designed and constructed and any part underground that routinely contains product must be protected from corrosion using one of the following methods, except that all hazardous materials tanks and all tanks, other than heating oil tanks, installed or replaced after December 22, 2007, must comply with item D. The corrosion protection methods must be in accordance with one of the codes of practice in subpart 2 developed by a nationally recognized association or independent testing laboratory.

A. The tank is constructed of fiberglass-reinforced plastic.

B. The tank is constructed of steel and cathodically protected in the following manner:

- (1) the tank is coated with a suitable dielectric material;
- (2) field-installed cathodic protection systems are designed by a corrosion expert;
- (3) impressed current systems are designed to allow determination of current operating status as required in part 7150.0215, subpart 3, item A; and

(4) cathodic protection systems are operated and maintained according to part 7150.0215.

C. The tank is constructed of a steel and fiberglass-reinforced plastic composite.

D. The tank is secondarily contained.

(1) Secondary containment tanks shall use one of the following designs:

- (a) the tank is of double-walled fiberglass-reinforced plastic construction;
- (b) the tank is of double-walled steel construction, with cathodic protection of the outer wall meeting the requirements of item B;
- (c) the tank is of double-walled steel construction with a fiberglass-reinforced plastic jacket; or
- (d) the tank is of single-walled steel construction with a fiberglass-reinforced plastic jacket, which is designed to contain and detect a leak through the steel wall.

(2) All secondary containment tanks shall be capable of containing a release from the inner wall of the tank and shall be designed with release detection according to part 7150.0330, subpart 6.

(3) If a tank is replaced in accordance with this item, all piping appurtenant to the tank shall comply with subpart 3, item D.

E. The tank is internally lined.

(1) A tank with an internal lining as the sole method of corrosion protection shall be internally inspected and evaluated within ten years after lining, and every five years thereafter, and found to be structurally sound with the lining still performing according to original design specifications, as follows:

(a) internal inspections and evaluations shall be conducted in accordance with American Petroleum Institute, *Interior Lining and Periodic Inspection of Underground Storage Tanks*, API 1631 (2001), incorporated by reference under part 7150.0500;

(b) lining inspectors shall be approved by the manufacturer of the lining, if an approval process exists, or shall be qualified by reason of training and experience in the application and inspection of type of internal lining to be inspected;

(c) the owner, operator, or lining inspector shall notify the commissioner at least ten days prior to performing an inspection according to part 7150.0090, subpart 1;

(d) inspections shall include thorough cleaning of the lining; visual inspection of the lining for cracking, blistering, perforation, disbonding, and excessive wear; ultrasonic thickness testing (steel tanks only); holiday (spark) testing for lining continuity; lining thickness measurement; lining hardness testing; and representative photographs of internal surfaces;

(e) inspections shall be primarily by manned entry. Video camera observation alone is not allowed;

(f) minor abnormal conditions of the lining, such as short cracks or localized disbonding, may be repaired, so long as the conditions do not constitute more than five percent of the lining surface area and the repairs will return the lining to substantially the original design specifications;

(g) if a repair to the tank or to the internal lining as allowed under unit (f) is performed, the tank must pass a tightness test at a 0.1

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gallon per hour leak rate using equipment for automatic tank gauging or another test method, prior to or within 30 days after returning the tank to service;

(h) a written inspection report shall be produced that describes the results of all tests and evaluations required by unit (d), and the results of tightness testing under unit (g). The report shall identify any abnormal conditions found during the inspection and the measures taken to correct the conditions. The inspector shall certify in the report that, in the professional judgment of the inspector, the tank is structurally sound, the lining is performing according to original design specifications, and the tank and lining will maintain their integrity for at least five years under the anticipated conditions of use; and

(i) the inspection report under unit (h) shall be submitted to the commissioner within 60 days of the internal inspection.

(2) A tank with an internal lining as the sole method of corrosion protection shall be permanently closed and site assessment completed according to parts 7150.0410 and 7150.0420 if at any time the lining is found to have failed. Lining failure is defined as any abnormal conditions other than minor abnormal conditions described in subitem (1), unit (f). The lining may not be replaced, nor may such a tank be upgraded with cathodic protection or another corrosion protection method to meet the requirements of this subpart.

F. The tank construction and corrosion protection are determined by the commissioner to be designed to prevent the release or threatened release of a stored, regulated substance in a manner that is no less protective of human health and the environment than items A to E. The commissioner's determination under this item must be obtained in writing and the owners and operators must keep the determination for the life of the tank.

Subp. 2. Codes of practice for tanks. Codes of practice for subpart 1 are described in items A to E. The codes are incorporated by reference under part 7150.0500.

A. The following codes of practice apply to subpart 1, item A:

(1) Underwriters Laboratories, Standard for Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures, UL 1316 (2006); or

(2) Underwriters' Laboratories of Canada, Standard for Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids, ULC-S615-98 (1998).

B. The following codes of practice apply to subpart 1, item B:

(1) Steel Tank Institute, Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks, STI-P3 (2006);

(2) Underwriters Laboratories, Standard for Safety for External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746 (2007);

(3) Underwriters' Laboratories of Canada, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, CAN/ULC-S603.1-03 (2003);

(4) Underwriters' Laboratories of Canada, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, CAN/ULC-S603-00 (2000);

(5) Underwriters' Laboratories of Canada, Isolating Bushings for Steel Underground Tanks Protected with External Corrosion Protection Systems, ULC-S631-05 (2005);

(6) National Association of Corrosion Engineers, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, RP0285-2002 (2002); or

(7) Underwriters Laboratories, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, UL 58 (1996).

C. The following codes of practice apply to subpart 1, item C:

(1) Underwriters Laboratories, Standard for Safety for External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746 (2007); or

(2) Steel Tank Institute, ACT-100 Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks, STI F894 (2006).

D. The following codes of practice apply to subpart 1, item D:

(1) Underwriters Laboratories, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, UL 58 (1996);

(2) Underwriters Laboratories, Standard for Safety for External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746 (2007);

(3) Steel Tank Institute, Recommended Practice for Interstitial Tightness Testing of Existing Underground Double Wall Steel Tanks, RP012 (2006); and

(4) Steel Tank Institute, Standard for Dual Wall Underground Steel Storage Tanks, STI F841 (2006).

E. The following code of practice applies to subpart 1, item E: American Petroleum Institute, Interior Lining and Periodic Inspection of Underground Storage Tanks, API 1631 (2001).

Subp. 3. Piping. The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion using one of the following methods, except that all hazardous materials piping and all piping, other than heating oil piping, installed or replaced after December 22, 2007, other than piping that conveys regulated substances under safe

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suction meeting the design requirements of part 7150.0300, subpart 6, item B, subitem (2), shall comply with item D. The corrosion protection methods in items A to D must be in accordance with one of the codes of practice in subpart 4 developed by a nationally recognized association or independent testing laboratory.

A. The piping is constructed of fiberglass-reinforced plastic.

B. The piping is constructed of steel and cathodically protected in the following manner:

(1) the piping is coated with a suitable dielectric material;

(2) field-installed cathodic protection systems are designed by a corrosion expert;

(3) impressed current systems are designed to allow determination of current operating status as required in part 7150.0215, subpart 3, item A; and

(4) cathodic protection systems are operated and maintained according to part 7150.0215.

C. The piping is constructed of a steel and fiberglass-reinforced plastic composite.

D. The piping is secondarily contained.

(1) Secondary containment piping shall use one of the following designs:

(a) the piping is of double-walled fiberglass-reinforced plastic construction;

(b) the piping is of double-walled steel construction, with cathodic protection of the outer wall meeting the requirements of item B;

(c) the piping is of double-walled steel construction with a fiberglass-reinforced plastic jacket;

(d) the piping is of single-walled steel construction with a fiberglass-reinforced plastic jacket, which is designed to contain and detect a leak through the steel wall; or

(e) the piping is of double-walled nonmetallic flexible construction.

(2) All secondary containment piping shall be capable of containing a release from the inner wall of the piping and shall be designed with release detection according to part 7150.0340, subpart 4.

E. The piping is of single-walled nonmetallic flexible construction.

F. The piping construction and corrosion protection are determined by the commissioner to be designed to prevent the release or threatened release of a stored regulated substance in a manner that is no less protective of human health and the environment than the requirements of items A to D. The commissioner's determination under this item must be obtained in writing and the tank owners and operators must keep the determination for the life of the tank.

Subp. 4. Codes of practice for piping. Codes of practice for subpart 3 are described in items A and B. The codes are incorporated by reference under part 7150.0500.

A. The following codes of practice apply to subpart 3, item A:

(1) Underwriters Laboratories, Emergency Breakaway Fittings, Swivel Connectors and Pipe-Connection Fittings for Petroleum Products and LP-Gas, UL 567 (2004);

(2) Underwriters' Laboratories of Canada, Standard for Flexible Underground Hose Connectors for Flammable and Combustible Liquids, CAN/ULC-S633-99 (1999); or

(3) Underwriters' Laboratories of Canada, Guide for Glass-Fiber-Reinforced Plastic Pipe and Fittings for Flammable Liquids, ULC Subject C107C-M1984 (1984).

B. The following codes of practice apply to subpart 3, item B:

(1) National Fire Protection Association, Flammable and Combustible Liquids Code, NFPA 30 (2003);

(2) American Petroleum Institute, Installation of Underground Petroleum Storage Systems, API 1615 (1996);

(3) American Petroleum Institute, Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API 1632 (1996); or

(4) National Association of Corrosion Engineers, Control of External Corrosion on Underground or Submerged Metallic Piping Systems, SP0169-2007 (2007).

Subp. 5. Spill and overflow prevention equipment.

A. Except as provided in item B, to prevent spilling and overflowing associated with product transfer to the underground storage tank system, owners and operators must use the following spill and overflow prevention equipment:

(1) spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe, for example, a spill catchment basin; and

(2) overflow prevention equipment that will:

(a) automatically shut off flow into the tank when the tank is no more than 95 percent full; or

(b) alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm audible to the transfer operator.

B. Owners and operators are not required to use the spill and overflow prevention equipment specified in item A if:

(1) alternative equipment is used that is determined by the commissioner to be no less protective of human health and the environment than the equipment specified in item A; or

(2) the underground storage tank system is filled by transfers of no more than 25 gallons at one time.

The commissioner's determination under subitem (1) must be obtained in writing and the tank owners and operators must keep the determination for the life of the tank.

Subp. 6. Submersible pumps.

A. After December 22, 2007, any new or replacement submersible pump, including replacement pump head, shall be provided with secondary containment around and beneath the pump head. Secondary containment shall be:

(1) designed to contain a release from the pump head and any connectors, fittings, and valves beneath the pump head until the release can be detected and removed;

(2) designed with liquid-tight sides, bottom, cover, and points of piping penetration;

(3) constructed of fiberglass-reinforced plastic or other synthetic material of comparable thickness and durability; and

(4) compatible with the stored substance.

B. The following code of practice may be used to meet the requirements of this subpart, as applicable: Underwriters' Laboratories of Canada, Under-Dispenser Sumps, ULC/ORD-C107.21-1992 (1992). The code is incorporated by reference under part 7150.0500.

Subp. 7. Dispensers.

A. After December 22, 2007, any new dispenser, and any replacement dispenser where work is performed beneath any shear valves or check valves or on any flexible connectors or unburied risers, shall be provided with secondary containment beneath the dispenser. Secondary containment shall be:

(1) designed to contain a release from the dispenser and any connectors, fittings, and valves beneath the dispenser until the release can be detected and removed;

(2) designed with liquid-tight sides, bottom, and points of piping penetration;

(3) constructed of fiberglass-reinforced plastic or other synthetic material of comparable thickness and durability; and

(4) compatible with the stored substance.

B. The following code of practice shall be used to meet the requirements of this subpart: Underwriters' Laboratories of Canada, Under-Dispenser Sumps, ULC/ORD-C107.21-1992 (1992). The code is incorporated by reference under part 7150.0500.

7150.0215 OPERATION AND MAINTENANCE OF CATHODIC PROTECTION.

Subpart 1. **General.** Cathodic protection systems must be operated and maintained to continuously provide cathodic protection to the metal components of the parts of the tank and piping that routinely contain regulated substances and are in contact with the ground.

Subp. 2. **Sacrificial anode systems.** Sacrificial anode cathodic protection systems must be tested for proper operation according to the following requirements:

A. systems must be tested by a cathodic protection tester within six months of installation and at least every three years thereafter, and within six months after any repairs and at least every three years thereafter;

B. the criteria that are used to determine that cathodic protection is adequate as required by this subpart must be according to National Association of Corrosion Engineers, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, RP0285-2002 (2002), incorporated by reference under part 7150.0500; and

C. systems designed with external testing stations must be tested using a voltmeter according to this subpart, but do not require testing by a cathodic protection tester.

Subp. 3. **Impressed current systems.** Impressed current cathodic protection systems must be tested for proper operation according to the following requirements:

A. the rectifier must be read every 60 days to ensure that current is being delivered to the system and the voltage and amperage readings shall be recorded;

B. systems must be tested by a corrosion expert within six months of installation and at least annually thereafter, and within six months after any repairs and at least annually thereafter; and

C. the criteria that are used to determine that cathodic protection is adequate as required by this subpart must be according to National Association of Corrosion Engineers, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, RP0285-2002 (2002), incorporated by reference under part 7150.0500.

7150.0300 GENERAL REQUIREMENTS FOR ALL UNDERGROUND STORAGE TANK SYSTEMS RELEASE DETECTION.

Subpart 1. **Methods General.** Owners and operators of new and existing underground storage tank systems must provide a method, or combination of methods, of release detection for tanks, piping, dispensers, and submersible pumps that:

A. can detect a release from any part of the tank and the connected underground piping, dispensers, and submersible pumps that routinely contains product;

B. is installed, calibrated, operated, and maintained according to the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and

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C. meets the performance standards in part 7150.0330 or 7150.0340. The performance of release detection equipment must be documented with written specifications supplied by the equipment manufacturer or installer. ~~In addition, methods used after the date shown in the following table, except for methods permanently installed prior to that date, Methods of release detection for tanks and piping must be capable of detecting the leak rate or quantity specified for that method in the part of the rules listed in the table with a probability of detection of 0.95 and a probability of false alarm of 0.05: parts 7150.0330 and 7150.0340.~~

Method	Part	Date
Manual tank gauging	7150.0330, items B & C	December 22, 1990
Tank tightness testing	7150.0330, item D	December 22, 1990
Automatic tank gauging	7150.0330, item E	December 22, 1990
Automatic line leak detection	7150.0340, item A	September 22, 1991
Line tightness testing	7150.0340, item B	December 22, 1990

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

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. **Tanks.** Tanks must be monitored at least every 30 days for releases using one of the following methods or combination of methods, except that hazardous materials tanks must comply with item B:

A. automatic tank gauging according to part 7150.0330, subpart 5, combined with inventory control in accordance with part 7150.0330, subpart 2;

B. interstitial monitoring according to part 7150.0330, subpart 6;

C. inventory control according to part 7150.0330, subpart 2, subject to the following conditions:

(1) tank tightness testing shall be performed according to part 7150.0330, subpart 4, within five years after installation; and

(2) inventory control shall be discontinued within ten years after tank installation and another method of release detection shall be substituted;

D. for tanks with capacities of greater than 1,000 gallons and less than 2,000 gallons, manual tank gauging according to part 7150.0330, subpart 3, subject to the following conditions:

(1) tank tightness testing shall be performed according to part 7150.0330, subpart 4, within five years after installation; and

(2) manual tank gauging shall be discontinued within ten years after tank installation and another method of release detection shall be substituted;

E. for tanks with capacities of 1,000 gallons or less, manual tank gauging according to part 7150.0330, subpart 3; or

F. another method of release detection according to part 7150.0330, subpart 7.

Subp. 6. **Piping.** Underground piping that routinely contains regulated substances must be monitored for releases using one of the following methods or combination of methods:

A. Pressure piping. Underground piping that conveys regulated substances under pressure must:

(1) be equipped with and operate a continuous automatic line-leak detector according to part 7150.0340, subpart 2; and

(2) have an annual line tightness test conducted according to part 7150.0340, subpart 3, or have monthly interstitial monitoring conducted according to part 7150.0340, subpart 4.

B. Suction piping.

(1) Except as described in subitem (2), underground piping that conveys regulated substances under suction must:

(a) have a line tightness test conducted at least every three years according to part 7150.0340, subpart 3; or

(b) have monthly interstitial monitoring conducted according to part 7150.0340, subpart 4.

(2) No release detection is required for suction piping that is designed and constructed to meet the following standards:

(a) the below-grade piping operates at less than atmospheric pressure;

(b) the below-grade piping is sloped so that the entire contents of the pipe will drain back into the storage tank if the suction is released;

(c) only one check valve is included in each suction line; and

(d) the check valve is located directly below and as close as practical to the suction pump.

C. Other methods. Another method of release detection may be used according to part 7150.0340, subpart 5.

Subp. 7. **Sump and basin monitoring.** Dispenser sumps, spill catchment basins, and submersible pump sumps shall be visually checked for releases on a monthly basis. If sumps and basins are equipped with automatic leak sensing devices that signal the operator of the presence of any regulated substance, sensors shall be tested annually for proper function. Sumps and basins shall be maintained free of storm water and debris. Regulated substances spilled to sumps and basins shall be immediately removed.

7150.0330 METHODS OF RELEASE DETECTION FOR TANKS.

Subpart 1. Applicability. Each method of release detection for tanks used to meet the requirements of part ~~7150.0310~~ 7150.0300, subpart 5, must be conducted according to ~~items A to I~~ this part.

~~A. Subp. 2. Inventory control.~~ Product inventory control ~~or another test of equivalent performance~~ must be conducted monthly to detect a release of at least 1.0 percent flow-through plus 130 gallons on a monthly basis in the following manner:

~~(1) A.~~ inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank are recorded each operating day;

~~(2) B.~~ the equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest oneeighth of an inch;

~~(3) C.~~ the regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;

~~(4) D.~~ deliveries are made through a drop tube that extends to within one foot of the tank bottom;

~~(5) E.~~ product dispensing is metered and recorded within the local standards for meter calibration incorporated by reference at part ~~7600.6800~~ 7601.1000; and

~~(6) F.~~ the measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month; and

~~G.~~ practices described in American Petroleum Institute ~~1621, Recommended Practice for Bulk Liquid Stock Control at Retail Outlets, API 1621 (1987), incorporated by reference under part 7150.0500~~, may be used, where applicable, as guidance in meeting the requirements of this ~~item~~ subpart.

~~B. Manual tank gauging may be used as described in this item to meet the requirements of part 7150.0310, item A.~~

~~(1) For tanks with capacities of 1,000 gallons or less, weekly manual tank gauging may be used as the sole method of release detection.~~

~~(2) For tanks with capacities of 1,001 to 2,000 gallons, manual tank gauging may be used in place of product inventory control in item A.~~

~~For tanks not described in subitems (1) and (2), manual tank gauging may not be used to satisfy the provisions of part 7150.0310, item A.~~

~~C. Subp. 3. Manual tank gauging.~~ Manual tank gauging must ~~meet the following requirements~~ be conducted in the following manner:

~~(1) A.~~ tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;

~~(2) B.~~ level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period; and

~~(3) C.~~ the equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch.

A leak is suspected and subject to the requirements of Minnesota Statutes, section 115.061, if the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table:

Tank Capacity	Weekly Standard (one test)	Monthly Standard (fourtest avg.)	Minimum Duration of Test
If manual tank gauging is the ONLY leak detection method used:			
up to 550 gallons	10 gallons	5 gallons	36 hours
551-1,000 gallons (when largest tank is 64" x 73")	9 gallons	4 gallons	44 hours
1,000 gallons (if tank is 48" x 128")	12 gallons	6 gallons	58 hours
If manual tank gauging is combined with Tank Tightness Testing:			
1,001-2,000 gallons	26 gallons	13 gallons	36 hours

~~D. Subp. 4. Tank tightness testing.~~ Tank tightness testing ~~or another test of equivalent performance~~ must be capable of detecting a 0.1 gallon per hour leak rate from any part of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

~~E. Subp. 5. Automatic tank gauging.~~ Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:

~~(1) A.~~ the automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any part of the tank that routinely contains product; and

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(2) B. inventory control or another test of equivalent performance is conducted according to the requirements of item A subpart 2.

F. Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:

(1) the materials used as backfill are sufficiently porous such as gravel, sand, or crushed rock, to readily allow diffusion of vapors from releases into the excavation area;

(2) the stored regulated substance, or a tracer compound placed in the tank system, is sufficiently volatile, such as gasoline, to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;

(3) the measurement of vapors by the monitoring device is not rendered inoperative by the groundwater, rainfall, or soil moisture or other known interferences so that a release could go undetected for more than 30 days;

(4) the level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;

(5) the vapor monitoring points are designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system;

(6) in the underground storage tank excavation zone, the site is assessed to ensure compliance with the requirements in subitems (1) to (4) and to establish the number and positioning of vapor monitoring points that will detect releases within the excavation zone from any part of the tank that routinely contains product; and

(7) vapor monitoring points are clearly marked and secured to avoid unauthorized access and tampering.

G. Testing or monitoring for liquids in the groundwater must meet the provisions of chapter 4725, must comply with local approvals or permits when located within a local public right-of-way, as well as meet the following requirements:

(1) the regulated substance stored is immiscible in water and has a specific gravity of less than one;

(2) groundwater is never more than 20 feet from the ground surface and the hydraulic conductivity of the soil between the underground storage tank system and the monitoring wells or devices is not less than 0.01 centimeters per second, for example, the soil should consist of gravels, coarse to medium sands, coarse silts, or other permeable materials;

(3) the slotted part of the monitoring well casing must be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions;

(4) monitoring wells are sealed from the ground surface to the top of the filter pack;

(5) monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;

(6) the continuous monitoring devices or manual methods used can detect the presence of at least one-eighth of an inch of free product on top of the groundwater in the monitoring wells;

(7) within and immediately below the underground storage tank system excavation zone, the site is assessed to ensure compliance with the requirements in subitems (1) to (5), and to establish the number and positioning of monitoring wells or devices that will detect releases from any part of the tank that routinely contains product; and

(8) monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

H. Interstitial monitoring between the underground storage tank system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed, and installed to detect a leak from any part of the tank that routinely contains product and also meets one of the requirements of subitems (1) to (3):

(1) For double-walled underground storage tank systems, the sampling or testing method can detect a release through the inner wall in any part of the tank that routinely contains product. The provisions outlined in the Steel Tank Institute's Standard for Dual Wall Underground Storage Tanks may be used as guidance for aspects of the design and construction of underground steel double-walled tanks.

(2) For underground storage tank systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the underground storage tank system and the secondary barrier according to the following requirements:

(a) the secondary barrier around or beneath the underground storage tank system consists of artificially constructed material that is sufficiently thick and impermeable, being at least 10^{-6} centimeters per second for the regulated substance stored, to direct a release to the monitoring point and permit its detection;

(b) the barrier is compatible with the regulated substance stored so that a release from the underground storage tank system will not cause a deterioration of the barrier allowing a release to pass through undetected;

(c) for cathodically protected tanks, the secondary barrier must be installed so that it does not interfere with the proper operation of the cathodic protection system;

(d) the groundwater, soil moisture, or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days;

(e) the site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain, unless the barrier and monitoring designs are for use under such conditions; and

(f) monitoring wells and vapor monitoring points are clearly marked and secured to avoid unauthorized access and tampering.

(3) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner,

and the liner is compatible with the substance stored.

Subp. 6. Interstitial monitoring.

A. Interstitial monitoring of secondary containment tanks shall be conducted:

(1) continuously, by means of an automatic leak-sensing device that signals the operator of the presence of any liquid in the interstitial space; or

(2) monthly, by means of a procedure capable of detecting the presence of any liquid in the interstitial space.

B. The interstitial space shall be maintained free of water, debris, or anything that could interfere with leak detection capabilities.

C. On an annual basis, any automatic leak-sensing device shall be tested for proper function.

F. Subp. 7. Other methods. Any other type of release detection method, or combination of methods, can be used if:

~~(1) it A. the method can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; and~~

~~(2) B. the owner and operator can demonstrate to the commissioner that the method can detect a release as effectively as any of the methods allowed in ~~items D to H~~ this part and obtain the commissioner's prior written approval of the method. In comparing methods, the commissioner shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved by the commissioner, the owner and operator must comply with any conditions imposed by the commissioner on its use to ensure the protection of human health and the environment.~~

7150.0340 METHODS OF RELEASE DETECTION FOR PIPING.

Subpart 1. Applicability. Each method of release detection for piping used to meet the requirements of part 7150.0300, subpart 6, must be conducted according to ~~items A to C~~ this part.

A. Subp. 2. Automatic line leak detectors. Methods which continuously alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at ten pounds per square inch line pressure within one hour. An annual test of the operation of ~~the any mechanical line leak detector~~ must be conducted ~~according to the manufacturer's requirements~~. Testing shall:

A. be conducted by a person:

(1) certified under chapter 7105;

(2) approved by the manufacturer of the equipment to test the detector; or

(3) qualified by reason of training or experience to test the detector;

B. comply with the manufacturer's testing requirements;

C. involve creation of a physical leak in a piping segment; and

D. verify the leak detection threshold of three gallons per hour at ten pounds per square inch line pressure within one hour.

B. Subp. 3. Line tightness testing. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure.

~~C. Any of the methods in part 7150.0330, items F to I, may be used if they are designed to detect a release from any part of the underground piping that routinely contains regulated substances.~~

Subp. 4. Interstitial monitoring.

A. Interstitial monitoring of secondary containment piping shall be conducted:

(1) continuously, by means of an automatic leak-sensing device that signals the operator of the presence of any regulated substance in the interstitial space or sump; or

(2) monthly, by means of a procedure, such as visual monitoring, capable of detecting the presence of any regulated substance in the interstitial space or sump.

B. The interstitial space or sump shall be maintained free of water, debris, or anything that could interfere with leak detection capabilities.

C. On an annual basis, any sump shall be visually inspected for integrity of sides and floor and tightness of piping penetration seals. Any automatic leak-sensing device shall be tested for proper function.

Subp. 5. Other methods. Any other type of release detection method, or combination of methods, may be used if:

A. it can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; and

B. the owner and operator can demonstrate to the commissioner that the method can detect a release as effectively as any of the methods allowed in subparts 2 to 4 and obtain the commissioner's prior written approval of the method. In comparing methods, the commissioner shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved by the commissioner, the owner and operator must comply with any conditions imposed by the commissioner on the method's use to ensure the protection of human health and the environment.

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7150.0400 TEMPORARY CLOSURE.

Subpart 1. **Requirements.** In addition to the requirements of ~~chapter 7510~~; the most current Minnesota ~~Uniform~~ Fire Code, owners and operators must comply with the provisions in subparts 2 to 4 ~~5~~ relating to temporary closure.

Subp. 2. ~~Operation and maintenance during temporary closure~~ **Tanks out of service less than 90 days.** When an underground storage tank system is ~~temporarily closed~~ out of service for less than 90 days, owners and operators must continue operation and maintenance of corrosion protection according to part ~~7150.0210~~ 7150.0215, and any release detection according to parts 7150.0300 to ~~7150.0350~~ 7150.0340. Release detection is not required as long as the underground storage tank system is empty. The underground storage tank system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters, or one inch, of residue, ~~or 0.3 percent by weight of the total capacity of the underground storage tank system, remain in the system~~ remains in the system as measured through any part of the tank system.

Subp. 3. **Tanks out of service 90 days.** When an underground storage tank system is ~~temporarily closed~~ out of service for 90 days or more, owners and operators must also comply with the following requirements:

- A. leave vent lines open and functioning; ~~and~~
- B. cap and secure all other lines, pumps, passageways, and appurtenances;
- C. empty the tank;
- D. continue operation and maintenance of cathodic protection according to part 7150.0215; and
- E. notify the commissioner of the change of status to temporary closure according to part 7150.0090, subpart 2.

Subp. 4. **Tanks out of service one year.** When an underground storage tank system is ~~temporarily closed~~ out of service for one year or more than 12 months, owners and operators must permanently close the underground storage tank system if it does not meet either performance standards in part 7150.0100 for new underground storage tank systems or the upgrading requirements in part 7150.0110, except that the spill and overfill equipment requirements do not have to be met. Owners and operators must permanently close the substandard underground storage tank systems at the end of this 12-month period according to parts 7150.0410 to 7150.0440, unless the commissioner provides an extension of the 12-month temporary closure period. Owners and operators must complete a site assessment according to part 7150.0420 before such an extension can be applied for. according to part 7150.0410, unless the owner requests an extension of the closure period and completes a site assessment according to part 7150.0420, and the commissioner approves the extension in writing based on compliance with this part. Conditions of extension shall include the operation and maintenance of cathodic protection according to part 7150.0215. The underground storage tank system may not be returned to service without the written approval of the commissioner, based on compliance with the applicable requirements of this chapter.

Subp. 5. **Tanks out of service five years.** All underground storage tank systems must be permanently closed if the tank system is out of service for five years or more.

7150.0410 PERMANENT CLOSURE AND ~~CHANGES-IN-SERVICE~~ CHANGE IN STATUS TO STORAGE OF NONREGULATED SUBSTANCES.

Subpart 1. **Requirements.** In addition to the requirements of ~~chapter 7510~~; the most current Minnesota ~~Uniform~~ Fire Code, owners and operators must comply with the provisions in subparts 2 to 7 relating to permanent closure and ~~changes-in-service~~ change in status to storage of nonregulated substances.

Subp. 2. **Notice of closure or change in service status.** At least ten days before beginning either permanent closure under subpart 3 or a ~~change-in-service~~ change in status under ~~subparts 3 and subpart 4~~, owners and operators must notify the commissioner of their intent to permanently close or make the ~~change-in-service~~ change in status, unless such action is in response to corrective action. The required assessment of the excavation zone under part 7150.0420 must be performed after notifying the commissioner but before completion of the permanent closure or a ~~change-in-service~~ change in status.

Subp. 3. **Permanent closure.** To permanently close a tank, owners and operators must empty and clean it by removing all liquids and accumulated sludges ~~from the tank and piping~~. All tanks and piping taken out of service permanently must also be either removed from the ground or filled in with an inert solid material.

Subp. 4. **Storage of nonregulated substances.** Continued use of an underground storage tank system to store a nonregulated substance is considered a change in service status. Before a change in service status to storage of a nonregulated substance, owners and operators must empty and clean the tank and piping by removing all liquid and accumulated sludge and conduct a site assessment according to part 7150.0420.

Subp. 5. ~~Certified removers~~ **Certification of closers.** Owners and operators must ensure that persons performing permanent closures under subpart 3 or ~~changes in service~~ changes in status under subpart 4 are in compliance with certification requirements imposed by chapter 7105. ~~Certified removers~~ Such persons must furnish copies of current certificates issued by the agency to the owner and operator before beginning a permanent closure under subpart 3 or a ~~change-in-service~~ changes in status under subpart 4.

Subp. 6. **Tank system closure certification.** Owners and operators must ensure that the person who ~~removes or otherwise closes~~ permanently closes or changes the status of an underground storage tank system to a nonregulated substance certifies in the notification

form that the methods used to remove or otherwise close the tanks and piping comply with this part 7150.0410, subparts 3 to 5.

Subp. 7. **Cleaning and closure procedures.** The cleaning and closure procedures listed in one of the following documents must be used as guidance for complying with this part. The documents are incorporated by reference under part 7150.0500:

A. American Petroleum Institute ~~1604, Removal and Disposal of Used~~ Closure of Underground Petroleum Storage Tanks, API 1604 (1996);

B. American Petroleum Institute ~~1631, Interior Lining and Periodic Inspection~~ of Underground Storage Tanks, API 1631 (2001); or

C. American Petroleum Institute ~~2015, Cleaning Petroleum Storage Tanks, Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks, API 2015 (2001).~~

7150.0420 ~~ASSESSING THE SITE AT CLOSURE OR CHANGE IN SERVICE ASSESSMENT.~~

When removing or permanently closing a tank or, making a change in service status to storage of a nonregulated substance, or temporarily closing a tank for one year or more, owners and operators must measure through laboratory analysis for the presence of a release where contamination is most likely to be present at the underground storage tank site. If contaminated soils, contaminated groundwater, or free product as a liquid or vapor is discovered by this measurement or by any other manner, owners and operators must notify the agency immediately and begin corrective action according to *Minnesota Statutes*, section 115.061. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release. ~~The requirements of this part are satisfied if one of the external release detection methods allowed in part 7150.0330, items F and G, is operating according to the requirements of part 7150.0330 at the time of removal, closure, or making a change in service to storage of a nonregulated substance, and indicates no release has occurred.~~

7150.0430 ~~APPLICABILITY TO PREVIOUSLY CLOSED UNDERGROUND STORAGE TANK SYSTEMS.~~

When directed by the commissioner, the owner and operator of an underground storage tank system permanently closed before December 22, 1988, must assess the excavation zone according to part 7150.0420 and close the underground storage tank system according to parts 7150.0400 to 7150.0440 part 7150.0410 if releases from the underground storage tank may, in the judgment of the commissioner, pose a current or potential threat to human health and the environment.

7150.0450 REPORTING AND RECORD KEEPING.

Subpart 1. **General.** Owners and operators of underground storage tank systems must cooperate fully with inspections, monitoring, and testing conducted by the agency, as well as requests for document submission, testing, and monitoring by the owner or operator.

Subp. 2. **Reporting.** Owners and operators must submit the following information to the commissioner within the applicable time frames:

A. notification and certification for all underground storage tank systems under part 7150.0090, including cathodic protection test reports;

B. notification of the discovery of an abandoned tank under *Minnesota Statutes*, section 116.48, subdivision 2;

C. reports of all releases under *Minnesota Statutes*, section 115.061, including suspected releases, spills and overfills, and confirmed releases;

D. information generated in the course of taking corrective action as defined in *Minnesota Statutes*, section 115C.02, subdivision 4;

E. notification before permanent closure or change in status to a nonregulated substance under part 7150.0410; and

F. inspection reports for internally lined tanks under part 7150.0205, subpart 1, item E, subitem (1).

Subp. 3. **Record retention.** Owners and operators must maintain the following information in a legible manner for the specified time frame:

A. the commissioner's determination under part 7150.0205, subpart 1, item F; subpart 3, item F; or subpart 5, item B, subitem (1), that alternative corrosion protection equipment or spill and overflow prevention equipment may be used, shall be maintained for the life of the tank system;

B. for underground storage tank systems using cathodic protection, the following records of the operation of the cathodic protection must be maintained:

(1) the results of the last three tests of sacrificial anode systems required by part 7150.0215, subpart 2, item A;

(2) the results of rectifier readings for impressed current systems required by part 7150.0215, subpart 3, item A, for at least three years; and

(3) the results of the last three tests of impressed current systems required by part 7150.0215, subpart 3, item B;

C. documentation of underground storage tank system repairs, including the nature of each repair, results of required integrity testing, and any commissioner's written determination under part 7150.0100, subpart 10, item C, shall be maintained for the life of the tank system;

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D. documentation of compliance with release detection requirements under parts 7150.0300 to 7150.0340, as follows:

(1) all written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, including documentation of “safe suction” design according to part 7150.0330, subpart 6, item B, subitem (2), must be maintained for as long as the system is being used to comply with the requirements of this chapter;

(2) the results of any sampling, testing, or monitoring must be maintained for at least ten years, including:

- (a) monthly tank inventory control according to part 7150.0330, subpart 2;
- (b) monthly manual tank gauging according to part 7150.0330, subpart 3;
- (c) monthly or annual tank tightness testing according to part 7150.0330, subpart 4;
- (d) monthly automatic tank gauging according to part 7150.0330, subpart 5;
- (e) monthly interstitial monitoring of secondary containment tanks according to part 7150.0330, subpart 6, item A, subitem (2);
- (f) monthly results of an alternative tank release detection method according to part 7150.0330, subpart 7;
- (g) monthly electronic line leak detection according to part 7150.0340, subpart 2;
- (h) annual testing of any mechanical line leak detector according to part 7150.0340, subpart 2;
- (i) monthly or annual line tightness testing according to part 7150.0340, subpart 3;
- (j) monthly interstitial monitoring of secondary containment piping according to part 7150.0340, subpart 4;
- (k) monthly results of an alternative piping release detection method according to part 7150.0340, subpart 5;
- (l) monthly sump and basin monitoring according to part 7150.0300, subpart 7; and
- (m) annual testing of any automatic leakensing device in any secondarily contained tank according to part 7150.0330, subpart 6, item C, or submersible pump sump according to part 7150.0340, subpart 4, item C;

(3) written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on site must be maintained for at least ten years after the servicing work is completed. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer must be retained as long as the system is being used to comply with the requirements of this chapter; and

(4) documentation of the commissioner’s approval of alternate release detection methods under part 7150.0330, subpart 7, or 7150.0340, subpart 5, must be maintained for as long as the methods are being used to comply with the requirements of this chapter; and

E. results of the site assessment conducted at permanent closure or change in status to a nonregulated substance under part 7150.0420 and any other records that are capable of demonstrating compliance with closure requirements under parts 7150.0400 and 7150.0410. The results of the site assessment required in part 7150.0420 must be maintained for at least three years after completion of permanent closure or change in status in one of the following ways:

- (1) at the facility by the owners and operators who took the underground storage tank system out of service;
- (2) at the facility by the current owners and operators of the underground storage tank system site; or
- (3) by mailing these records to the commissioner if the records cannot be maintained at the closed facility.

Subp. 4. Record location. Owners and operators must maintain the records required:

- A. at the underground storage tank site where the records are immediately available for inspection by the commissioner; or
- B. at a readily available alternative site, in which case the records must be immediately submitted to the commissioner upon request.

7150.0500 INCORPORATION BY REFERENCE.

Subpart 1. **Scope.** For purposes of chapter 7150, the documents in subpart 2 are incorporated by reference. These documents are not subject to frequent change. They can be found at the Minnesota State Law Pollution Control Agency Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., 520 Lafayette Road, Saint Paul, Minnesota 55155 or, at the addresses indicated, or through the Minitex interlibrary loan system. If any of the documents are amended, and if the amendments are incorporated by reference or otherwise made a part of federal technical rules at *Code of Federal Regulations*, title 40, part 280, then the amendments to documents are also incorporated by reference in this chapter.

Subp. 2. **Referenced standards.** The documents incorporated by reference in referenced throughout this chapter are listed in items A to K H:

A. American Societies Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017.

(1) B31.3, Chemical Plant and Petroleum Refinery Process Piping (1987) (2005); and

(2) B31.4, Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia and Alcohols (1986) Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids (2006).

B. American Petroleum Institute, 1220 L Street Northwest, Washington, D.C. 20005.

(1) API 1604, Removal and Disposal of Used Closure of Underground Petroleum Storage Tanks (1987) (1996);

(2) API 1615, Installation of Underground Petroleum Storage Systems (1987) (1996);

(3) API 1621, Bulk Liquid Stock Control at Retail Outlets (1987);

(4) API 1626, Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations (1985);

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- (5) ~~1627, Storing and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations (1986);~~
(6) ~~API 1631, Interior Lining and Periodic Inspection of Underground Storage Tanks (1987) (2001);~~
(7) ~~(6) API 1632, Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems (1987) (1996);~~
(8) ~~(7) API 2015, Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks (1985) (2001); and~~
(9) ~~(8) API RP 2200, Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines (1983) (1994).~~
- C. ~~American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959:
D402186, Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks (1986);~~
- D. ~~Association of Composite Tanks, 108 North State Street, Suite 720, Chicago, Illinois 60602:
ACT-100, Specification for the Fabrication of FRP Clad/Composite Underground Storage Tanks (1989);~~
- E. ~~National Association of Corrosion Engineers, Publications Department, P.O. Box 218340, Houston, Texas 77218.
(1) ~~RP0169 SP0169-2007, Control of External Corrosion on Underground or Submerged Metallic Piping Systems (1983) (2007); and~~
(2) ~~RP0285 RP0285-2002, Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems (1985) Corrosion Control of Underground Storage Tank Systems by Cathodic Protection (2002).~~~~
- F. ~~D. National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.
(1) ~~NFPA 30, Flammable and Combustible Liquids Code (1987) (2003); and~~
(2) ~~NFPA 385, Standard for Tank Vehicle Vehicles for Flammable and Combustible Liquids (1985) (2007).~~~~
- G. ~~National Leak Prevention Association, 4090 Rosehill Avenue, Cincinnati, Ohio 45229:
631, Spill Prevention, Minimum 10-Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection (1988);~~
- H. ~~E. Petroleum Equipment Institute, P.O. Box 2380, Tulsa, Oklahoma 74101; RP100, Recommended Practices for Installation of Underground Liquid Storage Systems (1990) (2005).~~
- I. ~~F. Steel Tank Institute, 570 Oakwood Road, Lake Zurich, Illinois 60047.
(1) ~~Specifications for STP₃ System of STI-P3, Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks (1987) (2006);~~
(2) ~~Steel Tank Institute STI F841, Standard for Dual Wall Underground Steel Storage Tanks (undated) (2006); and~~
(3) ~~STI F894-89, Steel Tank Institute F894, ACT-100 Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks (1989) (2006); and~~
(4) ~~R012, Recommended Practice for Interstitial Tightness Testing of Existing Underground Double Wall Steel Tanks (2006).~~~~
- J. ~~G. Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.
(1) ~~UL 58, Standard for Steel Underground Tanks for Flammable and Combustible Liquids (1986) (1996);~~
(2) ~~UL 567, Pipe Connectors for Flammable and Combustible Liquids Emergency Breakaway Fittings, Swivel Connectors and Pipe-Connection Fittings for Petroleum Products and LPGas (1989) (2004);~~
(3) ~~UL 1316, Standard for Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products (1983), Alcohols, and Alcohol-Gasoline Mixtures (2006); and~~
(4) ~~UL 1746, Standard for Safety for External Corrosion Protection Systems for Steel Underground Storage Tanks (1989) (2007).~~~~
- K. ~~H. Underwriters' Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, Canada M1R 3A9.
(1) ~~CAN4-S603.1-M85, Standard for Galvanic CAN/ULC-S603.1-03, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids (1985) (2003);~~
(2) ~~CAN4-S603-M85 CAN/ULC-S603-00, Standard for Steel Underground Tanks for Flammable and Combustible Liquids (1985) (2000);~~
(3) ~~CAN4-S615-M83 ULCS61598, Standard for Reinforced Plastic Underground Tanks for Petroleum Products (1983) Flammable and Combustible Liquids (1998);~~
(4) ~~CAN4-S631-M84 ULC-S631-05, Standard for Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic External Corrosion Protection Systems (1984) (2005);~~
(5) ~~CAN4-S633-M84 CAN/ULC-S633-99, Standard for Flexible Underground Hose Connectors for Flammable and Combustible Liquids (1984) (1999); and~~
(6) ~~ULC Subject C107C-M1984, Guide for Glass Fibre Glass-Fiber-Reinforced Plastic Pipe and Fittings for Flammable Liquids (1984);~~
(7) ~~ULC/ORD-C107.21-1992, UnderDispenser Sumps (1992); and~~
(8) ~~ULC/ORD-C971-2005, Nonmetallic Underground Piping for Flammable and Combustible Liquids (2005).~~~~

REPEALER. *Minnesota Rules*, parts 7150.0010, subpart 3; 7150.0020; 7150.0030, subparts 17, 28, and 52; 7150.0100, subparts 2, 3, 4, 5, 6, and 8; 7150.0110; 7150.0120; 7150.0200; 7150.0210; 7150.0220; 7150.0230; 7150.0240; 7150.0300, subparts 3 and 4; 7150.0310; 7150.0320; 7150.0350; and 7150.0440, are repealed.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

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.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: Waterfowl Hunting

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, Section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, Sections 97A.401, 97B.105, 97B.731, and 97B.803.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, Sections 97A.0451 to 97A.0459, are as follows: The waterfowl hunting seasons are based on annual determinations of season timing and selection of the options as allowed under federal frameworks for migratory bird hunting. Provisions for taking waterfowl are based on population data that are not available until June and selection of options as allowed under federal frameworks for migratory bird hunting announced in August of each year. Special provisions that limit the number of shells and trips on controlled hunting zones at Lac Qui Parle and Thief Lake are based on goose bag limits, which are set annually in those areas.

Dated: September 6, 2007

Mark Holsten, Commissioner
Department of Natural Resources

6230.0700 LAC QUI PARLE SPECIAL PROVISIONS.

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

Subp. 4. **Limitation on number of shells possessed.** Only persons hunting may bring shotgun shells into the controlled hunting zone. A waterfowl or small game hunter may not bring in more than ~~six~~ 12 shells per ~~day~~ trip or have in possession more than ~~six~~ 12 shells at any one time.

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

Subp. 7. **Limitation on number of trips.** Waterfowl and small game hunters are limited to three trips per season either as a guest or a successful applicant except when vacancies exist. Hunters are limited to ~~one trip~~ two trips per day to the hunting stations.

6230.0800 THIEF LAKE SPECIAL PROVISIONS.

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

Subp. 5. **Limitation on number of shells possessed.** Only persons hunting may bring shotgun shells into the controlled hunting zone. A hunter may not bring more than ~~six~~ 12 shells per trip into the controlled hunting zone or have more than ~~six~~ 12 shells in possession at any one time.

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

6240.0650 TAKING COOTS, MOORHENS, AND DUCKS.

Subpart 1. **Open season.** Coots, moorhens, and ducks may be taken statewide during the 60-day period from September 29 to November 27, 2007.

Subp. 2. **Daily limits.** In any one day, a person may not take more than six ducks, five mergansers, and a total of 15 coots and moorhens. The daily limit of ducks (other than mergansers) may not include more than four mallards, including one female mallard; one black duck; two redheads; two lesser or greater scaup; two wood ducks; one pintail; and two canvasback. The daily limit of mergansers may not include more than two hooded mergansers.

6240.0950 OPEN SEASONS; DAILY LIMIT; WEST AND WEST CENTRAL GOOSE ZONES.

Subpart 1. **Open season; West Goose Zone.** Canada geese may be taken in the West Goose Zone during the 60-day period from September 29 to November 27, 2007, except in the West Central Goose Zone as provided in subpart 2.

Expedited Emergency Rules

Subp. 2. Open season; West Central Goose Zone. Canada geese may be taken in the West Central Goose Zone during the 41-day period from October 18 to November 27, 2007.

Subp. 3. Daily limit. A person may not take more than two Canada geese in the West and West Central Goose Zones.

6240.1150 TAKING SNOW, BLUE, ROSS', AND WHITE-FRONTED GEESE AND BRANT.

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

Subp. 2. **Daily limit.** A person may not take more than 20 snow, blue, and Ross' geese in combination; ~~two~~ one white-fronted geese goose; and one brant each day.

6240.1900 LATE SEASONS FOR TAKING CANADA GEESE.

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

Subp. 3. **Seasons.** Canada geese may be taken statewide ~~during the late seasons~~ from December 8-17, 2007, except for the Southeast Goose Zone where Canada geese may be taken from December 14-23, 2007, and except in the West Central Goose Zone, which is closed to late season hunting of Canada geese.

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

EFFECTIVE PERIOD. The emergency amendments to Minnesota Rules, parts 6230.0700; 6230.0800; 6240.1150; and 6240.1900, expire January 1, 2008. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule. Minnesota Rules, parts 6240.0650 and 6240.0950, expire January 1, 2008.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

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.

Department of Human Services

Adopted Exempt Permanent Rules Relating to Department of Human Services; Social Services Program

9500.1463 COMPLAINT AND APPEAL PROCEDURES.

Subp. 3. **Health plan complaint procedure.** A health plan shall have a written procedure for reviewing enrollee complaints. This complaint procedure must be approved by the commissioner. The complaint procedure must include both an informal process, in which a determination is made within ten calendar days after the date a health plan receives a verbal complaint, and a formal process to handle written complaints. The formal process shall provide for an impartial hearing containing the elements in items A to E D.

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

Exempt Rules

~~E. The health plan must notify the ombudsperson within three working days after any written complaint is filed by a PMAP enrollee.~~

Each health plan shall provide its enrollees with a written description of the health plan's complaint procedure and the state's appeal procedure at the time of enrollment. The written description shall clearly state that exhaustion of the health plan's complaint procedure is not required before appealing to the state. The health plan's complaint procedure and revisions to the complaint procedure must be approved by the commissioner. Approved revisions in the health plan's complaint procedure must be communicated, in writing, to its enrollees at least two weeks before the revisions are implemented.

[For text of subs 4 to 8, see M.R.]

9500.1655 DEFINITIONS.

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

Subp. 3. **See repealer.**

[For text of subs 4 to 24, see M.R.]

Subp. 24a. **Public assistance.** "Public assistance" has the meaning given in *Minnesota Statutes*, section 256.741, subdivision 1, paragraph (b).

[For text of subs 25 and 26, see M.R.]

9500.1658 STANDARDS USED BY COMMISSIONER TO DETERMINE WHETHER TO CONSENT TO A PROPOSED LUMP SUM SETTLEMENT.

Subpart 1. **Standards.** The commissioner shall consent to a proposed lump sum settlement only if the conditions of subparts 2 1a to 6 are met.

Subp. 1a. **Parties.** Under *Minnesota Statutes*, section 257.60, when the child is a minor, the child and the commissioner must be made parties to the action. The court must appoint a general guardian or a guardian ad litem to represent the child.

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

Subp. 5. **Protection over lump sum settlement amount.** A plan to invest the lump sum settlement to meet the child's future needs and to prevent rapid depletion of the lump sum settlement must be made part of the lump sum settlement. The plan to invest the lump sum settlement must include:

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

C. provisions for making the periodic payments under item B to the public agency, if the child receives ~~AFDC~~ public assistance or becomes eligible to receive ~~AFDC~~ public assistance and rights to support are assigned under *Minnesota Statutes*, section ~~256.74, subdivision 5~~ 256.741;

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

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

9500.1660 DOCUMENTS THAT MUST ACCOMPANY A PROPOSED LUMP SUM SETTLEMENT AGREEMENT.

The documents in items A to G must accompany the proposed lump sum settlement submitted to the commissioner:

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

E. an itemization of amounts previously expended by each public agency as support on behalf of the child, including dates and amounts of ~~AFDC~~ public assistance expended, pregnancy and confinement expenses, costs of blood tests, filing fees, service of process fees, and county attorney's fees;

[For text of items F and G, see M.R.]

9550.6200 SCOPE.

Subpart 1. **Applicability.** Parts 9550.6200 to 9550.6240 govern the assessment and collection of parental fees by county boards or the Department of Human Services from parents of children in 24-hour care outside the home, including respite care, in a facility licensed by the commissioner, who:

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

B. have ~~a severe~~ an emotional disturbance;

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

Parts 9550.6200 to 9550.6240 also specify parental responsibility for the cost of services of children who are not specified in items A to D, who are living in or out of their parents' home, and whose eligibility for medical assistance was determined without considering parental resources or income as specified in *Minnesota Statutes*, section 256B.14, subdivision 2.

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

9560.0214 DEFINITIONS.

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

Subp. 3. [See repealer.]

[For text of subs 4 to 10, see M.R.]

Subp. 10a. Family assessment. “Family assessment” means a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that:

- A. is applied to child maltreatment reports that do not allege substantial child endangerment;
- B. does not include a determination as to whether child maltreatment occurred; and
- C. determines the need for services to address the safety of family members and the risk of subsequent maltreatment.

[For text of subs 11 to 13, see M.R.]

Subp. 14. Investigation. “Investigation” means a process for determining whether maltreatment has occurred fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines:

- A. that is conducted by a law enforcement agency whether child maltreatment occurred; or and
- B. that is conducted by the department or a local agency when a report alleges maltreatment by a person within a facility who is responsible for the child’s care whether child protective services are needed. An investigation must be used for reports alleging substantial child endangerment, and for reports of maltreatment in facilities identified in *Minnesota Statutes*, section 626.556, subdivision 2, paragraph (b).

[For text of subs 15 to 21, see M.R.]

9560.0216 BASIC REQUIREMENTS.

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

Subp. 2. County of service: imminent danger. In a situation of imminent danger, the local agency shall screen and assess investigate reports of maltreatment of any child found in the county without regard to the legal residence of the child.

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

Subp. 3. Screening reports.

A. The local agency shall screen reports of maltreatment to determine the need for assessment or investigation.

Except for those reports described in item B, the local agency shall conduct an assessment or investigation if a report meets the criteria in subitems (1) to (3):

(1) the allegations in the report constitute maltreatment as defined under part 9560.0214, subpart 18;

(2) sufficient identifying information to locate the child or at least one member of the family unit exists to permit an assessment or investigation; and

(3) the report contains information that has not previously been received and assessed or investigated by the local agency.

B. Upon receipt of a report, the local welfare agency shall determine whether to conduct a family assessment or an investigation as appropriate to prevent or provide a remedy for child maltreatment. The local welfare agency:

(1) shall conduct an investigation on reports involving substantial child endangerment;

(2) shall begin an immediate investigation if, at any time when using a family assessment response, the agency determines that there is reason to believe that substantial child endangerment or a serious threat to the child’s safety exists;

(3) may conduct a family assessment for reports that do not allege substantial child endangerment. In determining that a family assessment is appropriate, the local welfare agency may consider issues of child safety, parental cooperation, and the need for an immediate response; and

(4) may conduct a family assessment on a report that was initially screened and assigned for an investigation. In determining that a complete investigation is not required, the local welfare agency must document the reason for terminating the investigation and notify the local law enforcement agency if the local law enforcement agency is conducting a joint investigation.

C. If a report alleges maltreatment in a facility licensed by the commissioner, other than a foster care or family day care facility, the local agency shall immediately forward the report to the commissioner for investigation.

Subp. 3a. Report alleging maltreatment of a child of a facility license holder.

A. If the report of maltreatment alleges maltreatment of a child related by blood, marriage, or adoption to the license holder in a facility during nonbusiness hours of the facility, the local agency shall follow the procedures under part 9560.0220. The local agency shall notify the responsible licensing agency listed in part 9560.0222, subpart 1, when the local agency receives the report of maltreatment and when the local agency completes an assessment or investigation.

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

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

Subp. 5. Time frames for initiating an assessment or investigation. The local agency shall respond to reports of maltreatment within the time limits under item A; or B; or C.

A. When a report of maltreatment indicates that a child is in imminent danger alleges substantial child endangerment, the local agency shall take action as soon as the report is received to provide for the safety of the child initiate an investigation immediately.

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B. When a ~~the~~ report of maltreatment ~~alleges infant medical neglect does not allege substantial child endangerment~~, the local agency shall initiate an assessment as soon as the report is received within five calendar days.

C. ~~When a report of maltreatment does not indicate a child is in imminent danger, the local agency shall initiate an assessment within one working day after receiving the report. The local agency may delay initiating the assessment up to 72 hours if:~~

(1) ~~the local agency has reasonable grounds to believe the child will not be in imminent danger during that time; and~~

(2) ~~the need to respond to more serious reports prevents the local agency from acting within one working day.~~

Subp. 5a. **Conflict of interest.** A person who conducts an assessment or investigation under this part or under *Minnesota Statutes*, section 626.5561, may not have:

(1) A. any direct or shared financial interest or referral relationship resulting in a direct or shared financial gain with a provider of treatment for child abuse and neglect; or

(2) B. a personal or family relationship with a party in the assessment or investigation.

If an independent assessor or investigator is not available, the person responsible for making the maltreatment determination may use the services of an assessor or investigator with a financial interest, referral relationship, or personal or family relationship.

Subp. 6. **In person observation.** ~~In the initial stages of an assessment, the local agency shall conduct an in person observation of the child reported to be maltreated~~ A face-to-face contact with the child and primary caretaker sufficient to complete a safety assessment and ensure the immediate safety of the child is required:

A. immediately if substantial child endangerment is alleged; and

B. within five calendar days for all other reports.

[For text of subp 7, see M.R.]

9560.0220 RESPONSE TO REPORTS OF MALTREATMENT WITHIN THE FAMILY UNIT.

Subpart 1. **Basic procedures.** The local agency shall follow the basic requirements in part 9560.0216 when a report alleges maltreatment by a person within the family unit who is responsible for the child's care. The local agency shall also collect available and relevant information to determine whether maltreatment occurred and whether protective services are needed as specified in *Minnesota Statutes*, section 626.556, subdivision 10, paragraph (h). Relevant information includes information on the existence of substance abuse and domestic violence as specified in *Minnesota Statutes*, section 626.556, subdivision 10, paragraph (a).

Subp. 2. **Coordination with law enforcement.** The local agency shall:

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

B. coordinate its assessment or investigation with the law enforcement agency's investigation to avoid duplication of fact finding efforts and multiple interviews; and

C. prepare an independent report of its assessment or investigation.

Subp. 3. **Child interviews.** For family assessments, it is the preferred practice to request a parent or guardian's permission to interview the child prior to conducting the child interview, unless doing so would compromise the safety assessment. When a local agency and a law enforcement agency that coordinate assessments and investigations jointly determine that an interview by one person with the child who is reported to be maltreated is in the best interests of the child, and the interview is conducted by the law enforcement agency, the interview can be substituted for the procedures in items A to F.

When necessary to make the determinations in subpart 6, the local agency shall interview any other minors within the family unit. When interviewing children, the local agency shall follow the procedures in items A to F.

A. The local agency shall interview the child in a face-to-face meeting in a manner appropriate to the child's age, development, and ability to understand and verbalize. The agency shall use a questionandanswer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. ~~In the initial stages of an assessment or investigation, the local agency must conduct~~ A face-to-face observation of the child reported to be maltreated is required immediately for reports alleging substantial child endangerment and within five calendar days for all other reports.

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

C. The local agency may interview a child under this part without parental consent. By the time the assessment or investigation is completed, the local agency shall notify the parent, legal custodian, or guardian that the interview has occurred unless ordered by the juvenile court to withhold notification.

D. If a parent, legal custodian, or guardian prevents the local agency from interviewing a child, the local agency shall ask the county attorney to obtain a judicial order to produce the child for an interview.

E. For investigations only the local agency shall make a record of every interview according to subitems (1) and (2):

[For text of subitems (1) and (2), see M.R.]

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

Subp. 4. **Parent interviews.** The local agency shall interview parents and persons responsible for the child's care within the family unit. The agency must use a questionandanswer interviewing format with questioning as nondirective as possible to elicit spontaneous

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responses. These interviews must take place ~~within 72 hours of interviewing the child~~ immediately if substantial child endangerment is alleged and within five calendar days for all other reports unless postponement is necessary to prevent risk to a child or interference with law enforcement's investigation. If, after reasonable effort, the local agency is unable to locate a parent, this requirement is waived. All interviews with witnesses and collateral sources must be audiotaped when conducting investigations whenever possible.

Subp. 4a. **Interview of alleged offender.** In the initial stages of an assessment or investigation, the agency must conduct a face-to-face interview of the alleged offender. The interview with the alleged offender may be postponed if it jeopardizes an active law enforcement investigation. The agency must use a question-and-answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. The local agency must provide the alleged offender with an opportunity to make a statement. The alleged offender may submit supporting documentation relevant to the assessment or investigation. The interviews must be audiotaped when conducting an investigation whenever possible.

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

Subp. 6. **Local agency determinations.** When the local agency has completed its assessment investigation under subparts 1 to 5, the local agency shall make determinations.

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

[For text of subs 6a to 9, see M.R.]

9560.0225 APPEALS OF MALTREATMENT DETERMINATIONS.

Subpart 1. **Notice of right to appeal.** Administrative reconsideration is not applicable in family assessments because no determination concerning maltreatment is made. For investigations, the ~~investigating~~ agency must notify the designee of a child who is the subject of a report, and any persons or facilities determined to have maltreated a child, of their appeal and reconsideration rights under *Minnesota Statutes*, section 626.556, subdivision 10i.

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

9560.0228 PROTECTIVE SERVICES.

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

Subp. 2. **Written protective services plan.** The written protective services plan based on the risk assessment in part 9560.0216 must be prepared within ~~60~~ 30 days after the assessment is completed. The written protective services plan must meet the criteria in items A to D:

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

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

REPEALER. Minnesota Rules, parts 9500.1655, subpart 3; and 9560.0214, subpart 3, are repealed.

Department of Labor and Industry

Division of Labor Standards and Apprenticeship

Adopted Exempt Permanent Rules Relating to Employment; Prohibited Employment of Minors under 18 Years of Age

ORDER AMENDING RULES

WHEREAS:

1. The Department of Labor and Industry, Labor Standards and Apprenticeship Division for good cause under *Minnesota Statutes* § 14.388, subd. 1(3) and *Laws of Minnesota 2007* Chapter 135, Article 2, Section 38, finds that full rulemaking is unnecessary or impractical to incorporate legislative changes at Section 21 of Article 2 of that Act and good cause exemption from full rulemaking applies; and

2. All notice and procedural requirements in *Minnesota Statutes*, chapter 14, *Minnesota Rules*, chapter 1400, for rules exempt under good cause and other applicable law have been complied with:

- a) the Revisor of Statutes approved the form of the rule by certificate
- b) notice by mail of Intent to Adopt was given to persons on the agency mailing list and electronic Notice pursuant to 16E.07, subd. 3 was given;
- c) the Office of Administrative Hearing approved the rule as to its legality and filed four copies with the Secretary of State;
- d) the Order Amending Rules is signed below;

Exempt Rules

- e) the rule amendments will be published in the *State Register*; and
- 3. The Office of Administrative Hearings received no written comments and submissions on the rules; and
- 4. The rules are needed and reasonable.

IT IS ORDERED that the above-captioned rules, in the form attached hereto and to the Notice of Intent to Adopt on August 20, 2007, are amended pursuant to authority vested in me by *2007 Laws of Minnesota - Chapter 135, Article 2, Section 38, Minnesota Statutes § 181A.09 and Minnesota Statutes § 175.171*.

Dated: September 5, 2007

Steve Sviggum, Commissioner
Department of Labor and Industry

5200.0910 PROHIBITED EMPLOYMENTS OF MINORS UNDER 18 YEARS OLD.

No minor under the age of 18 shall be employed:

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

P. In any rooms constituting the place in which intoxicating liquors or 3.2 percent malt liquors are served or consumed or in any tasks involving the serving, dispensing, or handling of such liquors that are consumed on the premises except that:

(1) minors who have reached the age of ~~17~~ 16 may be employed to perform ~~busing or, dishwashing, or hosting~~ services in those rooms or areas of a restaurant, hotel, motel, or resort where the presence of intoxicating liquor is incidental to food service or preparation;

(2) minors who have reached the age of ~~17~~ 16 may be employed to perform ~~busing or, dishwashing, or hosting~~ services or to provide waiter or waitress service in rooms or areas where the presence of 3.2 percent malt liquor is incidental to food service or preparation;

(3) minors who have reached the age of 16 may be employed to provide musical entertainment in those rooms or areas where the presence of intoxicating liquor and 3.2 percent malt liquor is incidental to food service or preparation; and

(4) minors are not prevented from working at tasks which are not prohibited by ~~other parts of these rules or the law~~ in establishments where liquor is sold, served, dispensed, or handled in those rooms or areas where no liquor is consumed or served.

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

Department of Labor and Industry

Adopted Exempt Permanent Rules Relating to Workers' Compensation; Independent Medical Examination Fees; Fee Schedule Payment Limits

5219.0500 INDEPENDENT MEDICAL EXAMINATION FEES.

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

Subp. 4. **Adjustments.** On October 1, 1994, and on October 1 of each succeeding year, the fees in this part must be adjusted by the percentage determined under *Minnesota Statutes*, section 176.645, in the same manner as the conversion factor of the relative value fee schedule is adjusted under *Minnesota Statutes*, section 176.136. This provision does not apply to expenses under subpart 3, item E, subitem (1). The fees shall be adjusted as follows:

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

L. on October 1, 2005, there shall be no further adjustment to the fees set forth in item K; ~~and~~

M. on October 1, 2006, the fees as adjusted in item K shall be increased by 0.73 percent; ~~and~~

N. on October 1, 2007, the fees as adjusted in item M shall be increased by 0.9 percent.

5221.4020 DETERMINING FEE SCHEDULE PAYMENT LIMITS.

Subpart 1. **Conversion factor.**

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

E. For dates of service from October 1, 2007, to September 30, 2008, the conversion factors are as follows:

(1) for medical/surgical services in part 5221.4030: \$77.56;

(2) for pathology and laboratory services in part 5221.4040: \$64.77;

(3) for physical medicine and rehabilitation services in part 5221.4050: \$67.24; and

(4) for chiropractic services in part 5221.4060: \$55.85.

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

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.

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Office of Enterprise Technology

Chief Information Officer

Notice of Intent to Collect Stakeholder Input on Preservation of Electronic Documents

Under the provisions of *Minnesota Laws 2007*, Chapter 148, Article 2, Section 77, the state's Chief Information Officer, Gopal Khanna, is to undertake a study related to preservation of electronic documents. The pertinent legislative language reads:

The chief information officer of the state, in consultation with the state archivist and legislative reference librarian, shall study how electronic documents and the mechanisms and processes for accessing and reading electronic data can be created, maintained, exchanged, and preserved by the state in a manner that encourages appropriate government control, access, choice, and interoperability.

The CIO must report back through the CIO to the Legislature on findings and recommendations by January 15, 2008.

The law further requires that: The chief information officer shall solicit comments from stakeholders, including, but not limited to, the legislative auditor, attorney general, librarians, state services for the blind, representatives of the Minnesota Historical Society, other historians, and the media. The chief information officer shall also solicit comments from members of the public.

To allow all citizens and stakeholders equal opportunity to submit comments, a web-enabled process will allow for structured input by use of an electronic survey accessible from the Office of Enterprise Technology (OET) website:

<http://www.state.mn.us/portal/mn/jsp/home.do?agency=OETweb>

or directly from the URL below. The survey instrument will be available from Monday, September 24, 2007 until Monday, October 15, 2007. At the conclusion of the survey period, all comments will be published on the OET website.

To use the survey, go to http://survey.oet.state.mn.us/surveys/eds_stakeholder.htm

Official Notices

Department of Human Services

Health Care Purchasing and Delivery Systems Division

Health Care Administration

Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of additions to the state Medical Assistance maximum allowable cost (state MAC) list for certain outpatient prescribed drugs.

At least once each calendar year, the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services, publishes a federal upper limit (FUL) payment schedule for many commonly prescribed multiple-source drugs. The federal upper limit is set at a rate equal to 150 percent of the published price for the least costly therapeutic equivalent that can be purchased by pharmacists. This FUL payment schedule constitutes the federal MAC list. For many multiple-source drugs that are not on the federal MAC list, the Department establishes a state MAC list. Additionally, the Department imposes a state MAC for many multiple-source drugs that are on the federal MAC list, as long as the savings are at least as much as the savings would be using the federal MAC list.

The Department requires Medical Assistance pharmacy providers to submit their usual and customary costs. Pharmacy providers are reimbursed at the lower of: 1) the federal or state MAC, plus a dispensing fee; 2) the submitted usual and customary charge to the general public; or 3) a discount off of average wholesale price, plus a dispensing fee.

On January 13, 2003 at 27 SR 1117-1130, the Department published the MAC list, listing the federal and state MACs. Additional changes to the state MAC list were published on February 18, 2003 (27 SR 1331-1334), March 3, 2003 (27 SR 1386-1393), April 21, 2003 (27 SR 1583-1584), August 4, 2003 (28 SR 102-103), October 13, 2003 (28 SR 505-506), October 20, 2003 (28 SR 528-529), December 15, 2003 (28 SR 784-785), January 26, 2004 (28 SR 934-935), March 8, 2004 (28 SR 1089-1090), April 5, 2004 (28 SR 1232), April 19, 2004 (28 SR 1313-1314), May 3, 2004 (28 SR 1367-1368), August 9, 2004 (29 SR 173), August 23, 2004 (29 SR 224-225), November 8, 2004 (29 SR 510), November 15, 2004 (29 SR 534-535), February 7, 2005 (29 SR 923-924), February 14, 2005 (29 SR 951-952), March 7, 2005 (29 SR 1038-1039), April 11, 2005 (29 SR 1174-1175), June 27, 2005 (29 SR 1607), July 18, 2005 (30 SR 49-50), August 15, 2005 (30 SR 147), August 29, 2005 (30 SR 226-227), October 17, 2005 (30 SR 402-403), November 14, 2005 (30 SR 511-512), December 12, 2005 (30 SR 617-618), January 9, 2006 (30 SR 770-771), January 30, 2006 (30 SR 833), February 13, 2006 (30 SR 884), February 27, 2006 (30 SR 926-927), March 20, 2006 (30 SR 1006-1007), April 10, 2006 (30 SR 1109), May 30, 2006 (30 SR 1249-1250), July 31, 2006 (31 SR 138-139), August 21, 2006 (31 SR 268), September 18, 2006 (31 SR 380 - 381), October 2, 2006 (31 SR 474-477), October 16, 2006 (31 SR 519-520), November 6, 2006 (31 SR 614), January 2, 2007 (31 SR 867-868), January 29, 2007 (31 SR 958-959), February 26, 2007 (31 SR 1169-1170), April 23, 2007 (31 SR 1444-1445), April 30, 2007 (31 SR 1523), June 18, 2007 (31 SR 1810-1811), July 23, 2007 (32 SR 219-220), August 6, 2007 (32 SR 301-302) and August 27, 2007 (32 SR 380-381).

Effective September 25, 2007 the Department will add the following outpatient prescribed drugs to the state MAC list:

Drug Name	Strength	MAC Price
CARVEDILOL	3.125MG	\$0.114
CARVEDILOL	6.25MG	\$0.114
CARVEDILOL	12.5MG	\$0.114
CARVEDILOL	25MG	\$0.114
ONDANSETRON HCL	4MG/5ML	\$2.60

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$431,000 for State Fiscal Year 2006 (July 1, 2007 through June 30, 2008).

This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205, which requires publication of a notice when there is a rate change in the methods and standards for setting payment rates for Medical Assistance services.

Written comments and requests for information may be sent to Kristin Young, Pharmacy and Program Manager, Health Care Purchas-

ing and Delivery Systems Division, Health Care Administration, Minnesota Department of Human Services, P.O. Box 64984, St. Paul, Minnesota 55164-0984; **phone:** (651) 431-2504 or **email:** *kristen.c.young@state.mn.us*

Department of Natural Resources Notice of Sale of State Metallic Minerals Leases in Portions of Carlton, Kanabec, Mille Lacs, Lake and St. Louis Counties

NOTICE IS HEREBY GIVEN that a sale of leases to explore for, mine and remove metallic minerals in trust fund lands, lands and minerals forfeited for non-payment of taxes, lands and minerals otherwise acquired, and other state-owned land under the jurisdiction of the Commissioner of Natural Resources, and located in portions of Carlton, Kanabec, Mille Lacs, Lake, and Saint Louis Counties, is scheduled to be held on Wednesday, October 24, 2007 at 9:00 a.m. The sale will take place in the East-West Conference Room located on the 5th floor of the DNR Central Office Building, 500 Lafayette Road, Saint Paul, Minnesota.

The Commissioner of Natural Resources will receive sealed bids and applications for leases covering minerals in state lands, in accordance with Minnesota Rules, parts 6125.0100 through 6125.0700, which are the metallic minerals rules issued under the authority of Minnesota Statutes.

Each bid must be submitted on a form obtained from the Commissioner. Each bid form must be accompanied by a certified check, cashier's check, or bank money order, payable to the Department of Natural Resources in the sum of the following amounts: a) an application fee of \$100.00 for each mining unit bid upon; and b) rental for one full calendar year for each mining unit bid upon. All bids must be received by the Commissioner at the office of the Division of Lands and Minerals, Fourth Floor, DNR Building, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045, before 4:30 p.m. of Tuesday, October 23, 2007.

On Wednesday, October 24, 2007, at the time specified, the Commissioner or his representative will publicly open the bids and announce the amount of each bid separately. At a subsequent time leases will be awarded by the Commissioner, with the approval of the State Executive Council, to the highest bidder for the respective mining units, but no bids will be accepted that do not equal or exceed the base royalty rates set forth in the rules or that do not comply with all provisions of the rules. The right is reserved to the State, through the Executive Council, to reject any or all bids.

The purpose of Minnesota's metallic minerals rules is to promote and regulate the prospecting for, mining and removal of metallic minerals on state-owned and state-administered lands. These rules, and the leases issued under the rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of minimum rentals which increase with the passage of time, the payment of royalty for all ore mined and removed, the submission of data and other reports, and the submission of exploration plans. In addition, the state lessee must comply with all applicable regulatory laws. No land or water areas within the Boundary Waters Canoe Area Wilderness or Voyageurs National Park are included in this or any state mineral lease sale. After the conclusion of the sale, the Commissioner shall request each high bidder to provide evidence the bidder is qualified to hold state mineral leases pursuant to Minnesota Rules, part 6125.0410. The rules state that a lease will only be issued to an applicant qualified to do business in Minnesota and qualified to conduct exploratory borings in Minnesota. In addition, the Commissioner may request evidence that the lease applicant is technically and financially capable of performing under the terms of a state mineral lease. The requested evidence must be provided within 45 days of the request from the Commissioner or the bids from that high bidder will be rejected.

Upon the award of a lease, the application fee submitted with the bid will be deposited as a fee for the lease. All bids not accepted will become void, and the application fee and rental payment accompanying such bids will be returned to the respective bidders; provided, however, the application fee and rental payment accompanying a bid shall not be returned if the bidder was the high bidder and subsequently withdrew the bid prior to the awarding of a lease.

Bid forms, instructions on how bids are to be submitted, copies of the rules (Minnesota Rules, parts 6125.0100 through 6125.0700) and copies of the Mining Unit Book, listing the land areas designated by the Commissioner as mining units, may be obtained from the Transactions Section, Division of Lands and Minerals, DNR Building, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045. E-mail inquiries may be sent to *kathy.lewis@dnr.state.mn.us*.

The Mining Unit Book will be available at least thirty days prior to October 24, 2007. Application for each copy of the Mining Unit
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Book must be accompanied by a check or money order payable to the Department of Natural Resources in the sum of \$20.00 as a fee for such Mining Unit Book plus shipping and applicable State of Minnesota Sales Tax. Unit books will also be available for inspection at the Hibbing and Saint Paul offices of the Division of Lands and Minerals, and on the internet through the DNR website at:

www.dnr.state.mn.us/lands_minerals

Dated: September 18, 2007

Marty K. Vadis, Director
Division of Lands and Minerals
Minnesota Department of Natural Resources

Minnesota Board of School Administrators Proposed Amendment to Rules Governing Requirements for School Administrator Licensure, Minnesota Rules, Chapter 3512 Proposed Modifications Required By Minnesota Session Law 2005, First Special Session, Chapter 5, Article 2, Section 81 As Amended By Minnesota Session Law 2006, Chapter 263, Article 2, Section 81 And Amended By Minnesota Session Law 2007 Chapter 146, Article 2, Section 81

INTRODUCTION

All school administrators are required to meet designated competencies in order to obtain state of Minnesota licensure. The current *Minnesota Rules*, Chapter 3512 contains statewide provisions that outline the requirements for licensure of school administrators in the state of Minnesota. The Minnesota Board of School Administrators was granted the authority to rewrite the competencies (standards) that educators must meet in order to gain a license to be a K-12 principal, K-12 Superintendent, Director of Special Education, or Director of Community Education in order to comply with current research and practice and to meet specifically the requirements of 2006 *Minnesota Laws* which requires the Board to adopt competencies referring to school safety and security.

Major provisions within the current *Minnesota Rules*, Ch. 3512 outline the requirements for licensure of school administrators in the state of Minnesota. The major provisions in this rule include:

- General educational and experiential requirements for school administrators
- Competencies that administrators in specific areas—K-12 principal, K-12 Superintendent, Director of Special Education, Director of Community Education—must meet in order to be licensed.
- Alternative licensure requirements.
- Procedures for issuing licensure variances.
- Procedures for hearing complaints against licensed school administrators.
- Procedures for revocation of licensure.
- Procedures for approval of licensure programs.
- Code of Ethics.
- Other provisions and procedures concerning the licensure of school administrators.

It is specifically stated within *Minnesota Rule* 3512.1700 that the rule shall be reviewed by an independent body every two years.

The process used to draft the proposed rules consists of a series of task force, advisory committee and Minnesota Board of School Administrators meetings. Following is a list of organizations represented on the task force and a list of task force meetings:

Organizations represented by task force members:

- Minnesota Association for School Administrators (MASA)
- Minnesota Administrators for Special Education (MASE)
- Minnesota Community Education Association (MCEA)
- Minnesota Elementary School Principals Association (MESPA)
- Minnesota Association of Secondary School Principals (MASSP)
- Minnesota Department of Education (MDE)
- Minnesota Board of School Administrators (MBSA)

Higher education administrative licensure preparation programs

Task force meetings:

October 24, 2005
November 14, 2005
November 28, 2005
December 2, 2005
December 16, 2005
January 23, 2006
January 30, 2006
February 13, 2006
October 16, 2006
November 6, 2006
November 27, 2006
December 18, 2006
January 22, 2006

ALTERNATIVE FORMAT

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Dr. Judith Eaton Lamp, Executive Director of Minnesota Board of School Administrators, 1667 Snelling Avenue North, Falcon Heights, MN 55108, phone (651) 999-7389, and fax (651) 999-7388. TTY users may call the Board at (651) 282-5332 or (800) 657-3864.

STATUTORY AUTHORITY

All sources of statutory authority were adopted and effective prior to January 1, 1996 and this rulemaking is an amendment of rules, so Minnesota Statutes, section 14.125, does not apply. See *Minnesota Laws 1995*, chapter 233, article 2, section 58.

The Department's statutory authority to adopt the rules is set forth in *Minnesota Statutes* section 122A.14, which provides: "The board shall license school administrators. The board shall adopt rules to license school administrators under chapter 14. Other than the rules transferred to the board under section 122A.18, subdivision 4, the board may not adopt or amend rules under this section until the rules are approved by law."

Under this statute, the Minnesota Board of School Administrators has the necessary statutory authority to adopt the proposed rules.

The Minnesota Board of School Administrators (Board) is proposing to amend *Minnesota Rules* Ch. 3512 to update requirements for school administrator licensure and to comply with the requirements in *Minnesota laws 2005* Ch. 5, art. 2, § 81, as amended by Minn. Laws 2006 Ch. 263, art. 2, § 81. With the legislated establishment of Board authority rather than Commissioner authority to grant new administrative licenses, the rule required modification in order to bring said rule into line with Minn. Laws.

The authority for expedited rule writing was initially granted through *Minnesota Laws 2005* Ch. 5, art. 2 § 81. In addition, full rule writing authority was granted in *Minnesota Laws 2006* Ch. 5, art. 2 § 81.

There are no economic, scientific, or other manuals or treatises that have bearing on this.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out seven factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (7) below quote these factors and then give the Minnesota Board of School Administrator's response.

(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;

- Individuals who will be completing educational administration programs
- The professional organizations associated with licensure (i.e. Minnesota Association of School Administrators, Minnesota Association of Secondary School Principals, Minnesota Association of Elementary School Principals)

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- Professional Organizations involved with education (i.e. Education Minnesota)
- Department of Education
- Higher Education Educational Administration programs

(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;

There will be minimal costs to the Minnesota Board of School Administrators and other involved agencies with the implementation and enforcement of the rule changes. The rule changes are for purposes of clarity. Cost will occur with updating/reprinting materials and re-distributing documents that address the rule.

(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule;

There is minimal cost involved and minimal intrusion with the changes that have been incorporated into the rule. The purpose of the changes is to provide clarity and continuity to the rule.

(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule;

The Board of School Administrators and others who are involved with the implementation of the rule (Department of Education, Higher Education Educational Administration programs) have identified areas in the rule that could benefit from clearer and/or more unified language. Efforts to communicate and clarify areas of the rule have been on-going; however, the proposed rule changes will provide written, coherent clarification.

(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals;

There will be minimal or no costs with complying with the proposed rule.

(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses and individuals; and

(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

Not applicable for this particular rule change request.

LIST OF WITNESSES

If these rules go to a public hearing, the Department anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

Mary Mackbee	Chairperson
Sanford Nelson	Vice-chair
Jean Haar	Board member
Bruce Kramer	Board member
Jim Rhodes	Board member
Ramraj Singh	Board member
Louise Sundin	Board member
Daniel Sullivan	Board member
Diane Rauschenfels	Board member

RULE-BY-RULE ANALYSIS

The proposed rule amendment is to Rule 3512. The left hand column is as the rule currently reads, and the right hand column is for the proposed rule changes.

Part 3512.0200, subpart 3

3512.0200 EDUCATION AND EXPERIENCE REQUIREMENTS

- B. have field experience of at least 320 hours or eight weeks to be completed within 12 continuous months in elementary or secondary

schools as an administrative aide to a licensed and practicing school principal, or have placement with a licensed educational administrator appropriate for the school superintendency and principalship.

B. have field experience of at least 320 hours or 40 eight hour days to be completed within 12 continuous months in pre-k-elementary, or secondary middle/junior high, and high schools as an administrative aide to a licensed and practicing school principal or superintendent. The field experience will include at least 40 hours or 1 week at each level not represented by the applicant's primary teaching experience.

Rationale: The Minnesota principal's license is a K-12 license. As the rule is currently written, it is possible that a person could be named principal at a level in which he or she has never had experience. A task force made up of representatives appointed by the professional associations—Minnesota Association of Secondary School Principals (MASSP), Minnesota Elementary School Principals Association (MESPA), Minnesota Administrators of School Administrators (MASA), Minnesota Association of Special Educators (MASE), and Minnesota Association of Community Educators (MACE)—endorsed the recommendation to require at least 1 week of field experience at the levels not represented by the applicant's primary teaching experience.

Part 3512.0300, subpart 5

3512.0300 SCHOOL SUPERINTENDENTS AND PRINCIPALS.

Subp. 5. **Administrative licensure completed outside of Minnesota.** A person prepared in another state must be granted an initial license in accordance with part 3512.2600. One year of full-time experience as a superintendent, assistant superintendent, principal, or assistant principal in another state may be substituted for the field experience required by part 3512.0400.

3512.0300 SCHOOL SUPERINTENDENTS, PRINCIPALS AND DIRECTORS OF SPECIAL EDUCATION.

Subp. 5. **Administrative licensure completed outside of Minnesota.** A person prepared in another state must be granted an initial license in accordance with part 3512.2600. One year of full-time experience as a superintendent, assistant superintendent, principal, assistant principal, Director of Special Education or Assistant Director of Special Education in another state may be substituted for the field experience required by part 3512.0400. Persons will be required to achieve educational equivalency (by the end of their initial license)with those persons licensed in MN (30 semester credits beyond the MA or 60 semester credits above the BA

Rationale: This is to ensure that all superintendents principals and directors of special education in the State of Minnesota meet the same educational requirements. In the old rule, this was left open to interpretation.

Part 3512.0500

See Rule

Delete all of 0500. Replace with 3512.510

3512.0510 PROGRAM REQUIREMENTS FOR ALL ADMINISTRATIVE LICENSES.

Subp. 1. Core Leadership Competencies for all Minnesota Administrative LicensesA person who serves as a Superintendent, Principal, Director of Special Education, and/or Director of Community Education will demonstrate competence in the following core areas:

A. Leadership

1. demonstrate leadership by collaboratively assessing and improving culture, and climate;
2. demonstrate leadership by providing purpose and direction for individuals and groups;
3. model shared leadership and decision-making strategies;
4. demonstrate an understanding of issues affecting education;
5. through a visioning process, formulate strategic plans and goals with staff and community;
6. set priorities in the context of stakeholder needs;
7. serve as a spokesperson for the welfare of all learners in a multicultural context;
8. understand how education is impacted by local, state, national, and international events;
9. demonstrate the ability to facilitate and motivate others;
10. demonstrate the ability to implement change or educational reform.

B. Organizational Management

1. demonstrate an understanding of organizational systems;
2. define and use processes for gathering, analyzing, managing and using data to plan and make decisions for program evaluation;
3. plan and schedule personal and organizational work, establish procedures to regulate activities and projects, and delegate and empower others at appropriate levels;

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4. demonstrate the ability to analyze need and allocate personnel and material resources;
5. develop and manage budgets and maintain accurate fiscal records;
6. demonstrate an understanding of facilities development, planning and management;
7. understand and use technology as a management tool.

C. Diversity Leadership

1. demonstrate an understanding and recognition of the significance of diversity, and respond to the needs of diverse learners;
2. create and monitor a positive learning environment for all students;
3. create and monitor a positive working environment for all staff;
4. promote sensitivity of diversity throughout the school community;
5. demonstrate the ability to adapt educational programming to the needs of diverse constituencies;

D. Policy and Law

1. develop, adjust, and implement policy to meet local, state, and federal requirements and constitutional provisions, standards, and regulatory applications;
2. recognize and apply standards of care involving civil and criminal liability for negligence, harassment, and intentional torts;
3. demonstrate an understanding of state, federal, and case law governing general education, special education, and community education.

E. Political Influence and Governance

1. exhibit an understanding of school districts as a political system, including governance models;
2. demonstrate the ability to involve stakeholders in the development of educational policy;
3. understand the role and coordination of social agencies and human services;
4. demonstrate the ability to align constituencies in support of priorities and build coalitions for programmatic and financial support.

F. Communication

1. formulate and carry out plans for internal and external communications;
2. demonstrate facilitation skills;
3. recognize and apply an understanding of individual and group behavior in normal and stressful situations;
4. facilitate teamwork;
5. demonstrate an understanding of conflict resolution and problem solving strategies;
6. make presentations that are clear and easy to understand;
7. respond, review, and summarize information for groups;
8. communicate appropriately (speaking, listening, and writing) for different audiences— students, teachers, parents, community, and other stakeholders;
9. understand and utilize appropriate communication technology.

G. Community Relations

1. articulate organizational purpose and priorities to the community and media;
2. request and respond to community feedback;
3. demonstrate the ability to build community consensus;
4. relate political initiatives to stakeholders, including parental involvement programs;
5. identify and interact with internal and external publics;
6. understand and respond to the news media;
7. promote a positive image of schools and the school district;
8. monitor and address perceptions about school-community issues;
9. demonstrate the ability to identify and articulate critical community issues which may impact local education.

H. Curriculum Planning and Development for the Success of All Learners

1. demonstrate the ability to enhance teaching and learning through curriculum assessment and strategic planning for all learners, including pre-k-elementary, middle/junior high school, high school, special education and adult levels;
2. demonstrate the ability to provide planning and methods to anticipate trends and educational implications;
3. demonstrate the ability to develop, implement, and monitor procedures to align, sequence, and articulate curriculum and validate curricular procedures;
4. demonstrate the ability to identify instructional objectives and use valid and reliable performance indicators and evaluative procedures to measure performance outcomes;
5. appropriately use learning technologies;
6. demonstrate an understanding of alternative instructional designs, curriculum, behavior management, and assessment accommodations and modifications;

7. demonstrate an understanding of the urgency of global competitiveness.

I. Instructional Management for the Success of All Learners

1. demonstrate an understanding of research of learning and instructional strategies;
2. describe and apply research and best practices on integrating curriculum and resources to help all learners achieve at high levels;
3. demonstrate the ability to utilize data for instructional decision making;
4. demonstrate the ability to design appropriate assessment strategies for measuring learner outcomes;
5. demonstrate the ability to implement alternative instructional designs, curriculum, behavior management, and assessment accommodations and modifications;
6. demonstrate the ability to appropriately use technology to support instruction.
7. demonstrate the ability to meet the enrichment, remediation, and special education needs of all students;

J. Human Resource Management

1. demonstrate knowledge of effective personnel recruitment, selection, and retention;
2. demonstrate an understanding of staff development to improve the performance of all staff members;
3. demonstrate the ability to select and apply appropriate models for supervision and evaluation;
4. describe and demonstrate the ability to apply the legal requirements for personnel selection, development, retention, and dismissal;
5. demonstrate understanding of management responsibilities to act in accordance with federal and state constitutional provisions, statutory and case law, regulatory applications toward education, local rules, procedures and directives governing human resource management;
6. demonstrate understanding of labor relations and collective bargaining;
7. demonstrate understanding of the administration of employee contracts, benefits, and financial accounts.

K. Values and Ethics of Leadership.

1. demonstrate understanding of the role of education in a democratic society;
2. demonstrate understanding of and model democratic value systems, ethics, and moral leadership;
3. demonstrate the ability to balance complex community demands in the best interest of learners; and
4. help learners grow and develop as caring, informed citizens;
5. demonstrate understanding and application of the Minnesota Board of School Administrators Code of Ethics for Administrators.

L. Judgment and Problem Analysis

1. identify the elements of a problem situation by analyzing relevant information, framing issues, identifying possible causes, and reframing possible solutions;
2. demonstrate adaptability and conceptual flexibility;
3. assist others in forming opinions about problems and issues,
4. reach logical conclusions by making quality, timely decisions based on available information;
5. identify and give priority to significant issues;
6. demonstrate understanding of and utilize appropriate technology in problem analysis;
7. demonstrate understanding of different leadership and decision-making strategies, including but not limited to collaborative models, and model appropriately their implementation.

M. Safety and Security

1. demonstrate the ability to develop and implement policies and procedures for safe and secure educational environments;
2. demonstrate the ability to formulate safety and security plans to implement security procedures including an articulated emergency chain of command, safety procedures required by law, law enforcement assistance, communication with the public, and evacuation procedures;
3. demonstrate the ability to identify areas of vulnerability associated with school buses, buildings, and grounds and formulate a plan to take corrective action;
4. demonstrate understanding of procedural predictabilities and plan variations where possible;
5. demonstrate the ability to develop plans that connect every student with a school adult, eliminate bullying and profiling and implement recommended threat assessment procedures.

Subp. 2. Superintendent Competencies A person who serves as a Superintendent will demonstrate all core competencies as described in Subpart 1 as well as competence in the following specific areas:

A. Policy and Law

1. demonstrate an understanding of the role policy plays in school district governance and administration;
2. demonstrate knowledge of statutory regulations affecting School Board meetings, communications, procedures, and practices;

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3. demonstrate an understanding of the roles and responsibilities of the School Board.

B. Political Influence and Governance

1. demonstrate an understanding of the role the political process plays in public education and the connection between them;
2. demonstrate understanding of how to interact with local and state government;
3. demonstrate understanding of the roles played by other community leaders in the school district.

C. Communication

1. demonstrate knowledge of cultivating positive relationships between and with School Board members;
2. demonstrate understanding of the importance communication leadership between school district and its community.

D. Organizational Management

1. demonstrate knowledge of factors that affect school finance, including sources of revenue, expenditure classifications, Generally Acceptable Accounting Principals, and local, state, and federal finance calculations.

E. Judgment and Problem Analysis

1. demonstrate knowledge of how to balance varied and competing interests to assure the mission and vision of the school district is carried forward.

Subp. 3. Principal Competencies A person who serves as a Principal will demonstrate all core competencies as described in Subpart 1 as well as competence in the following specific areas:

A. Instructional Leadership

1. demonstrate the ability to understand and apply school-wide literacy and numeracy systems;
2. demonstrate the ability to understand and apply district-wide literacy and numeracy systems.

B. Monitor Student Learning

1. demonstrate the ability to create a culture that fosters a community of learners;
2. demonstrate an understanding of student guidance systems and auxiliary services;
3. demonstrate the ability to implement a positive and effective student management system;
4. demonstrate the ability to develop and implement effective student discipline plans;
5. demonstrate the ability to develop a master instructional schedule;
6. demonstrate the ability to understand and support a comprehensive program of student activities.

C. K-12 Leadership

1. demonstrate understanding of the articulation and alignment of curriculum from pre-school through grade 12;
2. demonstrate understanding of different organizational systems and structures at pre-K, elementary, middle or junior high and high school levels;
3. demonstrate the ability to work with children of all ages;
4. demonstrate the ability to work with parents, teachers and other staff in all levels of schooling;
5. demonstrate understanding of the characteristics of effective transitions from one level of schooling to the next;
6. demonstrate understanding of developmental needs of children of all ages.

Subp. 4. Director of Special Education Competencies A person who serves as a Director of Special Education will demonstrate all core competencies as described in Subpart 1 as well as competence in the following specific areas:

A. Policy and Law

1. demonstrate an understanding of state and federal laws, rules, and procedures governing special education finance, budgeting and accounting;
2. demonstrate an understanding of state and federal regulations governing the monitoring of special education programs.

B. Organizational Management

1. demonstrate an understanding of the role policy and procedure play in school district governance and administration;
2. demonstrate knowledge of statutory regulations affecting Board meetings, communications, procedures, and practices that affect special education governance;
3. demonstrate an understanding of special education administrative models used in Minnesota.

C. Resource Allocation

1. demonstrate an understanding of special education program development including needs assessment, design and evaluation;
2. demonstrate an understanding of the resources available, along with the agencies and organizations that serve students with a disability and their families;

Subp. 5. Director of Community Education Competencies A person who serves as a Director of Community Education will demonstrate all core competencies as described in Subpart 1 as well as competence in the following specific areas:

A. Community Education Concepts

1. understand and describe the history and philosophy of community education;
2. demonstrate a knowledge and application of the principles of community education;
3. demonstrate a knowledge of the role of the local school district's administrative team and the community education director's place within it;
4. demonstrate, facilitate and lead the integration of community education into the pre- K-12 system;
5. demonstrate the skills necessary to conduct community needs assessments, determine educational objectives, select learning experiences, schedule and promote programs, and establish and implement registration procedures;
6. demonstrate knowledge of the various assessment tools used to effectively evaluate community education programs;
7. demonstrate understanding of the resources available to support learners of all abilities.

B. Community Capital

1. demonstrate a knowledge of advisory councils, their role, organization, functions and development;
2. demonstrate the ability to involve advisory councils in addressing community and school issues;
3. demonstrate the ability to build collaborative partnerships in the community;
4. demonstrate the ability to effectively identify the community political structures, both formal and informal;
5. demonstrate the ability to identify and effectively use local, civic, and business resources to enhance the lifelong learning opportunities within the community;
6. demonstrate the knowledge of the techniques used for developing leadership among community members;
7. demonstrate knowledge about sustaining community involvement in the community education process;
8. demonstrate knowledge of factors that affect school finance, including sources of revenue, expenditure classifications, generally acceptable accounting principles, and local, state, and federal finance calculations.

RATIONALE: Competencies in 3512.0500 are now covered in proposed Rule 0510. The proposed competencies reflect three current considerations in the preparation of administrators for schools. First, they are an attempt to recognize the knowledge, skills and dispositions needed at this time by all administrators joining the field. Secondly, they are an attempt to incorporate the most current thinking from a variety of research and theoretical points of view about these knowledge, skills and dispositions. Finally, they represent an organizational structure that makes a great deal of sense in terms of identifying a core that crosses all licenses and specific competencies above and beyond the core that is reflective of the specific licensure area.

Part 3512.0600, subpart 3, 4, and 5

Delete all of 3512.0600

RATIONALE: Competencies in 3512. 0600 are now covered in proposed Rule 0510.

Part 3512.0700, subpart 1

Subp. 3. **Field experience.** An applicant shall have satisfactorily completed a field experience in school administration, which shall be in a school setting under the supervision of educators from an approved college or university school administration program. The field experience must consist of at least 320 hours and is in addition to the internship experience described in subpart 4.

Subp. 4. **Internship requirement.** An applicant shall have experience in curriculum, school organization, philosophy of education, and elementary and secondary schools. The internship shall:

- A. include one school year of classroom experience;
- B. be under the supervision of a practicing, licensed school administrator;
- C. include supervision provided by educators from an approved school administration program; and
- D. be based on a written agreement between the intern, the approved school administration preparation institution, and the school district in which the internship is completed.

Subp. 3. **Field experience.** An applicant shall have satisfactorily completed a field experience in school administration, which shall be in a school setting under the supervision of educators from an approved college or university school administration program. The field experience must consist of at least 320 hours, of which at least 40 must be in each school level—pre-k-elementary, middle/junior high and high school— and is in addition to the internship experience described in subpart 4.

Subp. 4. **Teaching knowledge and skills.** An applicant shall demonstrate basic teaching knowledge and skills as required by 8710.2000, Standards of Effective Practice. The applicant shall:

- A. present a portfolio or other appropriate presentation as determined by the approved school administration program demonstrating teaching knowledge and skills; or

Official Notices

B. meet the examination requirement of 8710.0500 Subpart 1 A and B, and Subpart 3 A and B.

Subp. 4 5. **Teaching Internship requirement.** An applicant shall have experience and knowledge in curriculum, school organization, philosophy of education, pre-K, elementary, junior high, middle school and senior high schools. The internship shall:

- A. include one school year of classroom experiences; including 8 weeks of supervised teaching;
- B. be under the supervision of a practicing, licensed school administrator;
- C. include supervision provided by educators from an approved school administration program; and
- D. be based on a written agreement between the intern, the approved school administration preparation institution, and the school district in which the internship is completed.

RATIONALE: The addition of a teaching internship is to ensure that the knowledge and skills base about teaching is standardized across programs in the alternative licensure track. In addition, the alternative candidate is asked to demonstrate the same knowledge and skills that a beginning teacher demonstrates in order to be licensed in the State of Minnesota.

Part 3512.1100, subpart 1

3512.1100 SUPERINTENDENT SKILLS AND COMPETENCIES. Subpart 1. **Scope.** An applicant for a superintendent license under part 3512.0800 shall demonstrate knowledge, skills, and abilities in all of the subjects listed in subparts 2 to 7. decisions to meet

~~**3512.1100 SUPERINTENDENT SKILLS AND COMPETENCIES.** Subpart 1. **Scope.** An applicant for a superintendent license under part 3512.0800 shall demonstrate knowledge, skills, and abilities in all of the subjects listed in subparts 2 to 7. decisions to meet~~
Delete 3512.1100

RATIONALE: All Superintendent candidates, whether alternative or regular license tracks, will be required to meet the same competencies. Since there is no such thing as an alternative superintendency, it makes no sense to have two sets of competency standards for this license.

Part 3512.3500, subpart 2, and 3

Subpart 3. **Program requirement.** A program leading to the licensure of directors of community education must consist of a minimum of 20 semester hours, or the equivalent, and must provide a candidate recommended for licensure with the knowledge, skills, and dispositions in all of the subjects listed in items A to H. ~~ABC...H.~~ Practicum, which is field experience, includes at least 200 clock hours in an administrative position under the supervision of a licensed director of community education. During the field experience, the candidate shall demonstrate the ability to apply the knowledge and skills listed in items A to G. A person prepared in another state as director of community education may substitute one year of experience as a district wide director of community education in another state for the field experience.

Subpart 3. **Program requirement.** A program leading to the licensure of directors of community education must consist of a minimum of 20 semester hours, or the equivalent, and must provide a candidate recommended for licensure with the knowledge, skills, and dispositions in all of the subjects listed in ~~items A to H~~ 3512.0500 Subpart 1 and Subpart 5. ~~ABC...H.~~ The person must complete a Practicum, which is a field experience, includes at least ~~200~~ 320 clock hours in an administrative position under the supervision of a licensed director of community education. During the field experience, the candidate shall demonstrate the ability to apply the knowledge and skills listed in items A to G. A person prepared in another state as director of community education may substitute one year of experience as a district wide director of community education in another state for the field experience.

RATIONALE: To further prepare candidates for Director of Community Education positions, the Board recommends that all field experience components for all licenses be standardized at 320 hours.

Part 3512.4000, subparts 2 and 3

3512.4000 DIRECTORS OF SPECIAL EDUCATION.

Subp. 2. **Licensure requirements.** An applicant for licensure as a director of special education shall:

- A. have two years of teaching experience in special education while holding a license valid for the position or positions in which the experience was gained;

Subp. 3. **Program requirements.**

- C. The program must provide the candidate with a practicum or field experience, that must include a minimum of 200 hours in an administrative position under the immediate supervision of a functioning director of special education.

3512.4000 DIRECTORS OF SPECIAL EDUCATION. Subp. 2. **Licensure requirements.** An applicant for licensure as a director of special education shall:

A. have ~~three~~ ~~two~~ years of teaching experience in special education while holding a license valid for the position or positions in which the experience was gained;

Subp. 3. **Program requirements.**

C. The program must provide the candidate with a practicum or field experience, that must include a minimum of ~~200~~ 320 hours in an administrative position under the immediate supervision of a licensed director of special education. The field experience will include at least 40 hours or one week at a special education administrative unit other than the primary experience of the applicant.

RATIONALE: The proposed change from 2 years to 3 years of required teaching experience for the Director of Special Education recognizes the crucial role of teaching experience to leading in this area. To further prepare candidates for Director of Special Education positions, the Board recommends that all field experience components for all licenses be standardized at 320 hours.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

Dated: September 18, 2007

Minnesota Board of School Administrators.

Office of Secretary of State Proposed Amendments to Help America Vote Act (HAVA) State Plan

The Office of the Secretary of State is proposing amendments to the Help America Vote Act (HAVA) State Plan. As required by HAVA section 254 (a) (11) and 256 (2), there is a 30-day notice, inspection and comment period.

The text of the amendments is available on the Web site of the Office of the Secretary of State at:

<http://www.sos.state.mn.us/home/index.asp?page=134>.

The 30-day notice and comment period will end at 5:00 PM, October 24, 2007. Comments should be directed to: Bert Black, Legal Advisor, Office of the Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King, Jr. Boulevard, Saint Paul MN 55155; Phone: (651) 201-1326, Fax: (651) 215-0682, E-mail: *Bert.Black@state.mn.us* and must be received before that time and date.

State Grants & Loans

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

Department of Health

Health Promotion and Chronic Disease Division

Request for Proposals for the Minnesota Poison Control System – At least \$2,616,000 for Two Years

The Minnesota Department of Health (MDH) is soliciting proposals for the operation of a poison control system in Minnesota. This project is specifically designed to serve the needs of the citizens of the state for information relating to the prompt identification and appropriate home management or referral of cases of human poisoning.

MDH is seeking proposals for a two-year time period (January 1, 2008 – December 31, 2009) for four program components: call response, emergency preparedness, professional education, and public awareness. The department will award all components to one applicant. Eligible applicants are for-profit and nonprofit entities and units of government.

Additional funding may be available for this project, pending release of budget instructions by the Centers for Disease Control and Prevention for the Public Health Emergency Preparedness Cooperative Agreement. Proposers should contact Vicky Townsend at the address below to be notified about the final funding level after the budget instructions are released.

To be considered for funding, proposals must be received by 4:00 p.m. CST, Thursday, November 8, 2007 at the Minnesota Department of Health, 85 East Seventh Place, Suite 220, St. Paul, MN 55101. If proposals are sent by U.S. mail or other delivery service, it is wholly the responsibility of the proposer to ensure that the proposal package is properly addressed and physically delivered on time. Late proposals will not be considered.

A copy of the full Request for Proposals may be obtained at <http://www.health.state.mn.us/divs/hpcd/poisoncontrol>.

A copy can also be obtained by contacting:

Vicky Townsend
Health Promotion & Chronic Disease Director's Office
Minnesota Department of Health
P.O. Box 64882
St. Paul, MN 55164-0882
Phone: (651) 201-3602
E-mail: vicky.townsend@health.state.mn.us

Minnesota Department of Human Services

Continuing Care Administration

Home and Community-Based (HCBS) Employee Scholarship Program Open For Proposals

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals from qualified Medicaid Home and Community-Based service (HCBS) providers interested in receiving scholarship funds for employee education and training in nursing and other health care fields.

The Minnesota legislature, under *Minnesota Statutes* §256B.0918, enacted a program to provide scholarships for Home and Commu-

State Grants & Loans

nity-Based healthcare workers. The purpose of the HCBS Scholarship fund is to help create meaningful career paths for employees serving in the field of long-term care, specifically those serving in HCBS programs. In addition, this funding supports provider efforts to recruit, retain and train qualified employees and to expand the long-term care workforce.

Home and Community-Based providers approved to participate in the HCBS scholarship program will receive a rate adjustment of up to 3/10 of one percent of their medical assistance reimbursement rate, to be used for qualified employee scholarships.

The term of any resulting contract is anticipated to be from October, 2007 or upon program implementation (whichever is later), until September 30, 2009. A bidder's conference will be held at The Minnesota Department of Human Services (DHS) Elmer Andersen Building, 540 Cedar Street, St. Paul, MN., on Thursday September 18, 2007, from 12:30 to 2:00 p.m., in Room 3335.

The Request for Proposal (RFP) can be obtained from:

Munna Yasiri
State Programs Administrator Director
Department of Human Services
Continuing Care Administration
Phone: (651) 431-2264
E-mail: munna.yasiri@state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement **must be received at the address above no later than 4:00 p.m., Central Time, Friday September 28, 2007. Late proposals will not be considered.**

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

Minnesota Department of Humans Services Adult Mental Health Division, Problem Gambling Program Gambling Treatment Services to an Immigrant Population Open for Proposals

NOTICE IS HEREBY GIVEN that the Department of Human Services is requesting proposals from qualified mental health providers interested in the delivery of culturally appropriate problem gambling treatment services to an immigrant population.

The Minnesota legislature, under the Laws of 2007, Chapter 147, Article 8 rider, has appropriated \$100,000 in fiscal year 2008 from the lottery prize fund for a grant to be awarded competitively to develop culturally sensitive programs and services for problem gambling treatment, prevention and education in immigrant communities. This appropriation is available until June 30, 2009.

The term of this resulting contract is anticipated to be from December, 2007 or upon program implementation (whichever is later), until June 30, 2009. There will be no bidder's conference.

The Request for Proposal (RFP) can be obtained from:

Sharon Walp
Adult Mental Health, Problem Gambling Program
Department of Human Services
Phone: (651)431-2245
E-mail: sharon.walp@state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be sent to:

Sharon Walp
Adult Mental Health, Problem Gambling Program
Department of Human Services
P.O. Box 64981

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St. Paul, MN 55164-0981

Or delivered to:

540 Cedar St
St Paul, MN 55101

Proposals submitted in response to this Request for Proposals in this advertisement must be received at the address above not later than 4:00 p.m., Central Time, Monday October 31, 2007. Late proposals will not be considered.

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

Minnesota Pollution Control Agency Request for Proposals for Grant Contracts for Surface Water Assessment Monitoring

The Minnesota Pollution Control Agency (MPCA) requests proposals for projects that will collect water quality data of the proper type, adequate frequency, and quality to assess the beneficial uses on Minnesota's lakes and stream reaches that have not already been assessed. These projects will assist MPCA by providing the data needed to meet the goal of assessing the chemical, physical, and biological integrity of Minnesota's lakes and streams, and to identify if designated uses are being met.

The MPCA seeks applicants with experience in project administration, water quality monitoring, and data management. Projects incorporating the use of volunteers will receive preference. Monitoring will be limited to lakes and streams needing data to complete an assessment and data submission to STORET (via MPCA) is required.

For a copy of the Request for Proposal Contact:

Kurtis Soular
Minnesota Pollution Control Agency
520 Lafayette Road North
St Paul, MN 55155-4194
Telephone: (651) 297-7574
Fax: (651) 297-8676
E-mail: CWLASurfacewater@pca.state.mn.us

Responders are encouraged to supply an email address and to receive the RFP electronically. The subject line of the e-mail request should state "CR1368 Surface."

Proposal Due Date and Time: November 15, 2007, at 4:00 p.m. (CentralTime). Late Proposals will **NOT** be considered.

Questions: Responders must submit in writing a list of questions they would like addressed. Questions must be mailed, faxed, or e-mailed to Kurtis Soular and received by October 19, 2007, at 4:00 p.m. (Central Time). All questions and responses will be posted online at www.pca.state.mn.us/water/swagrant.html no later than November 1, 2007.

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

Minnesota Pollution Control Agency Request for Proposals for Grant Contract for Surface Water Assessment Training and Promotion

The Minnesota Pollution Control Agency (MPCA) requests proposals to provide statewide water quality monitoring training and promotional activities to support the Surface Water Assessment Grant Program. This program is intended to provide training primarily to volunteer groups on proper equipment use, sample collection, and data storage methods required by MPCA for assessment level stream and lake monitoring. Additional training capacity desired includes data analysis, monitoring plan design, and water safety.

The MPCA seeks an applicant with experience in the development and implementation of training programs, working with volunteers, familiarity with MPCA assessment monitoring and data storage requirements, and promotional activities.

For a copy of the Request for Proposal Contact:

Kurtis Soular
Minnesota Pollution Control Agency
520 Lafayette Road North
St Paul, MN 55155-4194
Telephone: (651) 297-7574
Fax: (651) 297-8676
E-mail: CWLA_surfacewater@pca.state.mn.us

Responders are encouraged to supply an email address and to receive the RFP electronically. The subject line of the e-mail request should state "CR1384 Training."

Proposal Due Date and Time: November 15, 2007, at 4:00 p.m. (CentralTime). Late Proposals will **NOT** be considered.

Questions: Responders must submit in writing a list of questions they would like addressed. Questions must be mailed, faxed, or e-mailed to Kurtis Soular and received by October 19, 2007, at 4:00 p.m. (Central Time). All questions and responses will be posted online at www.pca.state.mn.us/water/swagrant.html no later than November 1, 2007.

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

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.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

\$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600

\$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;

\$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and

anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

Fast Way to More Information

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Minnesota State Colleges and Universities

Notice of Request for Information (RFI) for Architectural, Owner's Representative, Real Estate and other related Professional and Technical services for a Master List of Consultants

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities ("MnSCU"), requests information of Minnesota registered consultants, as appropriate, to assist MnSCU in providing Architectural/Engineering, Owner Representative, Real Estate and other related Professional and Technical services as needed for up to a five-year period. Projects will vary in scope and may involve due diligence services, new construction, remodeling, commissioning, site and utility work, facilities, roads and grounds, and land development.

The Request for Information documents can be found online at: www.facilities.mnscu.edu under Solicitation Announcements. Copies of the RFI may also be requested from:

Nancy Marandola - Minnesota State Colleges & Universities
(651) 297-7862
E-mail: Nancy.marandola@so.mnscu.edu

Proposals must be delivered to:

Minnesota State Colleges & Universities
ATTN: Construction and Support Services
30 Seventh Street East, Suite 350
St. Paul, Minnesota 55101-7804

Proposals must be received NOT later than November 2, 2007 at 4:00 P.M. CST; late responses will not be considered.

MnSCU reserves the right to cancel this solicitation if it is considered to be in MnSCU's best interest. The RFI is not a guarantee of work and does not obligate MnSCU to award any contracts. MnSCU reserves the right to discontinue the use or cancel all or any part of this Master List of Consultants program if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota State Colleges and Universities (MnSCU) Office of the Chancellor Request for Proposal (RFP) for Sales and Staffing Support for eFolioWorld™

The work associated with this RFP is an extension of MnSCU's operation of eFolio Minnesota™ (see www.efoliominnesota.com). Recently, Avenet Inc. (www.avenet.net) which owned the copyright for the eFolio software deployed by eFolio Minnesota, made the decision to share software licensing authority with MnSCU. MnSCU has now commercialized its eFolio effort under the brand name eFolioWorld™ (see www.efolioworld.com). Work associated with this RFP will support this effort through educational licensing (K-12 through higher education) at various institutions around primarily the United States. The OFFICE OF THE CHANCELLOR is requesting proposals to assist in licensing efforts associated with eFolioWorld.

General criteria upon which proposals will be evaluated include, but are not limited to, the following:

- Direct experience in the education market space both K-12 and higher education.
- Significant knowledge of procurement processes within public and private education settings.
- Direct knowledge of instruction and student affairs processes within education institutions.
- Direct knowledge of program and institution accreditation activities.
- Experience with MnSCU procurement business processes.
- Knowledge and use of electronic portfolios within education settings.

Prior experience with and knowledge of eFolio Minnesota will also be considered.

Submission date is October 8, 2007 at 4:00 p.m. CT.

Complete copies of this Request for Proposal are available at www.efolioworldrfp.project.mnscu.edu

Minnesota State Colleges and Universities Minneapolis Community & Technical College NOTICE OF INTENT to request bids for printing and mailing of *Spring 2008 Class Schedule*

Specifications: Spring schedule will be approximately 32 pages self-cover.

Tabloid-size 10 3/4" x 17" saddle-stitched and trimmed. Refold to 10 3/4" x 8 1/2". Image area approximately 9 3/4" x 15 7/8" w/no bleeds. 35# white groundwood offset 80B self-cover. Cover is black and 2 PMS. Text is black and 1 PMS. Bids requested for quantities of 120,000 & 130,000 copies. Include cost for additional pages in 4 page increments. Request printer with onsite mailing capabilities. Approximately 108,000 schedules to be mailed. This includes approximately 8,000 provided addresses and about 100,000 residential zip code zoning bulk-mail. Include delivery to two Minneapolis locations.

Creatives will be provided in .pdf and InDesign format unless otherwise requested. Also, printer must be able to provide MCTC with a CD of the final document in a format that can be edited.

Print schedule: Files to printer approximately 10/16/2007 and deliver schedules within seven working days of final approved proofs and files. Expected completion date is 10/31/2007.

State Contracts

Bid Questions: David Tajima – 612-659-6224 or by email at *David.Tajima@minneapolis.edu*

Deadline for Bids: 10:00 a.m. – Friday, October 5, 2007

Submit bids: Prefer bid to be emailed to:
David.Tajima@minneapolis.edu
Or by mail to:
David Tajima / Marketing
Room K1100
Minneapolis Community and Technical College
1501 Hennepin Avenue
Minneapolis, MN 55403

NOTE: Preference will be given to vendors located in Minnesota as permitted by state law.

Minnesota State Colleges and Universities (MnSCU) North Hennepin Community College Notice of Request for Proposals for New Design of Web Presence

Notice of Request for Proposals for consultation and development of a new design and improved functionality of North Hennepin Community College's web presence. Bids are due Monday, October 8, 2007 at 2:00 P.M. CST.

North Hennepin Community College's agent for purpose of responding to inquiries about this RFP is:

Name: Wade Nelson
Title: Chief Information Officer
Address: 7411 85th Ave. N
Brooklyn Park, MN 55445
Phone: (763) 424-0964
Fax: (763) 488-0489
E-mail: *wnelson@nhcc.edu*

Optional pre-award vendors' conference is Thursday, September 27, 2007 at 3:00 P.M. in conference room ES-01 at North Hennepin Community College.

Submission information see Section VI of the RFP. The website for the RFP is *www.nhcc.edu/rfp*.

For purposes of this RFP, posting on this web site (*www.nhcc.edu/rfp*) constitutes notification to all vendors. Vendors are expected to check the web site frequently.

Minnesota State Colleges and Universities (MnSCU) St. Cloud Technical College Request for Proposals for Consulting Services for Elevator Upgrade

NOTICE IS HEREBY GIVEN that St. Cloud Technical College will receive proposals for consulting services to provide assistance in upgrading an existing elevator. The complete Request for Proposal will be available on Monday, September 24th, 2007, on the website *http://www.sctc.edu/rfp*.

Proposal responses must be delivered in a sealed envelope or package clearly marked "Consulting Services for Elevator Upgrade" to Sue Meyer at St. Cloud Technical College, Room 1-401H, 1540 Northway Drive, St. Cloud, MN 56303 by 4:00 p.m. on Tuesday, October 9th, 2007. St. Cloud Technical College reserves the right to reject any or all proposals, or portions thereof, or to waive any irregularities or informalities, in proposals received.

Background/Purpose:

The purpose of this Request for Proposal (RFP) is to evaluate and select a vendor to provide consulting services and assistance to upgrade an existing elevator. The scope of work includes investigating the existing elevator and related equipment, preparing bid documents and overseeing the bid process to upgrade the elevator to meet current codes, and preparing bid documents and overseeing the bid process to refurbish the elevator cab and related elements. This RFP is for an existing elevator at St. Cloud Technical College's main campus site located at 1540 Northway Drive, St. Cloud, Minnesota.

Questions:

All questions and inquiries related to this RFP must be in writing and directed to Lori Kloos, Vice President of Administration, St. Cloud Technical College, 1540 Northway Drive, St. Cloud, MN 56303; **e-mail:** lkloos@sctc.edu, **phone:** (320) 308-5026. Other department personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

St. Cloud Technical College Request for Proposals for Campus Wayfinding Program

NOTICE IS HEREBY GIVEN that St. Cloud Technical College will receive proposals for the development of a campus wayfinding program. The complete Request for Proposal will be available on Monday, September 24th, 2007, on the website <http://www.sctc.edu/rfp>.

Proposal responses must be delivered in a sealed envelope or package clearly marked "Campus Wayfinding Program" to Sue Meyer at St. Cloud Technical College, Room 1-401H, 1540 Northway Drive, St. Cloud, MN 56303 by 2:00 p.m. on Tuesday, October 9th, 2007. St. Cloud Technical College reserves the right to reject any or all proposals, or portions thereof, or to waive any irregularities or informalities, in proposals received.

Background/Purpose:

The purpose of this Request for Proposal (RFP) is to evaluate and select a vendor to create a comprehensive wayfinding package for St. Cloud Technical College. The proposal will include the use of traditional, electronic, and technologically advanced signage and/or sign elements. The vendor will be responsible for manufacturing new signs and/or sign elements (either in-house or with a subcontractor contracted directly to the vendor), oversight of the installation process by any subcontractors, and the provision of warranty on all manufactured signs or sign elements. This RFP is in relation to St. Cloud Technical College's main campus site located at 1540 Northway Drive, St. Cloud, Minnesota and includes the incorporation of two newly acquired existing adjacent buildings into the overall wayfinding package.

Questions:

All questions and inquiries related to this RFP must be in writing and directed to Lori Kloos, Vice President of Administration, St. Cloud Technical College, 1540 Northway Drive, St. Cloud, MN 56303; **e-mail:** lkloos@sctc.edu, **phone:** (320) 308-5026. Other department personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

Minnesota Department of Employee Relations Request for Proposal for Actuarial and Consulting Services

The Minnesota Department of Employee Relations (DOER) is soliciting proposals from qualified vendors for actuarial, insurance, employee benefits, and health risk management consulting services. The vendor chosen to provide these services will assist DOER and its

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State Employee Group Insurance Program (SEGIP), the Public Employees Insurance Program (PEIP) and the Health Risk Management Program. The vendor chosen must comply with all applicable laws and administrative rules governing the operation of these programs, and all specifications of the Request for Proposal.

DOER anticipates a two-year contract with the chosen vendor beginning January 1, 2008. Extensions to the contract may be considered by the state on a year-to-year basis to a total maximum contract period of five years

This proposal does not obligate the agency to award a contract or complete the contract, or to spend the estimated dollar amount. The state reserves the right to cancel the solicitation if it is considered to be in its best interests.

Please direct your request for an RFP or any questions **by e-mail only** to:

Jodi Ehlenz
Minnesota Department of Employee Relations
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
E-mail: jodi.ehlenz@state.mn.us

All proposals must be received at DOER by 3:00 p.m., Friday, October 26, 2007. Vendors should submit one (1) original and four (4) hard copies of the proposals as well as one electronic copy via e-mail to the RFP Coordinator. Vendors must also submit a cost proposal separately from the rest of the proposal in a sealed envelope and clearly marked as such. Late responses, or responses filed by e-mail or fax, will not be considered.

Other personnel are not allowed to discuss the Request for Proposal with anyone, including responders or potential vendors, before the proposal submission deadline. Contact regarding this RFP with any personnel not listed above may result in disqualification.

Minnesota Department of Health Notice of Intent to Request Proposals from Qualified Firms and Individuals to Serve as a Monitor at the Minnesota Veterans Home Minneapolis

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking proposals from qualified firms and individuals to conduct oversight monitoring to determine compliance with Minnesota Department of Health nursing home licensure rules and regulations.

The purpose of this contract is to evaluate compliance with *Minnesota Statutes* 144.651, 144A.01 to 144A.162, 626.557 and all rules and regulations under those provisions to protect the health, safety and welfare of residents in the Minnesota Veterans Home, Minneapolis.

It is estimated that the amount available for monitoring services will not exceed \$250,000. This proposal does not obligate the Minnesota Department of Health to spend the estimated dollar amount.

Eligibility to Submit a Proposal

Applicants must be knowledgeable of state and federal laws and regulations regarding nursing homes, have practical experience in nursing home operations, and have employment experience as an administrator, director of nursing or in other management positions in a nursing home.

Requirements of the Monitor

Minnesota Statutes 144A.155, subd. 2 establishes the general duties of the monitor to include the observation of the operation of the nursing home, the provision of advice to the nursing home on methods of complying with state and federal laws and regulations, and the submission of reports to the Department of Health. Specific requirements and responsibilities are detailed in the full Request For Proposal.

Contact Person

Questions about this proposal must be submitted in writing. Only the following individual is authorized to answer questions regarding this request for proposals, Darcy Miner, darcy.miner@health.state.mn.us **Fax:** (651) 215-9695

Procedure for Receiving Full Request for Proposal

A written request (by direct or e-mail) is required to receive the full Request for Proposal, which will be sent free of charge to interested vendors. To request a copy of the full proposal contact:

Mary Cahill
Minnesota Department of Health
Compliance Monitoring Division
P.O. Box 64900
St. Paul, MN 55164-0900
Fax: (651)215-9695
E-mail: mary.cahill@health.state.mn.us

Procedures for Submitting Proposals

No proposals submitted by facsimile machine will be considered. **A copy of the completed proposal must be received no later than 4:00pm on Monday, October 15, 2007 by:**

Darcy Miner
U.S. Mail Service:
Minnesota Department of Health
Compliance Monitoring Division
P.O. Box 64900
St. Paul, Minnesota 55164-0900

Darcy Miner
Courier or Walk-In-Service
Minnesota Department of Health
Compliance Monitoring Division
85 East Seventh Place, Room 220
St. Paul, Minnesota 55101

Late proposals will **NOT** be considered.

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

Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Brad Hamilton at (651) 366-4626 for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop 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 awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to 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 for application. Applications are 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.

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

Send completed application material to:

Brad Hamilton
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul Minnesota 55155

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

Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities

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

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

Department of Transportation (Mn/DOT) State Aid for Local Transportation Division Request for Information (RFI) for replacing an existing Crash Data Mapping Tool Application ('MnCMAT') (Originally published Monday 10 September 2007)

The Minnesota Department of Transportation ('Mn/DOT'), State Aid for Local Transportation Division ('State Aid') is exploring what options may be available for replacing an existing Crash Data Mapping Tool application ('MnCMAT').

MnCMAT is a GIS viewer that displays the locations of reported crashes on a state map. The crash points are displayed at the appropriate location on a graphic representation of the state map overlaid with recorded highways, bridges, RR crossings, lakes, etc.

Multiple crashes at the same point are graphically represented as 'stacked' points. Users are able to filter the crashes displayed using the crash details such as location, date range, case number, severity of injury, time of day, weather conditions, driver age, et al. Statistical data about the displayed crashes is accessible by 'hovering', clicking on a crash indicator, or via generation of a pre-defined report, chart, or exportable data file.

A Request for Information (RFI) soliciting information about potential solutions has been issued. Responses are due October 05, 2007.

An electronic copy of the RFI is available for download at Mn/DOT Consultant Services website:

<http://www.dot.state.mn.us/consult/files/notices/notices.html>

For further information, contact the Mn/DOT State Aid for Local Transportation Division via email to MnCMAT Administration. (E-mail to MnCMAT@dot.state.mn.us).

Non-State Bids, 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 Council - Metro Transit Sealed Bids Sought for Light Rail Vehicle Overhaul Parts

The Metropolitan Council is soliciting sealed bids for Light Rail Vehicle Overhaul Parts. Bids are due at **2:00 PM** on October 17, 2007. Bids must be submitted in accordance with the Invitation for Bids document available from:

Candace Osiecki
Metropolitan Council
Metro Transit Purchasing Department
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5070

PrimeWest Health System Notice of Request for Proposals for Printing, Storage, and Fulfillment Services for a 13-county Managed Care Organization (MCO)

PrimeWest Health System (PrimeWest) is seeking a qualified vendor to provide specific printing, storage, and fulfillment services in calendar year 2008 to support a prepaid medical assistance program in a 13-county region of Minnesota based in Alexandria, MN.

The core printing and fulfillment services sought by PrimeWest in this RFP include printing of member materials on an annual or as needed basis per specifications provided at an agreed upon price; storage of member materials and packets; monthly and weekly fulfillment and mailing of new member ID cards and packets; annual fulfillment and mailing of member packets; quarterly printing and shipping of Primary Care Network Listings per supplied distribution list; quarterly printing and mailing of the member magazine; and monthly and weekly reporting of printing, storage, and fulfillment services.

This Request for Proposals is available on PrimeWest's website at www.primewest.org/2601.xml or from Karen Gunvalson, Print Production Coordinator, PrimeWest Health System, 2209 Jefferson St, Ste 101, Alexandria, MN 56308. **Telephone:** (320) 335-5203; **e-mail:** karen.gunvalson@primewest.org.

PrimeWest will review proposals until a satisfactory proposal is identified. However, proposals received by PrimeWest after October 17, 2007, will only be considered if a suitable proposal submitted prior to that date is not identified by PrimeWest. PrimeWest reserves the right to reject any or all proposals and bids.

Dated: September 24, 2007

Non-State Bids, Contracts & Grants

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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- **A Birders's Guide to Minnesota**, by Kim R. Eckert, \$20.00
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- **Minnesota Guidebook to State Agency Services** - Owners manual for Minnesotans, \$14.95

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