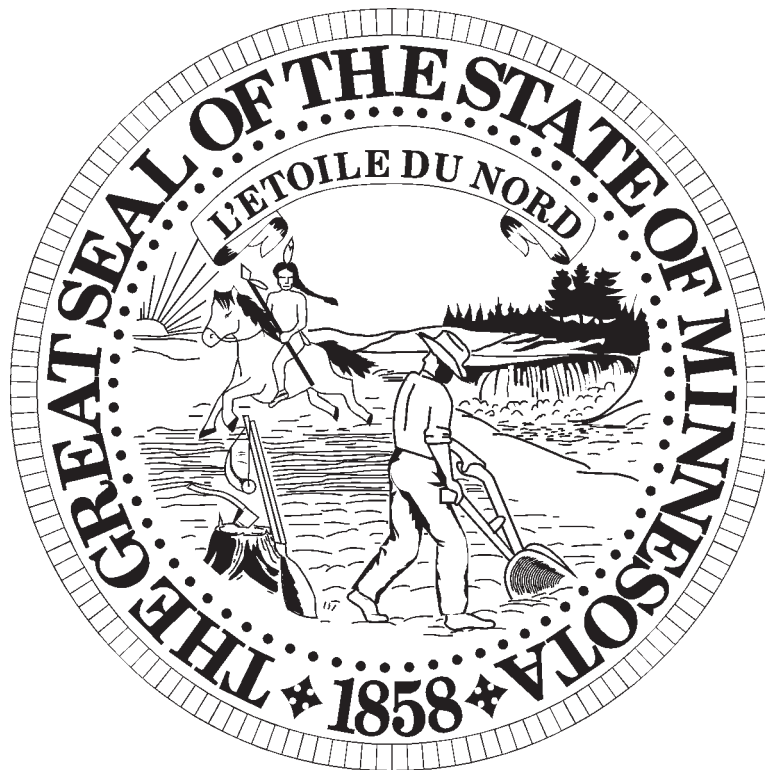


State of Minnesota

State Register



**Rules, Executive Orders, Appointments,
Commissioners' Orders, Revenue Notices, Official Notices, Grants,
State Contracts & Loans, Non-State Bids, Contracts & Grants**
Published every Monday (Tuesday when Monday is a holiday)

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State Register

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

- rules of state agencies
- commissioners' orders
- state grants and loans
- executive orders of the governor
- revenue notices
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
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# 6	Monday 6 August	Noon Tuesday 31 July	Noon Wednesday 25 July
# 7	Monday 13 August	Noon Tuesday 7 August	Noon Wednesday 1 August
# 8	Monday 20 August	Noon Tuesday 14 August	Noon Wednesday 8 August

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Minnesota Rules: Amendments and Additions

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

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

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

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

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

Division of Environmental Health

Proposed Amendment to Rules Governing Radioactive Materials, *Minnesota Rules*, Chapter 4731

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 Department of Health 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 August 29, 2007, a public hearing will be held in The Red River Room, Minnesota Department of Health, 1645 Energy Park Drive, Suite 300, St. Paul, Minnesota 55108, starting at 9:00 a.m. on Tuesday, September 18, 2007. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after August 29, 2007 and before September 18, 2007.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: George F. Johns, Jr. at Radiation Control, Freeman Building, 625 Robert Street North, P.O. Box 64975, St. Paul, MN 55164-0975, phone (651) 201-4530, and FAX (651) 201-4606. TTY users may call the Department of Health at (651) 201-5797.

Subject of Rules and Statutory Authority. The proposed rule changes pertain to the transportation of radioactive materials, security of portable gauges, training and experience for medical uses (authorized users, medical physicists, nuclear pharmacists, and radiation safety officers), and minor amendments. The proposed rules reflect changes made to the NRC's regulations in four rulemaking efforts since Minnesota adopted Chapter 4731. The four changes to the NRC regulations are:

- Compatibility With IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments, published in the *Federal Register*, 69 FR 3697, with an effective date of October 1, 2004. This rule changed the requirements for packaging and transporting radioactive material to make the regulations compatible with the latest version of the International Atomic Energy Agency (IAEA) standards and codify other applicable requirements.

Proposed Rules

- Security Requirements for Portable Gauges Containing Byproduct Material, published in the *Federal Register*, 70 FR 2001, with an effective date of July 11, 2005. This rule requires a **portable gauge** licensee to use a minimum of two independent physical controls that form tangible barriers to secure **portable** gauges from unauthorized removal whenever the **portable** gauges are not under the control and constant surveillance of the licensee.

- Medical Use of Byproduct Material – Recognition of Specialty Boards, published in the *Federal Register*, 70 FR 16336, with an effective date of April 29, 2005. This rule changed the requirements for recognition of specialty boards whose certifications may be used to demonstrate the adequacy of the training and experience of individuals to serve as radiation safety officers, authorized medical physicists, authorized nuclear pharmacists, or authorized users. The final rule also revised the requirements for demonstrating the adequacy of training and experience for pathways other than the board certification pathway.

- Minor Amendments – Parts 1, 13, 20, 30, 32, 35, 40, 55, 70, 73, 110, and 140, published in the *Federal Register*, 71 FR 15005, with an effective date of March 27, 2006. This rule corrected several miscellaneous errors in the *Code of Federal Regulations*.

In addition, there are a few changes proposed to address editorial issues in the current rule. These changes are to either clarify existing requirements, or meet compatibility issues that were errors in the initial rule.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 144.1202 and 144.1203. A copy of the proposed rules is available on the MDH Radioactive Materials web page at <http://www.health.state.mn.us/divs/eh/radiation/radioactive/index.htm>. A free copy of the rules on CD or hardcopy is also available upon request from the agency contact person listed above.

Purpose and Motivation. On March 2, 2006, the Governor entered into “An Agreement Between the United States Nuclear Regulatory Commission and the State of Minnesota for the Discontinuance of Certain Commission Regulatory Authority within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended” (Agreement). This Agreement transferred the authority to regulate certain radioactive materials that were formerly regulated by the Nuclear Regulatory Commission (NRC) to the State of Minnesota. As part of the Agreement, the state needs to keep its rules relating to radioactive materials compatible with the NRC’s regulations. The proposed rule changes are needed to meet this compatibility requirement for the four NRC rule changes described above.

Comments. You have until 4:30 p.m. on Wednesday, August 29, 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 agency contact person by the due date. Comment is 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 agency contact person by 4:30 p.m. on Wednesday, August 29, 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 agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Alternative Format/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 agency 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 agency 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

Proposed Rules

the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for September 18, 2007, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 201-4530 after August 29, 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 Kathleen D. Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone:** (612) 341-7602, and **Fax:** (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency 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 agency 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 agency contact person at the address stated above.

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

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

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

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 agency 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 agency contact person stated above.

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

Dated: July 11, 2007

John Linc Stine, Director
Environmental Health Division

Proposed Rules

Minnesota Pollution Control Agency

Environmental Analysis and Outcomes Division

Proposed Amendments to Rules Governing Water Quality: *Minnesota Rules*, Chapter 7050 (Water Quality Standards for Protection of Waters of the State); Addition of *Minnesota Rules*, Chapter 7053 (Effluent Limits and Treatment Requirements for Discharges to Waters of the State); Repeal of *Minnesota Rules*, Parts 7056.0010 to 7056.0040 (Classification for Use and Standards for Select Reaches of the Mississippi River and its Stream Tributaries); and Repeal of *Minnesota Rules*, parts 7065.0010 to 7065.0260 (Specific Effluent Limits for Select Watersheds)

NOTICE OF HEARING

Public Hearing. The Minnesota Pollution Control Agency (MPCA) intends to adopt rules after a series of public hearings following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold public hearings on the abovementioned rules at the locations, dates and times listed below. Access to the MPCA St. Paul Office is controlled; to attend a hearing you will be asked to sign in at the security desk and provide photo identification such as Minnesota driver's license.

- **Wednesday, August 29, 2007: MPCA-St. Paul**, Board Room, 520 Lafayette Road North, St. Paul, Minnesota 55155. Public hearing will begin at 1:00 p.m. and will continue until all parties are heard, and it will resume again at 6:30 p.m..

- **Thursday, August 30, 2007: MPCA-St. Paul**, Board Room, 520 Lafayette Road North, St. Paul, Minnesota 55155. Public hearing will begin at 9:30 a.m. and will continue until all parties are heard.

- **Tuesday, September 4, 2007: MPCA-Duluth**, 525 Lake Avenue South, Suite 400, Duluth, Minnesota 55802. Public hearing will begin at 1:30 p.m. and will continue until all parties are heard, and it will resume again at 6:30 p.m.

- **Wednesday, September 5, 2007: MPCA-Brainerd**, 7678 College Road, Suite 105, Baxter, Minnesota 56425. Public hearing will begin at 1:30 p.m. and will continue until all parties are heard, and it will resume again at 6:30 p.m.

- **Thursday, September 6, 2007: MPCA-Detroit Lakes**, 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota 56501. Public hearing will begin at 1:00 p.m. and will continue until all parties are heard.

- **Tuesday, September 11, 2007: MPCA-Marshall**, 1420 East College Drive, Suite 900, Marshall, Minnesota 56528. Public hearing will begin at 6:30 p.m. and will continue until all parties are heard.

- **Wednesday, September 12, 2007: MPCA-Rochester**, 18 Wood Lake Drive Southeast, Rochester, Minnesota 55904. Public hearing will begin at 2:00 p.m. and will continue until all parties are heard.

- **If necessary: Thursday, September 13, 2007, MPCA-St. Paul**, Board Room, 520 Lafayette Road North, St. Paul, Minnesota 55155. If needed, the public hearing will begin at 1:00 p.m. on this date and will continue until all parties are heard. **To find out if the hearing will be held on this continuation date, please call one of the MPCA rulemaking contact persons identified below.**

Additional days of hearing might be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Written statements may be submitted without appearing at the hearing.

The MPCA shall post the Public Notice of Hearing, Statements of Need and Reasonableness (SONARs), the proposed amendments, and the list of exhibits the MPCA intends to introduce into the hearing record on the MPCA Public Notice Web page: <http://www.pca.state.mn.us/news/data/index.cfm?PN=1>. The rule revision documents will also be posted at the Proposed Water Quality

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Standards Rule Revisions Web Page: <http://www.pca.state.mn.us/water/standards/rulechange.html> both during and after the comment period.

Anyone who anticipates submitting a document during the hearing is encouraged to file a copy of the document with the Administrative Law Judge prior to the hearing.

Administrative Law Judge. The hearing will be conducted by Administrative Law Judge Steve M. Mihalchick, who can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone:** (612) 349-2544, **fax:** (612) 349-2665, and by **e-mail** at: rulecomments@state.mn.us. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

MPCA Rulemaking Contact Person. Comments or questions on the rules must be submitted to one of the MPCA rulemaking contact persons. The MPCA rulemaking contact persons are: David Maschwitz, telephone number: (651) 296-7255, and Mark Tomasek, telephone number: (651) 296-7241, or **toll-free:** 1-800-657-3864, Minnesota Pollution Control Agency, Environmental Analysis and Outcomes Division, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; **facsimile number:** (651) 297-7709; or **e-mail** at: mnrule7050@pca.state.mn.us. TTY users may call the MPCA at TTY (651) 282-5332.

Subject of Rules. The MPCA is proposing to: amend the statewide water quality rule provisions in *Minnesota Rules*, Chapter 7050; transfer certain provisions of *Minnesota Rules*, Chapters 7050, 7056, and 7065, to a new chapter (proposed *Minnesota Rules*, Chapter 7053); and repeal two rules: *Minnesota Rules*, Chapters 7056 and 7065.

Chapter 7050 contains statewide provisions that protect the quality of Minnesota's surface and ground waters from pollution, which include the following:

- A classification system of beneficial uses for both surface and ground waters;
- Numerical and narrative water quality standards;
- Nondegradation provisions;
- Treatment requirements and effluent limits for wastewater discharges;
- Provisions for the protection of wetlands; and
- Other provisions related to the protection of Minnesota's water resources.

The purpose of this rulemaking is to propose amendments to *Minnesota Rules*, Chapter 7050, governing water quality standards for the State of Minnesota. It is necessary and reasonable to propose these amendments, in large part, because Section 303(c)(1) of the federal Clean Water Act requires the MPCA to periodically (every three years) review its water quality standards and update them accordingly. Further, it is necessary and reasonable for the MPCA to propose new, and update existing, water quality standards for the protection of Minnesota's water resources.

Major changes being proposed include the addition of eutrophication standards for lakes, extension of the 1 mg/L phosphorus effluent limit to new or expanding discharges above a certain size, addition of a fish-tissue standard for mercury, and the addition of new standards for two herbicides, acetochlor and metolachlor. Also, the MPCA plans to split *Minnesota Rules*, Chapter 7050, into two rules to make it easier to use and understand. A summary of the scope of these and other proposed additions and revisions is provided below.

Adopt Eutrophication Standards for Lakes, Shallow Lakes and Reservoirs. Minnesota is known for its lakes. They are the heart of our tourism industry. Protecting the quality and ecological integrity of this resource is essential to the state's economy. Excess nutrients (especially phosphorus) produce algae blooms that negatively impact lake quality. "Eutrophication" is the term applied to this increase in biological productivity due to increased nutrient concentrations. The U.S. Environmental Protection Agency (EPA) expects states to address this problem by adopting numeric lake nutrient standards and has produced nutrient criteria and guidance documents to assist states in standards development. Should states not adopt lake nutrient standards in a timely manner, the national numeric nutrient criteria would serve as the basis for EPA's adoption of standards for the state.

Minnesota currently has narrative standards that apply generally to lakes by "prohibiting nuisance conditions such as scum and nuisance growths of aquatic plants." While the MPCA has used this narrative standard as a basis for its "impaired waters assessments" in accordance with Section 303(d) provisions of the federal Clean Water Act, it does little to help proactively protect the quality of lakes and does not provide the level of detail necessary to address the differences among the various lake types across Minnesota. As such, in

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accordance with EPA's request, the MPCA has developed numeric standards for total phosphorus (cause) and two response variables: chlorophyll-a (a measure of algal biomass) and Secchi transparency (a measure of water clarity). The specific numeric standards are dependent on geographic location (ecoregion) and lake type (trout, deep, shallow and reservoir). The proposed lake eutrophication standards are based on 20 years of study of Minnesota's lake water quality. The numeric lake standards are expected to provide for healthy aquatic communities and for aquatic recreation of all kinds, including swimming.

The numeric standards will be supplemented with new narrative language. Even within an ecoregion and a lake type, lakes vary greatly in size, depth, natural levels of nutrients, and many other characteristics. For this reason the proposed numeric standards will be supplemented by language in the rule that:

- Protects lakes with water quality better than standards from being degraded.
- Recognizes that some lakes will not meet standards due to natural causes.
- Addresses averaging period, criteria for determining exceedance of a standard, and possible need for modification of standards on a site-specific basis.

Proposed Extension of Phosphorus Effluent Limit. To further protect lakes and rivers from the negative effects of excess nutrients, the MPCA is proposing that new or expanding dischargers must meet a 1 mg/L total phosphorus (TP) effluent limit after May 1, 2008, if they discharge more than 1,800 pounds of phosphorus per year. The current rule (*Minnesota Rules*, part 7050.0211, subp. 1a.) applies a 1 mg/L TP limit to dischargers if the discharge is directly to or affects a downstream lake or reservoir. This part of the existing rule will not change, but under this proposal, new or expanding facilities that discharge more than 1,800 pounds of phosphorus per year will get a 1 mg/L limit without the need to demonstrate "affects." Wisconsin in 1992 and Illinois in 2006 are examples of states that have adopted similar phosphorus limit rules.

The proposal is consistent with the MPCA Phosphorus Strategy (Strategy). The Strategy was developed by MPCA staff to provide a consistent framework for implementing the current 1 mg/L TP limit and to promote reductions in phosphorus loading from point sources. The MPCA citizens Board approved the Strategy in March 2000. Since then, for a variety of reasons, between 35 and 40 new or expanding facilities have gotten 1 mg/L TP limits that might not have gotten these limits prior to implementing the Strategy. Thus, to a large extent, the proposed extension of the TP limit is already being implemented under the Strategy. The proposal will codify portions of the strategy in rule and sustain the gains made in reducing phosphorus loading from point sources. Also, TP limits for many dischargers are already being mandated or recommended in much of the state, due to:

- The terms of existing rules (e.g., all dischargers in the Lake Superior basin);
- The implementation plans of completed or pending large-scale nutrient-related TMDLs (e.g., Minnesota and Upper Mississippi Rivers); or
- Nutrient reduction goals and basin plans (e.g., St. Croix basin).

The MPCA is proposing rule language listing three situations that allow a discharger to demonstrate to the MPCA that the 1 mg/L limit should not apply to them. The proposed exemptions reflect comments from outside parties and the experience gained in implementing nutrient-related TMDLs.

Add Fish Tissue Standard for Mercury (0.2 Parts per Million). Minnesota currently has numeric water quality standards for mercury in both *Minnesota Rules*, Chapters 7050 and 7052 that apply to total mercury concentrations in water. Minnesota also has a narrative standard in *Minnesota Rules*, part 7050.0150, subp. 7, that limits fish tissue contaminants to levels that allow safe consumption of fish as often as one meal per week. The MPCA is now proposing to add a numeric fish tissue water quality standard. The promulgation of a 0.2 parts per million fish tissue mercury standard will augment the current numeric chronic standards by providing a more precise level of protection to fish consumers in the fish medium rather than the water medium.

Addition of a fish tissue standard for mercury in *Minnesota Rules*, Chapter 7050, is based on the U.S. Environmental Protection Agency (EPA) *Water Quality Criterion for Protections of Human Health: Methylmercury* and provides consistency in the goals and approaches used by MPCA, Minnesota Department of Health, and EPA for protecting humans from mercury's health effects.

Add Standards for Two Herbicides: Acetochlor and Metolachlor. Requests from the Minnesota Department of Agriculture (MDA) for acetochlor and metolachlor water quality standards were prompted by detection of these herbicides in Minnesota's surface waters. Both acetochlor (example trade names: Surpass, Harness) and metolachlor (Bicep, Dual) are preemergence herbicides used to control annual grasses and some broadleaf weeds in corn production. The development and promulgation of standards assures that there will be a complete, current and comprehensive scientific review of aquatic life and human health toxicity information. Adopted pesticide standards

will help provide the basis for appropriate responses by the MDA, the MPCA, and the agricultural community to surface water detections.

The MPCA is responsible for protecting surface and ground waters from degradation and effects of pollutants. Due to the wide use of acetochlor and metolachlor in Minnesota and their detection in waters of the state, it is reasonable to develop and promulgate standards for these two herbicides.

Update Existing Standards for Benzene and Naphthalene. The MPCA relies on EPA and the expertise of staff at the Minnesota Department of Health (MDH) for providing human health toxicity information for developing human health-based water quality standards. MDH recently reviewed toxicological data for benzene and naphthalene. Newer toxicological data available since the MPCA's standards were promulgated show health effects can occur at lower doses. The MPCA is proposing adoption of more stringent water quality standards for benzene and naphthalene that reflect this new toxicological information.

Adopt *E. coli* Standard to Replace Existing Fecal Coliform Standard (Protects Swimmers). Water contaminated with bacteria from human or animal fecal material can cause illness in humans if ingested. Bacteriological standards for surface waters are designed to protect swimmers, who might ingest small quantities of water, from getting sick. The MPCA is proposing to replace the current Class 2 fecal coliform bacteriological standard with an *E. coli* standard. The EPA issued a bacteriological criteria document in 1986; however, vital information was still needed to propose the change. During 2000 to 2004, the EPA published a series of implementation guidance documents to assist states with many of the questions and issues surrounding bacteriological standards. In addition, more comprehensive data supporting *E. coli* as a better indicator of potential gastroenteritis is now available. On November 16, 2004, under the BEACH act, the EPA promulgated the 1986 *E. coli* standard for freshwater beaches in the Great Lakes, including Lake Superior.

It is important to emphasize that the standards proposed for change are the ambient standards applicable to lakes, rivers and streams in Minnesota. The current fecal coliform effluent limit of 200 fecal coliform cfu/100 ml as a monthly mean that appears in discharge permits is not proposed for change (*Minnesota Rules*, part 7050.0211).

Water Use Classification Changes. In Minnesota, all waters of the state are assigned multiple water use classifications. Briefly stated, all surface waters are either classified as Class 2 (Aquatic Life and Recreation) or Class 7 (Limited Resource Value) waters. In addition to one of these use classes, waters are also assigned the following: Class 3 (Industrial Consumption), Class 4 (Agriculture and Wildlife), Class 5 (Aesthetic Enjoyment and Navigation), and Class 6 (Other Uses). Some waters are also protected for drinking water purposes; these waters are classified as Class 1 waters.

The water use classification amendments being proposed during this rulemaking include:

- An update to the listing of trout water reaches in *Minnesota Rules*, part 7050.0470, in order to coincide with the trout water segments identified and listed by the Minnesota Department of Natural Resources.
- Assign a Class 1 Domestic Consumption water use classification to seven waters being used for drinking water purposes.
- Propose adoption of 12 new limited resource value waters in *Minnesota Rules*, part 7050.0470. Class 7 Limited Resource Value Waters are generally low flow streams and ditches where aquatic life and recreational uses are limited.
- Propose a change in the Class 3 Industrial Use classification currently assigned to most surface waters. This state-wide change will result in less restrictive chloride and total hardness standards for these waters. If adopted, the applicable Class 3 chloride standard changes from 100 mg/L to 250 mg/L and the applicable total hardness standard changes from 250 mg/L to 500 mg/L. The change is not expected to have a significant impact on water quality or industrial uses of water.
- Change the legal descriptions of certain water listings in *Minnesota Rules*, part 7050.0470. These minor "housekeeping" changes reflect needed corrections in the locations of these waters that came to light as a result of a recent computerized mapping effort for the waters specifically listed in the rule.

Other Changes. Listed below are other changes to *Minnesota Rules*, Chapter 7050, the MPCA is proposing. Some are substantive but relatively minor. Others are minor and non-substantive, such as changes that will clarify existing rule language or make the rules easier for the public to use. None is likely to have any significant environmental or economic impact.

- Add definitions for nine terms.
- Improve the introductory policy statement for nondegradation to all waters.
- Extend the time period for the review of variances to effluent limits from 3 to 5 years.
- Remove the provision that municipal discharges, which have advanced wastewater treatment requirements, must meet a 5 mg/L total suspended solids limit if they have failed to implement a pretreatment program.

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- Update the EPA drinking water standards, correct errors associated with exemptions to the drinking water standards as they apply to raw water supplies, and remove the Class 1D provisions.
- Reword provisions allowing the site-specific modification of standards so that standards for any use class can be modified, not just Class 2 standards.
- Propose a minimum hardness value of 10 mg/L for determination of hardness-related metal standards.
- Split *Minnesota Rules*, Chapter 7050, into two rules to make it easier to read and understand. The revised *Minnesota Rules*, Chapter 7050, will contain the beneficial use classifications, numeric and narrative water quality standards, nondegradation and other provisions related to ambient standards.
- A new *Minnesota Rules*, Chapter 7053, will contain existing wastewater treatment requirements, effluent limitations, aquaculture, feedlot and related provisions.
- Changes to rule language required to facilitate the splitting of *Minnesota Rules*, Chapter 7050 into two rules, and changes to clarify, consolidate and update language to make the rules easier to understand, without changing the meaning of the rule.
- Move pertinent provisions in *Minnesota Rules*, Chapters 7056 and 7065, to the new *Minnesota Rules*, Chapter 7053, and repeal these two rules.

Statutory Authority. The MPCA has broad statutory authority in *Minnesota Statutes* § 115.03, subd. 1 and 5, to adopt or amend water quality standards to protect the waters of the state. More explicit authority to classify waters of the state, both surface and ground, by beneficial use and adopt water quality standards to protect those uses is provided by *Minnesota Statutes* § 115.44, particularly subd. 2 and 4. Also, the U.S. Environmental Protection Agency has delegated authority to the MPCA to adopt water quality standards, and to review and update them every three years as required by Section 303(c)(1) of the federal Clean Water Act.

Previous Notices to Solicit Outside Opinions. Notices requesting comments and suggestions from the public on the proposed amendments were previously published in the *State Register* on November 10, 2003 (28 SR 614) and on May 17, 2004 (28 SR 1464).

Statement of Need and Reasonableness. A statement of need and reasonableness (SONAR) is now available from the MPCA by contacting Shane Hanly, telephone number: (651) 296-7253, or toll-free 1-800-657-3864 or from the Office of Administrative Hearings. Copies of the SONAR may be obtained at the cost of reproduction from the MPCA. Copies of the SONAR will also be available to review at the MPCA offices hosting Public Hearings. 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. In addition, the MPCA has placed a copy of the SONAR on its Web site at the Proposed Water Quality Standards Rule Revisions Web Page:

<http://www.pca.state.mn.us/water/standards/rulechange.html>.

Availability of Rules. A copy of the proposed rules is published in the *State Register* after this notice, or they can be viewed at the following MPCA Web sites the Public Notice Web page: <http://www.pca.state.mn.us/news/data/index.cfm?PN=1> during the comment period and at the Proposed Water Quality Standards Rule Revisions Web Page: <http://www.pca.state.mn.us/water/standards/rulechange.html>. A free copy of the proposed rules is also available upon request by contacting Shane Hanly, telephone number: (651) 296-7253, or toll-free 1-800-657-3864 at Minnesota Pollution Control Agency, Business Systems, Environmental Analysis and Outcomes Division, 520 Lafayette Road North, St. Paul, MN 55155-4194; facsimile number: (651) 297-8324. TTY users may call the MPCA at TTY (651) 282-5332. Only one free copy will be sent per request.

Public Comment. You and all interested or affected persons, including representatives of associations and 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 during the five working days after the public hearing ends. This five-day post hearing 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 post hearing comment period, there is a five-working-day rebuttal period during which the agency 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 respective due dates. All comments or responses received will be available for review at the Office of Administrative Hearings.

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

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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 Business Systems Contact, Shane Hanly, at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, 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.

Adoption Procedure After The Hearing. 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 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 agency adopts the rules and the rules are filed with the Secretary of State, or ask to register with the MPCA to receive notice of future rule proceedings, and can make these requests at the hearing or in writing to one of the MPCA rulemaking contact persons stated above.

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.

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

Date: July 2, 2007

Brad Moore, Commissioner
Minnesota Pollution Control Agency

The Proposed Revisions to the Water Quality Rules Referenced in the above Notice of Hearing, *Minnesota Rules*, chapter 7050, 7056, 7065, and the Proposed New Rule, *Minnesota Rules*, chapter 7053, were Published in the *State Register* on July 23, 2007, Volume 32, Number 4, pages 87 - 217 [32 SR 87]. Please refer to the July 23, 2007 edition of the *State Register* for the text of the proposed revisions to these rules.

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: Invasive Species and Designated Infested Waters

NOTICE IS HEREBY GIVEN that the above entitled rule has 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 84D.03, subdivision 1, and 84D.12, subdivision 3.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459 are that, since the previous designations of infested waters in permanent and emergency rules, additional waters have been confirmed to contain spiny waterfleas or are contiguous with or connected to waters with reproducing populations of spiny waterfleas such that they are expected to contain populations of spiny waterfleas. It is necessary to designate these waters promptly to help prevent the further spread of these invasive species and be able to enforce the laws related to infested waters.

Dated: July 9, 2007

Mark Holsten, Commissioner
Department of Natural Resources

6216.0350 DESIGNATED INFESTED WATERS.

[For text of subs 1 to 3, see 31 SR 1243]

Subp. 4. **Listing of waters infested with spiny water flea.** The following water bodies are designated by the commissioner as infested with spiny water flea (*Bythotrephes cederstroemi*). ~~Activities at these waters are subject to parts 6216.0100 to 6216.0600, Minnesota Statutes, section 84D.13, and other applicable laws:~~

DNR Protected Waters Inventory Number

Name	Inventory Number
<u>A. Cook County</u>	
(1) <u>Caribou Lake (in the Boundary Waters Canoe Area just west of Pine Lake)</u>	<u>16-0141</u>
(2) <u>Flour Lake</u>	<u>16-0147</u>
(3) <u>Greenwood Lake</u>	<u>16-0077</u>
(4) <u>McFarland Lake</u>	<u>16-0027</u>
(5) <u>Pine Lake</u>	<u>16-0041</u>
(6) <u>Lake Saganaga</u>	<u>16-0633</u>
<u>B. Lake of the Woods County</u>	
(1) <u>Lake of the Woods, including the portions of Zipple Bay to Zipple Creek in Sections 9 and 10, Township 162 North, Range 33 West, and</u>	

Expedited Emergency Rules

- to Bostic Creek at County
Highway 8 39-0002
- (2) Baudette River, from Highway 11 downstream to the Rainy River
- (3) Johnson Creek, from the Rainy River upstream to the first road crossing
- (4) Hooper Creek, downstream of State Highway 172
- (5) Miller Creek, downstream of State Highway 172
- (6) Rapid River, downstream of Highway 11 to Clementson Bay of the Rainy River
- (7) Sensky Creek, downstream of State Highway 172
- (8) Silver Creek, downstream of Highway 11
- (9) Wabonica Creek, downstream of State Highway 172
- (10) Winter Road River, downstream of State Highway 172

C. Koochiching County

- (1) Big Fork River, from the public water access on Highway 11 downstream to the Rainy River
- (2) Black River, the south branch downstream of Highway 11 and the west branch downstream of Highway 147
- (3) Little Fork River, from 100 feet upstream of Highway 11 downstream to the Rainy River

A. D. St. Louis County

- (1) Ash River, downstream of the northern section line of Section 8, Township 68 North, Range 19 West
- (2) Crane Lake 69-0616
- (+) (3) Fish Lake 69-0491
- (-) (4) Island Lake 69-0372
- (5) Kabetogama Lake 69-0845
- (6) Little Vermilion Lake 69-0608
- (7) Namakan Lake 69-0693
- (8) Rainy Lake 69-0694
- (9) Sand Point Lake 69-0617

Expedited Emergency Rules

B. E. Multiple Counties

- (1) Lake Superior 16-0001
- (2) Cloquet River, from
Island Lake to the
St. Louis River
- (3) Rainy River, from Rainy
Lake to Lake of the
Woods, including Baudette
Bay/River up to County
Highway 35 and Clementson
Bay up to the rapids
- (4) St. Louis River, downstream
of the Cloquet River
- (5) Warroad River, from State
Highway 11 downstream
to Lake of the Woods

[For text of subps 5 and 6, see 31 SR 1243]

REPEALER. The expedited emergency amendments to *Minnesota Rules*, part 6216.0350, subpart 4, published in the *State Register*, volume 30, page 1057, April 3, 2006, and volume 31, page 1243, March 12, 2007, are repealed.

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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Minnesota Comprehensive Health Association Notice of Meeting of the Public Policy Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Public Policy Committee will be held at 9:00 a.m. on Thursday, August 2, 2007. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

Minnesota Department of Education Division of Academic Standards and High School Improvement REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Career and Technical Education, *Minnesota Rules*, Chapter 3505: 1000-5900

Subject of Rules. The Minnesota Department of Education requests comments on its possible amendment to and repeal of rules governing career and technical education. The Department is considering rules amendments and repeals of certain sections of the rules that cover the provision of career and technical education.

Persons Affected. The amendment to the rules would likely affect Minnesota students and their families, teachers, school administrators, local school boards and governing authorities, providers of career and technical education in Minnesota's two-year colleges, and education interest groups.

Statutory Authority. H.F. No. 2245, Article 7, Sec. 3 (2007) authorizes the Department to adopt rules that govern the provision of career and technical education programs from grades 7 through 12.

Rules Drafts. The Department has prepared an initial draft of the proposed rule amendments and repealed rules. This provisional rule draft will be posted on the Department's website at <http://education.state.mn.us/MDE/Legislation/Rulemaking/index.html>. Updated drafts will be posted on the Department's website as they become available.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department intends to meet with a committee established in conjunction with the Minnesota Association of Career and Technical Administrators (MACTA) and with the Career and Technical Subcommittee of the Education Action Committee of the Governor's Workforce Development Council to gather feedback on the development of the possible rules. The Department will also seek comments by posting drafts on its website.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been completed, and requests for more information on these possible rules should be directed to: Kerstin Forsythe Hahn at the Minnesota Department of Education, 1500 Highway 36 West, Roseville, MN, 55113; **phone:** (651) 582-8583; **fax:** (651) 582-8248; **e-mail:** Kerstin.Forsythe@state.mn.us. TTY users may call the Department of Education at (651) 582-8201.

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

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

Dated: July 20th, 2007

Chas Anderson, Deputy Commissioner
Department of Education

Official Notices

Minnesota Department of Education

Division of Assessment and Testing

Request for Comments on Possible Amendment to Rules Governing Statewide Graduation Standards, *Minnesota Rules*, Chapter 3501

Subject of Rules. The Minnesota Department of Education requests comments on its possible amendment to and repeal of rules governing statewide graduation standards and testing. The Legislature directed the Department to adopt rules regarding for implementing and administering the graduation-required assessment for diploma (GRAD) in reading, mathematics, and writing.

Persons Affected. The amendment to the rules would likely affect Minnesota students and their families, teachers, school administrators, local school boards and governing authorities, and education interest groups.

Statutory Authority. H.F. 1 2245, Section 36, 2nd Engrossment – 85th Legislative Session (2007-2008) authorizes the Department to adopt rules that implement and administer the graduation-required assessment for diploma (GRAD) in reading and mathematics and in writing, consistent with *Minnesota Statutes*, section 120B.30, subdivision 1.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules. In addition, the department will seek comments by posting drafts of these proposed rules on its website and through discussion with other groups as appropriate.

Rules Drafts. The department will prepare a provisional draft of the possible rule amendments and repealed rules. A copy of this provisional draft will be available on the department's website at <http://education.state.mn.us/MDE/Legislation/Rulemaking/index.html>.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been completed, and requests for more information on these possible rules should be directed to: Dirk Mattson at Minnesota Department of Education, 1500 Highway 36 West, Roseville, MN, 55113; **phone:** (651) 582-1611; **fax:** (651) 582-8248; **e-mail:** dirk.mattson@state.mn.us. **TTY** users may call the Department of Education at (651) 582-8201.

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

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

Dated: July 19th, 2007

Chas Anderson, Deputy Commissioner
Department of Education

Minnesota Higher Education Facilities Authority

Notice of Public Hearing on Revenue Obligations on Behalf of the College of St. Scholastica, Inc.

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to the proposal to issue revenue bonds or other obligations on behalf of the College of St. Scholastica, Inc., a Minnesota nonprofit corporation (the "College"), as owner and operator of the College of St. Scholastica, an institution of higher education, at the Authority's offices at 380 Jackson Street, Suite 450, St. Paul, Minnesota on Wednesday, August 15, 2007, at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an aggregate original principal amount of

Official Notices

approximately \$10,000,000 to finance the costs of the acquisition, construction, furnishing and equipping of an approximately 38,500 square foot expansion of and renovation to the College's Wellness Center facilities for athletic and academic purposes (the "Project") which is owned and operated by the College and located on its main campus, the principal street address of which is 1200 Kenwood Avenue, Duluth, Minnesota. At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

At said time and place the Authority shall give all parties who appear or have submitted written comments, an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: July 30, 2007

By Order of the
Minnesota Higher Education Facilities Authority
Marianne Remedios, Executive Director

Department of Labor and Industry Labor Standards Unit

Notice of Additional Rate to Commercial Prevailing Wage Rates for Operator of 4 or More Axles, Straight Body Truck, Rock County

An additional rate has been added to the Commercial Prevailing Wage Rates certified 2/12/07, for **Labor Code 304, Operator of 4 or More Axle, Straight Body Truck**, in Rock County.

Copies may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.doli.state.mn.us. Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Steve Sviggum, Commissioner
Department of Labor and Industry

State Grants & Loans

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

Department of Employment and Economic Development Business and Community Development Division Small Cities Development Program Availability of Funds Notice for the 2008 Small Cities Development Program

This notice is to inform any general purpose unit of local government that is eligible to apply for funding, of the notice of funds available for the 2008 Small Cities Development Program (SCDP), which is part of the Community Development Block Grant Program, administered by the U.S. Department of Housing and Urban Development, and funded by Congress on a federal fiscal year basis.

Any general purpose unit of local government that does not receive CDBG funds directly as an Entitlement City, Urban County or a recognized Indian Tribal Government is eligible to submit one application each year to the MN Department of Employment and Economic Development's SCDP Program. Eligible "general purpose units of local government" are cities, counties and townships. Localities may submit applications on behalf of others where they share a common problem or lack the administrative capacity to operate a program on their own. Jurisdictions may not be included in more than one application per grant cycle.

The application process for SCDP funding consists of two parts:

- Eligible applicants must submit a Pre-Application on or before 4:30 PM, Thursday, October 4th, 2007.
- Title: Availability of Funds Notice for the 2008 Small Cities Development Program.

Only applicants who have made it through the Pre-Application screening process which consists of a review and ranking of Pre-Applications will be asked to submit a Full Application. Full Applications must be received on or before 4:30 PM, Thursday, January 31st, 2008.

Additional information about the application process can be located at: <http://www.deed.state.mn.us/SCDP/index.htm>

Minnesota Department of Human Services Chemical Health Division Request for Proposals for Evaluation, Technical Assistance and Program Evaluation Services to Local Programs Funded by the Department

NOTICE OF REQUEST for Proposals to provide evaluation technical assistance and program evaluation services to local Alcohol, Tobacco & Other Drug (ATOD) Prevention programs, Regional Prevention Centers (RPC) and the Statewide Prevention Resource Center funded by the Minnesota Department of Human Services, Chemical Health Division. Technical assistance may consist of training on needs assessment, developing a logic model, developing a strategic plan, collection of process and outcome indicators, implementing evidence-based programs with fidelity, assessing community-level change and outcome-based evaluation. In addition, the selected respondent will provide each prevention grantee with a semi-annual evaluation summary.

\$440,000/year from the Federal Substance Abuse Treatment & Prevention Block Grant is available for this RFP.

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to provide evaluation technical assistance to local Alcohol, Tobacco & Other Drug (ATOD) Prevention programs, Regional Prevention Centers (RPC) and the Statewide Prevention Resource Center funded by the Minnesota Department of Human Services, Chemical Health Division.

Work is proposed to start January 1, 2008.

The Request for Proposal and application can be obtained from:

Tina Austin
DHS Chemical Health
Elmer Anderson Building
540 Cedar Street
P.O. Box 64977
St. Paul, MN 55164-0977
Phone: (651) 431-3433
Fax: (651) 431-7449

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Daylight Time, September 12, 2007. Late proposals will not be considered.** Fax or e-mailed proposals will **not** be considered.

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

Department of Human Services Children and Family Services Request for Proposals to Provide Child Care Services that Support School Readiness for Children from Low Income Families

The Department of Human Services is requesting proposals from qualified applicants to provide child care services that support school readiness for children served by the Child Care Assistance Program.

The goal of the Child Care Assistance Program School Readiness Connections project is to provide incentives for selected providers to promote the skills and abilities that children need to succeed in school. Child care providers serving children age zero to five years who are participating in the Child Care Assistance Program may be eligible to apply for Child Care Assistance Program School Readiness Connections. Child Care Assistance Program School Readiness Connections providers will be selected based on qualities that have been shown through research to support improved developmental outcomes for young children. Providers who are selected to participate in the Child Care Assistance Program School Readiness Connections project will be eligible for a higher Child Care Assistance Program maximum payment.

The intent of this RFP is to have an agreement with each qualified applicant to perform the tasks summarized in the following general categories, for a period of up to 20 months:

1. Comply with the Child Care Assistance Program School Readiness Connections project administrative requirements.
2. Provide child care services that promote the skills and abilities that children participating in the Child Care Assistance Program School Readiness Connections project need to succeed in school.
3. Report changes in the characteristics of the child care provided to families participating in the Child Care Assistance Program School Readiness Connections project to the Department of Human Services.
4. Support families of children participating in the Child Care Assistance Program School Readiness Connections project by communicating with families regarding the child's daily activities and developmental progress, suggesting activities that families can engage in at home to support their child's development, and referring families to community or employment resources as needed.
5. Complete training and use an instructional assessment tool (an adapted version of the Work Sampling Checklist) to document the skills and abilities of children aged 3-5 participating in the Child Care Assistance Program School Readiness Connections project.
6. Participate in the evaluation of the Child Care Assistance Program School Readiness Connections project as directed by the State.

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The 2007 Legislature appropriated \$1,000,000 for the Child Care Assistance Program School Readiness Connections project through June 30, 2009.

Anticipated project period is November 1, 2007 through June 30, 2009. The first contract period is anticipated to be November 1, 2007 through October 31, 2008 with continuation based upon the state's satisfaction with the provider's performance.

A Request for Proposal may be requested by telephone, mail or fax from this office and on the Department of Human Services website through August 31, 2007. All requests by mail can be by direct mail or email. Responses to requests made before August 24, 2007 will be mailed or emailed. After August 24, 2007, the Request for Proposal must be picked up in person or taken from the Department of Human Services website.

The Request for Proposal can be obtained from:

Stacia Rosas
Children and Family Services
Transition to Economic Stability
Department of Human Services
P.O. Box 64951
St. Paul, Minnesota 55164-0951
Phone: (651) 431-4259
Fax: (651) 431-7526

The Request for Proposal will be posted on the Department of Human Services website at <http://www.dhs.state.mn.us> (click on "Partners and Providers," then on "Grants and RFPs").

An Intent to Apply Form must be received by the Department of Human Services no later than 4:00 p.m. on August 31, 2007 in order for an application to be considered. Late Intent to Apply Forms or proposals will not be considered. Applications 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. on October 1, 2007. Fax or emailed proposals will **not** be considered.

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

Minnesota Department of Human Services Community Partnerships Division

Notice of Request for Proposals (RFP) for Qualified Grantee(s) to Provide Child Care Resource and Referral (CCR&R) District and Baseline Services in the Following Areas:

**CCR&R WEST METRO DISTRICT SERVICES IN:
Carver, Dakota, Hennepin, and Scott Counties, and
CCR&R REGION 11 HENNEPIN BASELINE SERVICES IN:
Hennepin County**

The Minnesota Department of Human Services (DHS) is seeking proposals from qualified responders (public or private nonprofit organizations) with the capacity to serve as a CCR&R District or Regional Baseline site.

As a CCR&R Regional Baseline site, the successful responder will:

- Publicize child care resource and referral information services to families;
- Provide technical assistance and consultation to child care providers;
- Provide outreach to family, friend and neighbor caregivers; and

State Grants & Loans

- Collaborate and/or partner with local community organizations to build a better community for families and children in Region 11 Hennepin County.

As a CCR&R District site, the vendor will:

- Provide personalized child care referrals and consumer education to families
- Administer child care grants to child care providers
- Coordinate training for child care providers
- Provide support to baseline sites with consultation and technical assistance to individual child care practitioners
- Collaborate and/or partner with local/district community organizations to build a better community for families and children

in the West Metro District area

A separate proposal will be submitted by RFP respondents and a separate award will be made for the CCR&R West Metro District and the Region 11 Hennepin County Baseline service areas. The term of any resulting contract is anticipated to be for the period, from October 1, 2007 – June 30, 2009.

To access the RFP, go to the DHS public website on or after 10 a.m., July 30, 2007, Central Time: www.dhs.state.mn.us under “Partners and Providers,” “Grants and RFPs.”

For further information or to request a paper copy of the RFP, please contact:

Fred Fuhrmann, Grants Coordinator
Community Partnerships Division
Department of Human Services
PO Box 64962
St. Paul, MN 55164-0962
E-mail: fred.fuhrmann@state.mn.us

Proposals must be physically received (not postmarked) by **4:00 p.m. Central Time on August 22, 2007**, to be considered. Faxed or e-mailed 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 Prevention and Assistance Division Notice of Requests for Loan Proposals for the Environmental Assistance Loan Program

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is issuing this Request for Proposals (RFP) to solicit loan projects for the Environmental Assistance Loan Program (Program) in the Fiscal Years 2008-2009. This notice is issued under authority provided in *Minnesota Statutes* §115A.0716, subd. 3 and *Minnesota Rules* Parts 9210.0800 to 9210.0855.

The Program allows the MPCA to award up to a maximum loan of \$100,000, at zero percent interest. Program guidelines call for loan funds to be matched by a minimum dollar-for-dollar match (1:1) by loans from a participating financial institution. An administrative fee is assessed to each loan to cover administrative and service costs.

Preference will be given to small and medium-sized businesses and institutions and to projects related to waste reduction, pollution prevention, and other prevention-based or preventative technologies and practices in Minnesota. As funds are repaid, additional loans will be awarded for projects that will improve Minnesota’s environmental and economic quality.

The RFP, with downloadable application forms, is available on the Agency’s website at <http://www.pca.state.mn.us/grants/ealoans.html>. The webpage also provides links to applicable statutes and rules. Applications should be submitted electronically (as an e-mail attach-

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ment) to fast@moea.state.mn.us Faxed submittals will not be accepted.

If you experience difficulty in accessing the webpage or in submitting your application, please contact Mary Baker at (651) 215-0194 or 1-800-657-3864 or mary.baker@state.mn.us

Applications under this RFP may be submitted on a rolling-basis through June 30, 2009. Applications received after this deadline will not be considered.

Department of Public Safety Office of Justice Programs Justice and Community Grants Request for Multijurisdictional Task Force Grant Funding

Purpose: The purpose of this funding is to support multijurisdictional task forces that integrate federal, state and local law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multijurisdictional investigations that target drug and gang crime. Multijurisdictional task forces are intended to disrupt drug distribution networks, gang related crime and other associated criminal activity. The model allows for targeting criminal activity in a manner that may be beyond the investigative resources of individual agencies.

Additionally, the Minnesota state legislature appropriates funds to support two Gang Strike Forces; one in the Twin Cities metropolitan area and one in the St. Cloud metropolitan area. Funding is available for new agencies to participate in this effort and to receive partial salary reimbursement in exchange for assigning full-time officers.

Eligible Applicants: Local units of government, county sheriff's offices, county attorney offices and police departments are eligible to apply for funding. In Minnesota, a multijurisdictional narcotics/gang task force must be structured in a way that incorporates elements that have been proven successful (see application for additional detail), and must operate under a Joint Powers Agreement.

Source of Funds and Legislative Authority: Projects will be funded through the Justice Assistance Grant Program, United States Department of Justice, Bureau of Justice Assistance and funds appropriated by the Minnesota legislature. The authority for gang and drug task force grants is *Minnesota Statutes* 299A.641 subd. 7.

Total Funding Available: There is approximately \$4 million in combined federal and state funds for projects/agencies selected to receive grant awards.

Match Requirement: There is no match requirement; however, the grant funds available will not cover the full cost of operating a task force or assigning and officer to a strike force.

Project Period: Funded projects will be for 12 months and will begin January 1, 2008. Grants may be extended for an additional 12 months pending available funding and acceptable performance.

Application Materials: Effective July 30, 2007, full application descriptions and materials may be accessed at:
www.dps.state.mn.us/OJP

or by contacting Jesse Standal at: jesse.standal@state.mn.us or at (651) 201-7343. Any information updates regarding this request for proposals will be posted on the above website.

Application Workshop: August 8, 2007. Go to www.dps.state.mn.us/OJP for details.

Submission deadline: All proposals must be postmarked no later than Wednesday, September 12, 2007. Delivered applications must be received by 4:30 p.m. that same day. Emailed, faxed and late applications will not be accepted.

Submission details: Mail or deliver an original, ten (10) copies and a copy on disk or CD-ROM of the completed proposal to:

Office of Justice Programs
MN. Department of Public Safety
ATTN: Multijurisdictional Task Force RFP
444 Cedar Street, Suite 100
St. Paul, MN 55101-5100

State Register Binders

Specially designed binders with the State Register logo for storing your State Registers. Two binders typically hold one-year's subscription. Order Stock # 91-8, \$12.00 + tax

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

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- Word Search Capability
- Updates to Index to Vol. 31
- Early delivery, on Friday
- LINKS, LINKS, LINKS
- "Contracts & Grants" Open for Bid
- E-mailed to you . . . its so easy
- Easy Access to *State Register* Archives
- Indexes to Vols. 31, 30, 29, 28 and 27

It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** cathy.hoekstra@state.mn.us

State Contracts

Minnesota State Colleges and Universities Metropolitan State University

Advertisement for Bids for Monumental Signage and Flagpoles

Sealed Bids for: **MONUMENTAL SIGNAGE & FLAGPOLES**
Metropolitan State University
700 East 7th Street
Saint Paul, Minnesota 55106

will be received by: **Jean Alaspa**
Metropolitan State University
700 East 7th Street
Founders Hall Office 321
St Paul, MN 55106

Until **2:00 PM**, local time, **Wednesday August 08, 2007** at which time the bids will be opened and publicly read aloud.

Project Scope: New cast-in-place concrete, brick and cast stone monumental site sign, 3 new flagpoles, and related lighting and electrical work.

A **mandatory Pre-Bid Meeting** will be held at **2:00 PM, Wednesday August 01, 2007**, in **Room 321, Founders Hall, Metropolitan State University**. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer; **Bentz/Thompson/Rietow, Inc.**, are on file at the offices of the:

- 1) following Builders' Exchanges: St. Paul, Minneapolis, and St. Cloud
- 2) McGraw Hill Construction Plan Room
- 3) Reed Construction Data Plan Room
- 4) MEDA Minority Contractors Plan Room
- 5) National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

Bentz/Thompson/Rietow
801 Nicollet Mall, Suite 801
Minneapolis, MN 55402
(612) 332-1234

A deposit of **\$75.00** is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Architect) for **\$25.00** per set for shipping & handling (in addition to the **\$75.00** deposit) to the Architect. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

**Minnesota State Colleges and Universities (MnSCU)
Normandale Community College
Building Services Department
Notice of Intent to Solicit Bid for Installation of Irrigation System**

NOTICE IS HEREBY GIVEN that Normandale Community College is requesting bids for the installation of an irrigation system. Estimated amount of bid is Fifty Thousand and no/100 Dollars (\$50,000.) This bid does not obligate Normandale Community College to spend the estimated dollar amount.

Detailed specifications will be available at a pre-bid meeting which will be held August 6, 2007 at 11:00 a.m. at Normandale Community College, 9700 France Avenue South, Bloomington, MN 55431 in Room B1611.

Bids must be presented on Monday, August 13, 2007 at 12:00 noon to:

Jon Hanson, State Program Administrator
Normandale Community College – B1605
9700 France Avenue South
Bloomington, MN 55431

**Department of Employee Relations
Workers' Compensation Division
Notice of Request for Proposals (RFP) for Professional Services to Administer
Certified Workers' Compensation Managed Health Care Services**

The **Minnesota Department of Employee Relations (DOER)** is requesting proposals from Certified Managed Health Care Organizations to administer a managed health care program for the State's self-insured Workers' Compensation Division. These services must comply with all applicable laws and administrative rules governing the operation of managed health care, and with all specifications provided as part of the RFP. Contract(s) may be awarded for a two (2) year period (January 1, 2008 through December 31, 2009), with up to three (3) optional annual extensions through December 31, 2012.

To view the RFP, go to <http://www.doer.state.mn.us/ei-wc/eidwcagency.htm> and click on RFP for Certified Workers' Compensation Managed Health Care Services.

This RFP 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 is the sole responsibility of the responder.

All proposals must be received at DOER by 4:00 pm on Friday, September 21, 2007. Late proposals will not be considered.

If you have questions, please contact:

Gary Westman
Workers' Compensation Manager
Minnesota Department of Employee Relations
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
Phone: (651) 259-3810
Fax: (651) 297-5471
E-mail: Gary.Westman@state.mn.us

State Contracts

Department of Health

Notice of Request for Proposals for a Study Evaluating the Ability of Point-of-use (POU) Water Treatment Devices to Remove Perfluorochemicals

The Minnesota Department of Health (MDH) requests proposals from independent testing organizations for a study evaluating the ability of point-of-use (POU) water treatment devices to remove three perfluorochemicals (PFCs) from drinking water. The three PFCs are perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA), and perfluorobutanoic acid (PFBA).

The first part of the study will be to solicit candidate POU treatment devices and supporting technical information from manufacturers, determine the most promising devices, and recommend units to be tested to MDH. The second part of the study ("Phase 1 Testing") will be to test the selected POU devices under controlled laboratory conditions, using water spiked with specified concentrations of PFCs, and using the MDH Public Health Laboratory for PFC analyses of the water.

Testing will be for PFBA alone, a mixture of PFOS and PFOA, and a mixture of PFOS, PFOA, and PFBA. A draft interim report on Phase 1 testing, including recommendations for Phase 2 testing, is due to MDH by December 14, 2007. The third and final part of the study ("Phase 2 Testing") will be to perform limited field-testing of the best performing POU on actual PFC-contaminated water from two selected municipal wells in Minnesota (likely one well in Oakdale, MN and one well in St. Paul Park, MN).

A draft final report is due to MDH by March 15, 2008. The study will be limited to a total of 1,100 PFC analyses, including all QA/QC samples run by the contractor. The MDH Public Health Laboratory, St. Paul, Minnesota: will provide up to 1,100 PFC analyses at no cost to the contractor (28 day turnaround, at a maximum of 150 samples per week); will provide the commercial standards of PFOA, PFOS, and PFBA which will have been pre-tested for purity and provided in concentrated solutions (individually and as a mixture); will provide up to 1100 sample bottles with representative bottles from each lot pre-tested, and; will pay costs to ship empty containers to the contractor. The contractor will be responsible for collecting, preparing, and shipping samples to the MDH.

This study is not for product certification purposes. The contractor is encouraged to design a work plan that maximizes the number of promising POU to be tested, and minimizes the number of chemical analyses needed to efficiently complete Phases 1 and 2. This study is limited to POU devices that are commercially available (off the shelf or shelf ready) and have manufacturer-rated system capacities of at least 500 gallons without requiring removal of any filters. The final report of the study is due to MDH by May 15, 2008.

Work is proposed to start after September 1, 2007.

A Request for Proposals will be available by mail or e-mail from this office through Monday, August 13, 2007. **A written request (by direct mail or e-mail) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Tom Alvarez, POU Project Coordinator
Minnesota Department of Health
Environmental Health Division
625 Robert Street N
P.O. Box 64975
St. Paul, MN 55164-0975
E-mail: tom.alvarez@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 3:00pm central time, Monday, August 17, 2007. **Late proposals will not be considered.** Fax or e-mailed proposals will **not** be considered. MDH is not responsible for lost or misdirected proposals. 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 Office of Higher Education Request for Proposals for Public Relations Work for Advertisement Campaign

The Minnesota Office of Higher Education is requesting proposals for the purpose of selecting a public relations and/or strategic communications team to create and assist in implementing a plan for informing the public but particularly low-income and first generation families through a focused statewide advertisement campaign about The College Goal Sunday events that will take place throughout Minnesota at various sites on February 10, 2008. Work is proposed to start after August 15, 2007.

The State estimates the cost of these services for the current fiscal year will not exceed \$25,000. The State reserves the right to renew the contract for up to two additional years, not to exceed \$25,000 per year.

Copies of the complete Request for Proposals are available from: Cheryl Maplethorpe, cheryl.maplethorpe@state.mn.us, or by visiting www.ohe.state.mn.us, clicking on “news” (top), then “request for proposals” (bottom right)

All proposals must be received at this address:

Attention: Cheryl Maplethorpe
Minnesota Office of Higher Education
1450 Energy Park Drive, Suite 350
St. Paul, MN 55108

no later than **4:00 p.m. Friday, August 10, 2007. Late, faxed, and e-mailed proposals will not be considered.**

This request does not obligate the Office of Higher Education to complete the work contemplated in this notice, and the Office of Higher Education reserves the right to cancel this solicitation if it is considered to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Iron Range Resources Request for Proposal to Provide Marketing and Advertising Services

Iron Range Resources is seeking proposals from full-service advertising agencies to provide marketing and advertising services. Persons wishing a full proposal should contact Joyce Stoehr, Iron Range Resources, P O Box 441, Eveleth, MN 55734; **phone:** (218) 744-7342; **fax:** (218) 744-7456; **e-mail:** joyce.stoehr@state.mn.us. Deadline for submission is Monday, August 20, 2007 at 3:00 p.m. CDT. Late proposals will not be considered. Fax or emailed proposals will not be considered.

Minnesota Supreme Court REQUEST FOR PROPOSAL for Learning Content Management System (LCMS) & Performance Rating Management System (PRMS) – Education and Organization Development & Human Resources

The Minnesota Judicial Branch, State Court Administrator’s Office, (State) is using a competitive selection process to select the vendor responsible for implementation of a fully integrated web-based application containing at minimum Learning Content Management System (LCMS) and Performance Rating Management System (PRMS) modules. This is not a bid but a request for a proposal that could become the basis for negotiations leading to a contract with a designated vendor to provide services as described in this document.

Your proposal must be submitted in writing in a sealed envelope to:

Matt Ream, Human Resources Division
State Court Administration

State Contracts

25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

The submission must include 1 paper copies and 1 electronic (PDF) copy. No facsimile submissions will be accepted.

DEADLINE: Proposals must be received no later than 4:00 p.m. local (i.e., St. Paul) time on August 15, 2007.

A full Request for Proposal is available on the Minnesota Supreme Court website: www.courts.state.mn.us

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.

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.

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.

Koochiching County

Koochiching Development Authority

Request For Qualifications/Request for Proposals (RFQ/RFP) to Professional Firms to Prepare a Comprehensive Feasibility Study Evaluating a Plasma Gasification Waste-to-Energy Facility

Koochiching County, Minnesota and the Koochiching Development Authority is sending a Request For Qualifications/Request for Proposals (RFQ/RFP) to professional engineering, planning and design firms licensed in the state of Minnesota to prepare a Comprehensive Feasibility Study evaluating a Plasma Gasification Waste-to-Energy Facility. To receive a copy of the RFQ/RFP please contact Richard Lehtinen, Director of Environmental Services Department of Koochiching County, at **Telephone:** (218) 283-1155; **FAX:** (218) 283-1159. The deadline for submissions is August 24, 2007.

Metropolitan Council

INVITATION FOR PREQUALIFICATION for Chanhassen & Empire Hauled Liquid Waste Disposal Sites Improvements

Prequalification Submittal Documents (PSDs) are solicited by the Metropolitan Council ("Council") for the purpose of establishing a list of qualified vendors to supply the Council with Unattended Scale Entry Access System for the Hauled Liquid Water Sites. The Council intends to procure equipment for four (4) unattended entry access systems. The Council intends to use a two-step process to procure these programmable logic controllers. In this first step, vendors are invited to submit PSDs which will be evaluated based upon required specifications. In the second step, the Council will issue an Invitation for Bids only to Vendors whose PSD was determined to be acceptable, either initially or as a result of further discussions and investigation. Bids submitted by Vendors in the second step must be based on the vendor's approved PSD.

Vendors interested in obtaining an Invitation for Prequalification should contact:

Miriam Lopez-Rieth
Administrative Assistant
Metropolitan Council
390 North Robert Street
St. Paul, Minnesota 55101
Phone: (651) 602-1095
Fax: (651) 602-1083
E-mail: Miriam.lopez-rieth@metc.state.mn.us

The tentative schedule for this procurement is as follows:

<i>Invitation for Prequalification Issued</i>	July 23, 2007
<i>Due date of Prequalification Submittal</i>	August 10, 2007
<i>Notification of Successful Prequalification</i>	August 24, 2007
<i>Invitation for Bids</i>	August 30, 2007
<i>Due Date of Bids</i>	September 21, 2007

Non-State Bids, Contracts & Grants

Award of Contract
Complete Delivery of Programmable Logic Controllers

October 2007
June 2010

Metropolitan Council Notice of Request for Proposals (RFP) for Flexible Spending Account Administrator Contract 07P050

The Metropolitan Council is requesting proposals for Flex Benefits for all employees. The term of the contract will be up to five years. A tentative schedule for the project is as follows:

<i>Issue Request for Proposals</i>	July 23, 2007
<i>Receive Proposals</i>	August 20, 2007
<i>Contract negotiated, executed, NTP</i>	October 15, 2007

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

Miriam Lopez-Rieth, Contracts and Procurement Unit
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101
Phone: (651) 602-1095
Fax: (651) 602-1183
E-mail: Miriam.Lopez-Rieth@metc.state.mn.us

Inquiries regarding technical aspects of the project should be directed to Gordon Backlund 651-602-1801.

Metropolitan Council - Metro Transit Passenger Waiting Shelters Procurement

The Metropolitan Council is soliciting sealed bids for the procurement of Passenger Waiting Shelters. Bids are due at 2:00 PM on August 23, 2007. Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council
Metro Transit Purchasing Department
Attn: Candace Osiecki
515 N. Cleveland Avenue
St. Paul, MN 55114
(612) 349-5070

Metropolitan Council - Metro Transit Solicitation of Proposals for Procurement of Multi-Level Passenger Coaches Reference #7476

The Metropolitan Council, in Cooperation with the Minnesota Department of Transportation and the Northstar Corridor Development Authority, requests proposals for a contract for the procurement of multi-level cab cars and passenger coaches and

Non-State Bids, Contracts & Grants

related materials and services.

The base order will be for 12 passenger coaches and 5 cab cars for the Northstar commuter rail line. The contract will include options for up to an additional 47 passenger coaches and 17 cab cars, which will be available to three additional agencies participating in this procurement.

A pre-proposal meeting will be held in Minneapolis at 1:00 PM on August 1, 2007. Proposals are due no later than 2:00 PM on September 7, 2007. Please contact the following to request an RFP package:

To obtain the Solicitation Package, contact:

Candace Osiecki
Metro Transit
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5070
Fax: (612) 349-5069
E-mail: candace.osiecki@metc.state.mn.us

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.

State Register Binders

Specially designed binders with the State Register logo for storing your State Registers. Two binders typically hold one-year's subscription. Order Stock # 91-8, \$12.00 + tax

