

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)

**Monday 20 October 2008
Volume 33, Number 16
Pages 691 - 734**

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
- appointments
- official notices

Printing Schedule and Submission Deadlines

Vol. 33 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 16	Monday 20 October	Noon Tuesday 14 October	Noon Wednesday 8 October
# 17	Monday 27 October	Noon Tuesday 21 October	Noon Wednesday 15 October
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# 19	TUESDAY 11 NOVEMBER	Noon Tuesday 4 October	Noon Wednesday 29 October

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USPS Publication Number: 326-630 (ISSN: 0146-7751)

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Minnesota Rules: Amendments and Additions

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

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

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

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

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

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

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 Human Services (DHS) Adopted Permanent Rules Relating to the Child Care Fund

The rules proposed and published at *State Register*, Volume 32, Number 45, pages 1965-1981, May 05, 2008 (32 SR 1965), are adopted with the following modifications:

3400.0040 GENERAL ELIGIBILITY REQUIREMENTS AND ASSISTANCE STANDARDS TO BE MET BY ALL APPLICANTS AND PARTICIPANTS.

Subp. 5. **Employment, education, and training requirements.** In a family with a single parent, or unmarried legal guardian or eligible relative caregiver, the applicant or participant must meet employment, education, or training requirements and other eligibility requirements in this part and in part 3400.0060, 3400.0080, or 3400.0090 for the child care assistance program for which the family is applying or in which the family is participating.

In a family with more than one parent or any combination of parents, stepparents, legal guardians, and spouses, and eligible relative caregivers and spouses, at least one parent, legal guardian, eligible relative caregiver, or spouse must meet employment, education, or training requirements and other eligibility requirements in this part and in part 3400.0060, 3400.0080, or 3400.0090 for the child care assistance program for which the family is applying or participating in. The other parents, legal guardians, eligible relative caregivers, or spouses must:

Subp. 10. **Child care assistance during education or training.** Counties shall provide child care assistance to students eligible under part 3400.0060 or 3400.0080 and enrolled in county-approved education or training programs or employment plans according to items A to C.

B. Counties must authorize child care for part-time students ~~child care~~ as needed for:

3400.0080 MFIP CHILD CARE PROGRAM.

Subpart 1. ~~[See repealer.]~~

Subpart 1. **Eligibility for MFIP child care program.** ~~The following~~ Persons listed in *Minnesota Statutes*, section 119B.05, subdivision 1, are eligible for the MFIP child care assistance program:

A. ~~MFIP caregivers who are participating in approved activities as required in their job search support or employment plans;~~

B. ~~MFIP caregivers who do not have approved job search support or employment plans but who meet the requirements of *Minnesota Statutes*, section 119B.10;~~

C. ~~MFIP caregivers who are participating in appeals, hearings, assessments, or orientations according to *Minnesota Statutes*, chapter 256J; and~~

D. ~~families who are participating in programs as required in tribal contracts under *Minnesota Statutes*, section 119B.02, subdivision 2, or 256.01, subdivision 2.~~

3400.0185 NOTICE REQUIREMENTS FOR TERMINATION AND ADVERSE ACTIONS.

~~[For text of subp 1, see M.R.]~~

Subpart 1. **Notice of termination of child care assistance to participants.**

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

B. If child care assistance under part 3400.0060 is being terminated because a participant has moved to another county, the notice also must state that to continue receiving child care assistance under part 3400.0060 from the new county, the participant must apply for child care assistance in the new county within 30 60 days of the move.

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

Subp. 2. **Notice of termination of child care assistance to providers.**

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B. When a family stops using a provider but continues to receive assistance, the county must send the provider a notice containing the following information:

(4) that child care payments will no longer be made effective on the date of termination.

C. This item applies to participants using a provider licensed by the state of Minnesota. Except in cases where the provider's license has been temporarily immediately suspended under Minnesota Statutes, section 245A.07, the county must mail the notice to the participant at least 15 calendar days before ~~termination~~ terminating payment to the provider. When the provider's license has been temporarily immediately suspended under *Minnesota Statutes*, section 245A.07, the county must send a notice of termination to the provider that is effective on the date of the temporary immediate suspension.

REPEALER. *Minnesota Rules*, parts 3400.0020, subpart 32a; ~~3400.0080, subpart 1~~; 3400.0090, subpart 7; 3400.0110, subpart 4; 3400.0120, subpart 1b; 3400.0140, subparts 5a and 19; 3400.0183, subparts 3 and 4; 3400.0187, subparts 1a and 5; 3400.0210; 3400.0230, subparts 1 and 2; and 3400.0235, subpart 7, are repealed.

Minnesota Pollution Control Agency (MPCA) Adopted Permanent Rules Relating to Pretreatment

The rules proposed and published at *State Register*, Volume 32, Number 22, pages 925-960, November 26, 2007 (32 SR 925), are adopted with the following modifications:

7001.1090 GENERAL CONDITIONS OF NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS.

Subp. 3. Permits for publicly owned treatment works.

A. A National Pollutant Discharge Elimination System permit issued by the agency to a publicly owned treatment works must require the permittee to control their contribution to the POTW by each industrial user and report their significant industrial users and pretreatment activities to the agency as required by chapter 7049.

7049.0100 PURPOSE, OBJECTIVE, AND INTENT.

This chapter implements the requirements of the federal general pretreatment regulations in *Code of Federal Regulations*, title 40, part 403, and the pretreatment provisions of national categorical pretreatment regulations in *Code of Federal Regulations*, title 40, chapter I, subchapter N, and implements the authorities of *Minnesota Statutes*, section 115.03, subdivision 1, paragraph (e), clause (2). This chapter establishes the responsibilities of the state, local governments, and the public to control pollutants introduced into a publicly owned treatment works (POTW) and prevent the introduction of pollutants into a POTW. This chapter is intended to:

A. prevent or control the introduction of pollutants that are incompatible with a POTW plant;

C. prevent interference with a POTW physical plant; collection system; physical, chemical, or biological processes; personnel; or disposal of residuals.

The objective of this chapter is to provide for the prevention or control of pollutants entering a POTW plant that can cause or contribute to the violation by the POTW of any state or federal environmental rule or regulation prohibiting or limiting pollutant release. It is also the intent of this chapter to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges, and other residuals.

7049.0110 APPLICABILITY.

This chapter applies to:

A. pollutants from nondomestic sources that are discharged into POTWs, transported by truck or rail, or otherwise introduced to into POTWs;

7049.0120 DEFINITIONS.

Subp. 11. New source.

A. "New source" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed national categorical pretreatment standards under section 307(c) of the Clean Water Act, *United States Code*, title 33, which will be applicable to the source if the categorical standards are adopted according to that section, provided that:

(3) the production or wastewater generating processes of the building, structure, facility, or installation are substantially

independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and engaged in the same general type of activity as the existing source ~~should~~ shall be considered.

Subp. 13. **Pollutant of concern.** “Pollutant of concern” means a pollutant that is or may be discharged by an industrial user to a POTW and that is, or reasonably should be, of concern to the POTW on the basis that it may cause interference or pass-through. ~~In identifying pollutants of concern, the POTW must consider pollutants specifically limited, required to be monitored, or otherwise identified as of concern in the POTW’s national pollutant discharge elimination system permit, pollutants that the POTW plant has a specific finite designed capacity to treat, or pollutants that are specifically identified by the agency as being in nonattainment with water quality standards in the POTW’s receiving water.~~

Subp. 17. **Pretreatment.** “Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before or in lieu of discharging or otherwise introducing pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or other means, except as prohibited by part 7049.0300, subpart 4. Appropriate pretreatment technology includes, but is not limited to, control equipment, such as equalization tanks or facilities, for protection against surges or slug discharges that might interfere with or otherwise be incompatible with the receiving POTW. However, when process effluent limited by categorical pretreatment standards is mixed ~~in an equalization facility~~ with wastewater other than those generated by processes limited by the same categorical pretreatment standard, the effluent ~~from the equalization facility~~ must meet, after pretreatment, the alternate limits for the combined effluent calculated using the combined waste stream formula as provided in part 7049.0350.

Subp. 19. **Pretreatment standard.** “Pretreatment standard” means any state or local law, rule, or ordinance containing pollutant discharge limits or prohibitions, applicable to discharges to a POTW. Pretreatment standard includes all standards or limits contained in or required by this chapter. Where more than one standard or limit applies, the most restrictive is controlling.

Subp. 24. **Significant industrial user.**

A. “Significant industrial user” means an industrial user that:

(1) contributes a process wastewater containing five percent or more of the flow or load of any pollutant of concern to the receiving POTW;

(3) discharges 25,000 gallons per day or more of process wastewater, excluding sanitary, noncontact cooling or boiler blowdown wastewater, to the receiving POTW.

Subp. 26. **Slug discharge.** “Slug discharge” means a discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass-through or in any other way violate the POTW’s regulations, local limits, or permit individual control mechanism conditions.

7049.0130 LOCAL LAW.

Industrial users shall comply with the limitations imposed by the receiving POTW that receives their wastewater discharge. Except as provided in part 7049.0300, subpart 1, and permits issued under that part, industrial users shall report to the receiving POTW. Nothing in this chapter is intended to affect any pretreatment requirements, standards, or prohibitions established by local law, as long as any local requirement is not less stringent than any set forth in this chapter.

7049.0140 PRETREATMENT STANDARDS; PROHIBITED DISCHARGES.

Subp. 2. **General prohibitions.** ~~An industrial user~~ A source of indirect discharge shall not introduce any pollutants that cause pass-through or interference.

Subp. 3. **Specific prohibitions.** In addition to the general prohibitions in subpart 2, the following pollutants ~~must~~ shall not be introduced into a POTW:

Subp. 4. **Discharge.** Wastes trucked or hauled to a POTW ~~must only~~ shall be discharged only at a point designated by the POTW authority.

7049.0150 AFFIRMATIVE DEFENSE FOR VIOLATIONS.

An industrial user has an affirmative defense in any action brought against it alleging a violation of the general prohibitions in part 7049.0140, subpart 2, and the specific prohibitions in part 7049.0140, subpart 3, items C to G, when the industrial user can demonstrate that:

A. the industrial user did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference; and

B.

(1) a local limit designed to prevent pass-through or interference was developed according to part 7049.0600, subpart 2, or 7049.0850 for each pollutant in the industrial user’s discharge that caused pass-through or interference and the industrial user was in

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compliance with each such local limit directly prior to and during the pass-through or interference; or

(2) if a local limit designed to prevent pass-through or interference has not been developed according to part 7049.0600, subpart 2, or 7049.0850 for the pollutants that caused the pass-through or interference, the industrial user's discharge directly prior to and during the pass-through or interference did not change substantially in nature or constituents from the industrial user's prior discharge activity when the receiving POTW was regularly in compliance with the receiving POTW's national pollutant discharge elimination system permit requirements and applicable requirements for sewage sludge use or disposal.

7049.0160 CONFIDENTIALITY.

Except for data determined to be confidential according to *Minnesota Statutes*, section 116.075, subdivision 2, all reports required by this chapter must be available for public inspection. Effluent Data on indirect discharges is not confidential. To request the agency to maintain data as confidential, the POTW authority or industrial user supplying the information ~~must~~ shall comply with part 7000.1300.

7049.0163 INFORMATION, RECORDS, AND ACCESS.

Subpart 1. **Duty to provide information.** A person who ~~is operating or responsible for or who might otherwise have information concerning an indirect discharge~~ operates a POTW or a source of indirect discharge and is regulated by this chapter has a duty, when requested by the agency, to furnish to the agency any information the person has, ~~may have~~, or may readily obtain that is relevant to the indirect discharge.

Subp. 2. **Examination of records.** The agency may examine and copy any books, papers, paper and electronic records, or memoranda from a person who has a duty to provide information that the person ~~may have~~ has or may readily obtain and that are relevant to an indirect discharge, pass-through, or interference.

Subp. 3. **Access to information and property premises.** The agency, ~~or a member, employee, or agent authorized by the agency, upon presentation of credentials, may enter upon any property, public or private, for the purpose of taking any action authorized by this chapter, including obtaining information from a person who has a duty to provide the information under subpart 1, examining records, or conducting surveys or investigations of any indirect discharge~~ shall have access to property for the purpose of implementing this chapter as provided in *Minnesota Statutes*, section 115.04, subdivision 3.

7049.0200 REPORTING AND MONITORING.

Subpart 1. **Reporting requirements for significant industrial users.** Except as provided in part 7049.0570, subpart 2, significant industrial users shall submit to the control authority at least once every six months or as frequently as required by the control authority, on dates specified by the control authority, a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. In cases where a local limit requires compliance with a best management practice or pollution control alternative, the industrial user ~~must~~ shall submit documentation required by the control authority to determine the compliance status of the industrial user.

Subp. 3. **Pollutants to be monitored for.** Except in the case of nonsignificant categorical industrial users, and as provided in parts 7049.0570, subpart 3, and 7049.0710, the reports required in this part and parts 7049.0500 to 7049.0570 shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass when requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards.

Subp. 5. **POTW may monitor in lieu of industrial user.** Sampling and analysis of the discharges from industrial users required by this part may be performed by the POTW in lieu of the industrial user. When the POTW collects all the information required for the report, including flow data, the industrial user is not required to submit the monitoring reports required under parts 7049.0200 to 7049.0590, unless required by the POTW authority.

7049.0210 NOTICE.

Subp. 2. **Notification and repeat sampling in case of violation.** If sampling performed by an industrial user indicates a violation, the industrial user shall notify its control authority, and its receiving POTW if the POTW is not the control authority, within 24 hours of becoming aware of the violation. The industrial user shall repeat the sampling and analysis and submit the results of the repeat analysis to its control authority within 30 days after becoming aware of the violation. When the POTW has performed the sampling and analysis in lieu of the industrial user, the POTW ~~must~~ shall perform the repeat sampling and analysis unless it notifies the industrial user of the violation and requires the industrial user to perform the repeat analysis. Unless directed by the POTW authority, resampling is not required if:

Subp. 4. **Sewered hazardous waste notification.**

A. If an industrial user discharges 15 kilograms or more of a substance in any month into a POTW that, if otherwise disposed of, would be a hazardous waste under chapter 7045, or if an industrial user discharges any amount of a substance into a POTW that, if otherwise disposed of, would be an acute hazardous waste under chapter 7045, the industrial user ~~must~~ shall submit a written sewerage

hazardous waste notification to the receiving POTW, the Environmental Protection Agency regional waste management division director, and the agency hazardous waste program. Any notification under this subpart need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under subpart 3.

7049.0300 APPLICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Subpart 1. Requirements to comply.

B. Except when the authority to implement these regulations is specifically delegated to the receiving POTW under parts 7049.0800 to 7049.1020, the agency is the control authority for national categorical pretreatment standards and has the authority to enforce categorical pretreatment standards directly on all industrial users subject to them.

D. Where the agency is the control authority ~~may, control shall~~ be implemented via general and individual state disposal system permits or other regulatory documents. Industrial users subject to national categorical pretreatment standards for whom the agency is the control authority shall maintain on-site plans and specifications for pretreatment and pretreatment equipment needed to comply with pretreatment standards.

Subp. 3. Concentration and mass limits.

E. When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, an industrial user may request that the control authority convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the control authority. The control authority may establish equivalent mass limits only if the industrial user meets all the conditions in this item.

(2) An industrial user subject to equivalent mass limits ~~must shall~~:

(c) continue to record the facility's production rates and notify the control authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in subitem (1), unit (c). Upon notification of a revised production rate, the control authority ~~must shall~~ reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(3) A control authority that chooses to establish equivalent mass limits:

(a) ~~must shall~~ calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process of the industrial user by the concentration-based daily maximum and monthly long-term average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

(b) upon notification of a revised production rate, ~~must shall~~ reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

G. Equivalent limitations calculated according to this part are required pretreatment standards for purposes of this chapter. Industrial users ~~must shall~~ comply with the equivalent limitations in lieu of the adopted categorical standards from which the equivalent limitations were derived.

I. Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a national categorical pretreatment standard that incorporates production-based standards shall notify the control authority within two business days after the industrial user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any industrial user that does not notify its control authority of an anticipated change must meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.

7049.0350 COMBINED WASTE STREAM FORMULA.

Subpart 1. General.

A. The combined waste stream formula described in this part is used to derive fixed alternative discharge limits to be applied to the mixed effluent when waste streams subject to national categorical pretreatment standards are mixed with waste streams subject to other categorical standards or waste streams not subject to categorical standards. Alternative discharge limits may be derived using the combined waste stream formula by the control authority or by the industrial user with the prior written concurrence of the control authority. Alternative limits must be derived for all applicable limits. When deriving alternative categorical limits, the control authority or industrial user shall calculate both an alternative daily maximum value using the daily maximum values specified in the appropriate categorical pretreatment standards and an alternative consecutive sampling day average value using the monthly average values specified in the appropriate categorical pretreatment standards. The industrial user shall comply with the alternative daily maximum and monthly long-term average limits fixed by the control authority until the control authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user ~~must shall~~ immediately report any material or significant change to the control authority. If appropriate, new alternative categorical limits shall be calculated within 30 days. The industrial user may change monitoring points only after receiving prior written approval from the control authority. The control authority shall ensure that any change in an industrial user's monitoring points will not allow the industrial user to substitute dilution for adequate treatment to achieve compliance

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with applicable standards.

C. If a treated regulated process waste stream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may, with the approval of the control authority, monitor either the segregated process waste stream or the combined waste stream to determine compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated process waste stream, the industrial user shall apply the applicable categorical pretreatment standard. If the industrial user chooses to monitor the combined waste stream, the industrial user shall apply an alternative discharge limit calculated using the combined waste stream formula as provided in this part. The industrial user may change monitoring points only after receiving prior written approval from the control authority. The control authority shall ensure that any change in an industrial user's monitoring points will not allow the industrial user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

D. If a regulated process waste stream is combined without treatment with wastewaters other than those generated by the regulated process, the industrial user may, with the approval of the control authority, monitor either the segregated process waste stream or the combined waste stream to determine compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated process waste stream, the industrial user shall apply the applicable categorical pretreatment standard. If the industrial user chooses to monitor the combined waste stream, the industrial user shall apply an alternative discharge limit calculated using the combined waste stream formula as provided in this part. However, when no treatment is provided, all waste streams other than the regulated process waste stream are considered to be dilute waste streams in deriving alternative discharge limits. If more than one regulated process waste stream is present at the chosen monitoring point, the combined waste stream formula shall be applied to each regulated process waste stream separately, with all other waste streams considered to be dilute waste streams, and the most restrictive limit applied, for each pollutant. The industrial user may change monitoring points only after receiving approval from the control authority. The control authority shall ensure that any change in an industrial user's monitoring points will not allow the industrial user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

7049.0380 CONDITIONS FOR AUTHORIZATION TO GIVE REMOVAL CREDITS.

A. A POTW authority may give removal credits only if:

(3) the POTW authority has an approved pretreatment program according to parts 7049.0800 to 7049.1020. A POTW authority that does not have an approved pretreatment program may, pending approval of such a program, conditionally give removal credits as provided in part 7049.0430;

7049.0410 CONSISTENT REMOVAL DATA.

C. Upon agency concurrence, a POTW authority may use a historical database, provided that the data otherwise meet the requirements of this item. For the historical database to be approved, it must present a statistically valid description of daily, weekly, and seasonal ~~sewage treatment plant~~ receiving POTW loadings and performance for at least one year. The historical data shall be representative of present removal.

7049.0430 CONDITIONAL REMOVAL CREDITS PRIOR TO AGENCY APPROVAL OF POTW PRETREATMENT PROGRAM.

A. A POTW authority required to develop a local pretreatment program under part 7049.0800 may conditionally give removal credits pending approval of such a program according to the following terms and conditions:

(1) all industrial users who are currently subject to a categorical pretreatment standard and who want conditionally to receive a removal credit must shall submit to the POTW baseline monitoring report information, as provided in parts 7049.0500 to 7049.0550, pertaining to the categorical pretreatment standard as modified by the removal credit. The industrial users shall indicate what additional technology, if any, will be needed to comply with the categorical pretreatment standards as modified by the removal credit;

(2) the POTW authority must shall submit to the agency a timely application for pretreatment program approval meeting the requirements of parts 7049.0800 to 7049.1020. An application is timely if it does not exceed the time limitation in a compliance schedule for development of a pretreatment program included in the POTW's national pollutant discharge elimination system permit. If a POTW that has not previously been required to develop a pretreatment program under parts 7049.0800 to 7049.1020 requests authority to grant removal credits, the POTW's permit shall be modified to require the development of a delegated pretreatment program under parts 7049.0800 to 7049.1020;

(3) the POTW must shall compile and submit data demonstrating its consistent removal according to parts 7049.0400 and 7049.0410;

(4) the POTW must shall comply with part 7049.0380; and

(5) the POTW must shall submit a complete application for removal credit authority according to part 7049.0450.

7049.0440 TERMINATION OF CONDITIONAL REMOVAL CREDITS.

If a POTW authority grants conditional removal credits and the POTW authority or the agency subsequently makes a final determina-

tion, after appropriate notice, that the industrial user failed to comply with part 7049.0430, item A, subitem (1), the conditional removal credit shall be terminated by the POTW authority or the agency for the noncomplying industrial user and the industrial user to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical pretreatment standard within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard, as may be specified by the agency. The conditional removal credit shall not be terminated when a violation of part 7049.0430, item A, subitem (1), results from causes entirely outside the control of the industrial user or the industrial user had demonstrated substantial compliance.

7049.0450 POTW APPLICATION FOR AUTHORIZATION TO GIVE REMOVAL CREDITS AND AGENCY REVIEW.

Subpart 1. **Who must apply.** A POTW authority that wants to give a removal credit or modify an existing removal credit ~~must~~ shall apply for authorization from the agency. A POTW may apply for authorization to give or modify removal credits at any time. An application for authorization to give removal credits must be supported by the following information:

7049.0460 AUTHORIZATION TO GIVE REMOVAL CREDITS.

Subpart 1. **Effect of authorization.** When a POTW authority has received authorization to grant removal credits for a particular pollutant regulated in a categorical pretreatment standard, it may automatically extend that removal credit to the same pollutant when it is regulated in other categorical standards, unless granting the removal credit will cause the POTW to violate the sludge requirements identified in part 7049.0380, item A, subitem (4), or its national pollutant discharge elimination system permit limits and conditions as required by part 7049.0380, item A, subitem (5). If a POTW authority elects at a later time to extend removal credits to a certain categorical pretreatment standard, industrial subcategory, or one or more industrial users that initially were not granted removal credits, the POTW ~~must~~ shall notify the agency.

7049.0470 MODIFICATION OR WITHDRAWAL OF REMOVAL CREDITS.

Subp. 3. **Public notice of withdrawal or modification.** The agency shall not withdraw or modify revised discharge limits, unless it has:

- B. publicly published the written rationale for the withdrawal or modification; and

7049.0480 NET/GROSS CALCULATION TO ADJUST CATEGORICAL STANDARDS.

B. Credit for generic pollutants such as biochemical oxygen demand, total suspended solids, and oil and grease shall not be granted unless:

(1) the industrial user demonstrates that the constituents of the generic measure in the industrial user's effluent are substantially similar to the constituents of the generic measure in the intake water; or

D. Credit shall be granted only if the industrial user demonstrates that the intake water is drawn from the same body of water as that into which the receiving POTW releases effluent. The control authority may waive this requirement if it finds that no environmental degradation will result.

7049.0485 FUNDAMENTALLY DIFFERENT FACTORS; VARIANCES TO CATEGORICAL STANDARDS.

Any person who believes that factors relating to an industrial user are fundamentally different from the factors considered during development of a national categorical pretreatment standard applicable to that industrial user and that the existence of those factors justifies a different discharge limit than specified in the applicable categorical pretreatment standard may seek a fundamentally different factors variance to national categorical pretreatment standards under *Code of Federal Regulations*, title 40, part 403.13, which is incorporated by reference.

7049.0490 UPSET AFFIRMATIVE DEFENSE FOR VIOLATIONS OF CATEGORICAL STANDARDS.

Subp. 8. **Industrial user responsibility in case of upset.** The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies when, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

7049.0495 BYPASS PROVISIONS FOR CATEGORICAL STANDARDS.

Subp. 4. **Notice.**

A. If an industrial user knows in advance of the need for a bypass, the industrial user shall submit prior written notice to the POTW, if possible, at least ten days before the date of the bypass.

7049.0500 BASELINE MONITORING REPORT AND APPLICATION FOR PERMIT INDIVIDUAL CONTROL MECHANISM.

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Industrial users that are subject to one or more of the national categorical pretreatment standards contained in part 7049.0310 ~~must~~ shall submit a baseline monitoring report and permit application for individual control mechanism to its control authority. If the receiving POTW operates a federal delegated pretreatment program approved under parts 7049.0800 to 7049.1020, the application shall be submitted to the POTW. If the receiving POTW does not operate a federal delegated pretreatment program, the application shall be submitted to the agency with a copy supplied to the receiving POTW.

7049.0510 DUE DATE OF BASELINE MONITORING REPORT AND APPLICATION FOR PERMIT INDIVIDUAL CONTROL MECHANISM.

A. The baseline monitoring report and application for permit individual control mechanism shall be submitted within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made on a formal category determination submission under part 7049.0310, subpart 2, whichever is later. Existing facilities subject to existing categorical pretreatment standards shall submit a baseline monitoring report and permit application for individual control mechanism within 180 days after the effective date of this chapter. At least 90 days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the adoption of an applicable categorical standard, shall submit a baseline monitoring report to the control authority. If reports containing this information have already been submitted, the industrial user need not submit the information again. The control authority may, at its discretion, alter the dates by which applications for a permit are required.

B. If the categorical pretreatment standard is modified by a removal allowance credit as provided in parts 7049.0360 to 7049.0470, the combined waste stream formula as provided in part 7049.0350, or a fundamentally different factors variance in part 7049.0480, subpart 2, after the industrial user submits the baseline monitoring report, any necessary amendments to the baseline monitoring report shall be submitted by the industrial user to the control authority within 60 days after the modified limit is approved.

7049.0520 CONTENTS OF BASELINE MONITORING REPORT.

Subp. 2. **Identifying information.** The industrial user shall submit the name and address of the facility including the name of the operator and owners.

Subp. 3. **Permits.** The industrial user shall submit a list of any environmental control permits held by or for the facility.

Subp. 4. **Description of operations.** The industrial user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operations carried out by the industrial user. The description shall include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.

Subp. 5. **Flow measurement.** The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process waste streams and other streams as necessary to allow use of the combined waste stream formula provided in part 7049.0350. The control authority may allow for verifiable estimates of these flows when justified by cost or feasibility considerations.

Subp. 6. **Measurement of pollutants.** The industrial user shall:

B. submit the results of sampling and analysis identifying the nature and concentration, or mass, when required by the categorical standard or by the control authority, of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration, or mass, when required, shall be reported. The sample shall be representative of daily operations. In cases where the categorical pretreatment standard requires compliance with a best management plan or pollution prevention alternative, the industrial user shall submit documentation as required by the control authority or the applicable categorical pretreatment standards to determine compliance with the standard.

Subp. 7. **Certification.**

A. The industrial user shall submit a certification consisting of a statement, reviewed by an authorized representative of the industrial user, as provided in part 7049.0220, and certified by a qualified professional, indicating whether categorical pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance or additional pretreatment is required for the industrial user to meet the categorical pretreatment standards and requirements. If the industrial user's categorical pretreatment standard has been modified by a removal allowance credit as provided in parts 7049.0360 to 7049.0470; the combined waste stream formula as provided in part 7049.0350; or a fundamentally different factors variance as provided in part 7049.0480, subpart 2, at the time the industrial user submits the baseline monitoring reports, the certification and the compliance schedule in part 7049.0550 pertain to the modified limits.

7049.0530 CONTENTS OF APPLICATION FOR PERMIT.

In addition to all information required by the control authority, applications by categorical industrial users shall provide the following information:

A. sufficient information to enable the control authority to determine the correct federal point source category and subcategory for the industrial user;

7049.0540 MONITORING FOR BASELINE MONITORING REPORT.

B. The industrial user shall take a minimum of one representative sample to compile the data necessary to comply with this part.

C. Samples ~~should~~ must be taken immediately downstream from pretreatment facilities, if they exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the industrial user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula under part 7049.0350 in order to evaluate compliance with the categorical pretreatment standards.

7049.0550 BASELINE MONITORING REPORT COMPLIANCE SCHEDULE.

A. An industrial user submitting a baseline monitoring report that shows that the industrial user is not already in compliance with the categorical standard must shall submit with the baseline monitoring report the shortest schedule by which the industrial user will provide additional pretreatment or operation and maintenance to comply with the categorical ~~regulation~~ standard. The completion date in this schedule must not be later than the compliance date established for the applicable categorical pretreatment standard.

7049.0560 90-DAY COMPLIANCE REPORT.

Subp. 2. **Identifying information.** The industrial user shall submit the name and address of the facility, including the name of the operator and owners.

Subp. 3. **Flow measurement.** The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the receiving POTW from regulated process waste streams and other streams as necessary to allow use of the combined waste stream formula in part 7049.0350. The control authority may allow for verifiable estimates of these flows when justified by cost or feasibility considerations.

Subp. 4. **Measurement of pollutants.** The industrial user shall:

Subp. 5. **Certification.** The industrial user shall submit a certification consisting of a statement, reviewed by an authorized representative of the industrial user, as provided in part 7049.0220, and certified by a qualified professional, indicating whether categorical pretreatment standards are being met on a consistent basis. If the industrial user's categorical pretreatment standard has been modified by a removal ~~allowance~~ credit as provided in parts 7049.0360 to 7049.0470; the combined waste stream formula as provided in part 7049.0350; or a fundamentally different factors variance as provided in part 7049.0485, at the time the industrial user submits the 90-day compliance report, the certification and the compliance schedule in part 7049.0550 pertain to the modified limits. If an alternate concentration or mass limit has been calculated according to part 7049.0300, subpart 3, the adjusted limit and supporting data shall be included.

Subp. 6. **Contents Production rate reporting.** ~~For industrial users subject to equivalent mass or concentration limits established by the control authority according to part 7049.0300, subpart 2, for categories with production-based standards, the report must contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, or other measure of operation, the report must include the user's actual production during the appropriate sampling period. Industrial users subject to national categorical pretreatment standards with limits expressed in terms of allowable pollutant discharge per unit of production, or other measure of operation, shall submit information on their production rate. For industrial users subject to equivalent mass or concentration limits established by the control authority according to part 7049.0300, subpart 2, for categories with production-based categorical pretreatment standards, the report must contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to production-based categorical pretreatment standards, the report must include the user's actual production during the reporting period.~~

7049.0570 PERIODIC REPORTS ON CONTINUED COMPLIANCE.

Subp. 2. **Frequency of reports.**

A. Except as required in this subpart, the periodic reports on continued compliance under subpart 1 must be submitted twice per year, unless required more frequently in the categorical pretreatment standard or by the control authority. Unless otherwise specified by the control authority, the reports must be submitted in June and December. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, and budget cycles, the control authority may agree to alter the months during which the reports in subpart 1 are to be submitted. The control authority may reduce the monitoring frequency to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the agency, when the industrial user meets all of the following conditions:

(4) the industrial user notifies the control authority immediately of any changes at its facility causing it to no longer meet conditions of subitem (1) or (2). Upon notification, the industrial user must shall immediately begin reporting twice annually.

B. The POTW authority must shall retain documentation to support the control authority's determination that a specific industrial user qualifies for reduced reporting requirements under item A for three years after the expiration of the term of the control mechanism.

Subp. 3. **Monitoring waiver.**

C. The monitoring waiver is valid only for the duration of the effective period of the ~~permit or other equivalent~~ industrial user's

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individual control mechanism, but in no case longer than five years. The industrial user ~~must~~ shall submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

E. Any grant of the monitoring waiver by the control authority must be included as a condition in the industrial user's control mechanism.

The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver must be maintained by the control authority for three years after expiration of the waiver.

F. Upon approval of the monitoring waiver and revision of the industrial user's control mechanism by the control authority, the industrial user ~~must~~ shall certify, with the following statement, on each report that there has been no increase in the pollutant in the industrial user's waste stream due to activities of the industrial user: "Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1)."

G. In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the industrial user's operations, the industrial user ~~must~~ shall immediately comply with the monitoring requirements of part 7049.0570, subparts 1 and 2, or other more frequent monitoring requirements imposed by the control authority, notify the control authority, and monitor for the previously waived pollutant that is found to be present.

Subp. 4. **Flow reporting.** The periodic reports on continued compliance must include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge subject to the categorical ~~regulations~~ standards and any other flows necessary to apply the combined waste stream formula as provided in part 7049.0350. The control authority may require more detailed reporting of flows.

Subp. 6. **Production rate reporting.** ~~Industrial users shall report the user's production rate for the reporting period. If the limitations imposed on an industrial user are calculated using production, the report shall be a reasonable measure of the user's long-term production rate. Industrial users subject to national categorical pretreatment standards with limits expressed in terms of allowable pollutant discharge per unit of production, or other measure of operation, shall submit information on their production rate. For industrial users subject to equivalent mass or concentration limits established by the control authority according to part 7049.0300, subpart 2, for categories with production-based categorical pretreatment standards, the report must contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to production-based categorical pretreatment standards, the report must include the user's actual production during the reporting period.~~

7049.0580 POTW MONITORING IN LIEU OF INDUSTRIAL USER SELF-MONITORING.

Sampling and analysis for baseline monitoring reports as required by parts 7049.0500 to 7049.0550, 90-day compliance reports as required by part 7049.0560, and periodic reports on continued compliance as required by part 7049.0570 may be performed by the control authority in lieu of the industrial user. If the receiving POTW performs the required sampling and analysis in lieu of the industrial user, the industrial user is not required to submit the compliance certification required with baseline monitoring reports under parts 7049.0500 to 7049.0550 and 90-day compliance reports under part 7049.0560. In addition, if the receiving POTW collects all the information required for baseline monitoring reports under parts 7049.0500 to 7049.0550, 90-day compliance reports under part 7049.0560, and periodic reports on continued compliance under part 7049.0570, including flow data, the industrial user is not required to submit the reports.

7049.0600 POTW RESPONSIBILITY TO CONTROL INDUSTRIAL USERS.

Subpart 1. **General.**

A. It is the responsibility of every POTW authority to control the contribution of industrial users that discharge to the POTW plant to prevent interference or pass-through. Every POTW shall require industrial users that discharge to the POTW plant to comply with the general and specific prohibitions in part 7049.0140 and shall take appropriate action in case of violations.

B. POTW authorities shall control the contribution of their significant industrial users with control mechanisms, such as agreements or permits, issued to individual significant industrial users, except as provided in part 7049.0820, item C, subitem (1).

Subp. 2. **Local limits.**

A. In cases where pollutants contributed by industrial users result in interference or pass-through and the violation is likely to recur, the POTW authority shall develop and enforce specific local effluent limits or best management practices for industrial users and all other users, as appropriate, which, together with appropriate changes in the POTW plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's national pollutant discharge elimination system permit or sludge use or disposal practices.

B. Specific local effluent limits must not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

Subp. 3. ~~**Prohibited agreements and permits individual control mechanisms.**~~ A POTW authority shall not knowingly enter into

an agreement with an industrial user or issue a permit to an industrial user that allows the industrial user to discharge wastewater that would cause interference or pass-through or cause a violation of part 7049.0140.

7049.0650 POTW RESPONSIBILITY TO ENFORCE PRETREATMENT STANDARDS.

D. Delegated POTWs are also responsible for enforcing the categorical pretreatment standards in part 7049.0310. The most restrictive limits as between the requirements of items C and D shall apply.

7049.0700 NOTIFICATION.

Subpart 1. General.

B. The notification under this subpart shall be submitted ~~as soon as possible and, when changes are proposed, must be submitted prior to changes being made, within 30 days of identifying an industrial user as significant.~~ POTWs with existing significant industrial users shall submit a notification within 30 days of the effective date of this part. Changes to local limits imposed on existing significant industrial users shall be submitted prior to changes being made.

7049.0720 PRETREATMENT ANNUAL REPORT; NONDELEGATED POTWS.

If a nondelegated POTW has a significant industrial user at any time during a calendar year, the POTW authority shall submit a pretreatment annual report on forms provided by the agency or shall submit equivalent information. The pretreatment annual report must include at least the following:

C. a summary of the discharge monitoring data for each significant industrial user for the reporting year. The summary shall summarize all available data and shall accurately represent the discharge by the industrial user;

D. a summary of inspections and sampling of significant industrial users performed by the permittee POTW authority;

E. a summary of violations by industrial users of any required pretreatment standards imposed by the permittee POTW authority and a description of the current compliance status of each significant industrial user;

F. a summary of enforcement actions taken against significant industrial users by the permittee POTW authority;

G. a description of any upset, interference, or pass-through incident at the POTW that the permittee POTW authority knows or believes ~~were~~ was caused by industrial users of the POTW system. The description shall include the reasons why the incidents occurred, the corrective actions taken, and the industrial users responsible, if known;

7049.0820 LEGAL AUTHORITY.

The POTW authority shall operate pursuant to legal authority that authorizes or enables the POTW authority to apply and enforce the requirements of sections 307(b) and (c) and 402(b)(8) of the Clean Water Act and any regulations implementing those sections. The authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements that the POTW authority is authorized to enact, enter into, or implement and that are authorized by state law. At a minimum, the legal authority shall enable the POTW authority to:

C. control contribution to the POTW by each industrial user to ensure compliance with required pretreatment standards and requirements, through permit, order, or similar means. In the case of significant industrial users, the control shall be achieved through permits or equivalent individual control mechanisms issued to each such industrial user, except as follows:

(1) at the discretion of the POTW, the control may include use of general control mechanisms if the following conditions are met. All of the facilities to be covered must:

(e) in the opinion judgment of the POTW, be more appropriately controlled under a general control mechanism than under individual control mechanisms;

(2) to be covered by the general control mechanism, the significant industrial user must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, any requests under part 7049.0570, subpart 3, for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general control mechanism until after the POTW has provided written notice to the significant industrial user that such a waiver request has been granted according to part 7049.0570, subpart 3. The POTW must retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific significant industrial user meets the criteria in subitem (1), and a copy of the industrial user's written request for coverage for three years after the expiration of the general control mechanism. A POTW may not control a significant industrial user through a general control mechanism when the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for industrial users whose limits are based on the combined waste stream formula under part 7049.0350 or net/gross calculations under part 7049.0480; and

D. require:

Adopted Rules

(2) the submission of ~~all~~ notices and self-monitoring reports from industrial users as are necessary to assess and ensure compliance by industrial users with required pretreatment standards and requirements, including, ~~but not limited to~~, the reports required in parts 7049.0500 to 7049.0570;

7049.0830 PROCEDURES.

The POTW authority shall develop and implement procedures to ensure compliance with the requirements of ~~a~~ the approved POTW pretreatment program. At a minimum, these procedures shall enable the POTW authority to:

F. inspect and sample the effluent from each significant industrial user at least once a year, except:

(1) when the POTW has authorized the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard under part 7049.0570, subpart 3, the POTW ~~must~~ shall sample for the waived pollutant at least once during the term of the categorical industrial user's control mechanism. In the event that the POTW subsequently determines that a waived pollutant is present or is expected to be present in the industrial user's wastewater based on changes that occur in the industrial user's operations, the POTW ~~must~~ shall immediately begin at least annual effluent monitoring of the industrial user's discharge ~~and inspection and monitor for the previously waived pollutant that is found to be present~~;

(2) when the POTW has determined that an industrial user meets the criteria for classification as a nonsignificant categorical industrial user, the POTW ~~must~~ shall evaluate, at least once per year, whether an industrial user continues to meet the criteria in part 7049.0120, subpart 24, item D; and

(3) in the case of industrial users subject to reduced reporting requirements under part 7049.0570, subpart 2, the POTW ~~must~~ shall randomly sample and analyze the effluent from industrial users and conduct inspections at least once every two years. If the industrial user no longer meets the conditions for reduced reporting in part 7049.0570, subpart 2, the POTW ~~must~~ shall immediately begin sampling and inspecting the industrial user at least once a year;

G. evaluate whether each significant industrial user needs a plan or other action to control slug discharges. ~~For industrial users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006. Other~~ Significant industrial users ~~must~~ shall be evaluated within one year of being designated a significant industrial user. Significant industrial users ~~must~~ shall notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. If the POTW authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(4) if necessary, procedures or measures to prevent adverse impact from accidental spills, including ~~but not limited to~~ inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, constructing containment structures or equipment, measures and equipment for containing toxic organic pollutants including solvents, and measures and equipment for emergency response;

7049.0850 LOCAL LIMITS.

The POTW authority shall develop and enforce specific local limits to implement the prohibitions listed in part 7049.0140. POTWs may develop best management practices (BMPs) to implement these prohibitions. Any such BMPs are required pretreatment standards. The POTW authority shall continue to develop these limits as necessary or demonstrate that they are not necessary. The POTW authority shall effectively enforce the limits. Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested the notice and an opportunity to respond.

7049.0860 ENFORCEMENT RESPONSE PLAN.

Subpart 1. Plan requirement. The POTW authority shall develop and implement an enforcement response plan, ~~which is subject to agency approval~~. The plan shall contain detailed procedures indicating how ~~a~~ the POTW authority will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

Subp. 2. Enforcement. Following agency approval of the POTW authority's pretreatment program and enforcement response plan, the POTW authority shall implement the approved enforcement response plan.

7049.0900 CONTENT OF REMOVAL ALLOWANCE CREDIT SUBMISSION.

A POTW authority that desires to grant removal credits under parts 7049.0360 to 7049.0470 shall submit three copies of a request for authority to revise categorical pretreatment standards that must contain the information required in part 7049.0450.

7049.0940 PUBLIC NOTICE AND OPPORTUNITY FOR HEARING.

Subp. 2. **Circulation.** The public notice of request for approval of the submission shall be circulated in a manner designed to inform interested and potentially interested persons of the submission. Procedures for the circulation of public notice shall include:

B. publication of a notice of request for approval of the submission in ~~the largest daily~~ a newspaper of general circulation within the jurisdictions served by the POTW that provides meaningful public notice.

The public notice must provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the submission. All written comments submitted during the 30-day comment period must be retained by the agency and considered in the decision on whether or not to approve the submission. The period for comment may be extended at the discretion of the agency.

Subp. 3. Hearing.

C. At the request of the POTW authority, the agency shall hold a hearing. In addition, a hearing shall be held if there is a significant public interest in issues relating to whether or not the submission should be approved. Instances of doubt ~~should~~ shall be resolved in favor of holding the hearing.

7049.0950 REVIEW, APPROVAL, AND DECISION.

Subp. 2. **Environmental Protection Agency objections.** A POTW pretreatment program or authorization to grant removal ~~allowances~~ credits must not be approved by the agency if, following the 30-day or extended public notice period provided for in part 7049.0940 and any hearing held pursuant to that notice, the Environmental Protection Agency regional administrator sets forth in writing objections to the approval of the submission and the reasons for the objections. A copy of the Environmental Protection Agency regional administrator's objections shall be provided to the applicant and each person who has requested individual notice. The Environmental Protection Agency regional administrator shall provide an opportunity for written comments and may convene a public hearing on the objections. Unless retracted, the Environmental Protection Agency regional administrator's objections shall constitute a final ruling to deny approval of a POTW pretreatment program or authorization to grant removal ~~allowances~~ credits 90 days after the date the objections are issued.

Subp. 4. **Reissuance on or modification of POTW permit.** After the POTW's pretreatment program is approved, the POTW's national pollutant discharge elimination system permit shall be reissued or modified by the agency to incorporate the approved program as enforceable conditions of the permit. The modification of a POTW's national pollutant discharge elimination system permit for the purposes of incorporating a POTW pretreatment program approved according to parts 7049.0800 to 7049.0960 is a minor permit modification subject to the procedures in part 7001.1150.

7049.0960 APPROVAL OF REQUEST FOR CONDITIONAL APPROVAL.

Upon receipt of a request for conditional approval, the agency shall establish a fixed date for the acquisition of the needed funding and personnel. If funding is not acquired by this date, the conditional approval of the POTW pretreatment program and any removal ~~allowances~~ credits granted to the POTW authority may be modified or withdrawn.

7049.0990 APPROVAL PROCEDURES FOR SUBSTANTIAL MODIFICATIONS.

Subpart 1. **Statement.** To request approval of a substantial modification as defined under part ~~7049.0890~~ 7049.0980, the POTW authority shall submit to the agency a statement of the basis for the desired program modification, a modified program description as required by parts 7049.0880 to 7049.0920, or other documents the agency determines to be necessary under the circumstances.

7049.1020 ANNUAL PRETREATMENT REPORTS FOR DELEGATED POTW PRETREATMENT PROGRAMS.

A POTW authority with an approved delegated pretreatment program approved under parts 7049.0800 to 7049.1005 shall submit a pretreatment annual report to the agency for each calendar year. The report shall be submitted within 60 days after the end of each calendar year, unless a different date is specified in the POTW's national pollutant discharge elimination system permit. A POTW's first annual report meeting the requirements of this part following approval of its pretreatment program under parts 7049.0930 to 7049.0960 shall be submitted no later than one year after approval of the POTW's pretreatment program. The annual report shall describe the POTW's pretreatment activities during the previous calendar year and shall include the following additional information:

B. an updated list of the ~~permittee's~~ POTW authority's significant industrial users, including the summary total of significant industrial users and categorical industrial users, and a list of additions to and deletions from the previously submitted list of significant industrial users, with a brief explanation for each deletion. For each significant industrial user, the following information shall be included:

(5) whether or not the significant industrial user's ~~permit~~ individual control mechanism is current or expired; and

D. a summary of the discharge monitoring data for each significant industrial user for the reporting year. The summary shall include all available data and shall accurately represent the discharge by the industrial user;

F. a characterization of the compliance status of each significant industrial user during the reporting year. The compliance characterization shall at least indicate status as follows:

(2) violations were noted with discharge limits or violations of monitoring and reporting requirements that may have impaired the ~~permittee's~~ POTW authority's ability to determine compliance with discharge limitations were noted, but the noncompliance does not meet the definition of significant noncompliance;

Exempt Rules

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

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

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

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

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

Department of Natural Resources (DNR)

Adopted Exempt Permanent Rules: Trout Streams and Lakes

Adopted Exempt Permanent Game and Fish Rules Relating to Designated Experimental and Special Management Waters

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 97C.005.

Dated: September 25, 2008

Robert H. Meier, Assistant Commissioner
Department of Natural Resources

6264.0050 RESTRICTIONS ON DESIGNATED TROUT LAKES AND STREAMS.

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

Subp. 2. **Listing of designated trout lakes.** The following described lakes are designated as trout lakes:

Name	Location		Range
	Section	Township	
[For text of items A to N, see M.R.]			
O. St. Louis County:			
[For text of subitems (1) to (19), see M.R.]			
(20) Mirror Lake	19, 30	52	14W
(21) (20) Norberg Lake	1	61	14W
(22) (21) Normanna Lake	7, 8	52	13W
(23) (22) Pickerel Lake	17	60	21W
(24) (23) Regenbogan Lake	18	64	12W
(25) (24) Spring Hole Lake	14	55	14W
(26) (25) Trygg (Twigg) Lake	31	68	14W
	36	68	15W
(27) (26) Twin Lake	28, 33	50	14W

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

Exempt Rules

Subp. 4. **Listing of designated trout streams.** The following described streams and portions of streams and their tributaries within the section specified are designated as trout streams and counties whose names appear in parentheses contain portions of those streams:

Name	Location		Section
	Township	Range	
[For text of items A to OO, see M.R.]			
PP. St. Louis County:			
[For text of subitems (1) to (12), see M.R.]			
(13) Buckingham Creek	50	14	28, 29, 33, 34
(13) (14) Captain Jacobson Creek	52	12	1, 2, 3
	53	12	33, 34, 35
(14) (15) Carey Creek	53	14	28, 33
(15) (16) Carlson Creek	52	12	19
	52	13	14, 15, 23, 24
(16) (17) Cemetery Creek	51	17	4, 5, 9
(17) (18) Chellberg Creek	51	16	7
	51	17	1, 2, 3, 10, 12
(18) (19) Chester Creek	50	14	7, 8, 9, 14, 15, 16, 23
(19) (20) Chester Creek, E.Br.	50	14	4, 5, 9, 15, 16
(20) (21) Chicken Creek	52	16	5, 7, 8, 18, 19
	52	17	13, 24, 25
	53	16	32
(22) Coffee Creek	50	14	20, 29, 32, 33
(21) (23) Coolidge Creek	55	14	19, 29, 30
	55	15	25, 26, 35, 36
(22) (24) Dark River	60	19	19, 20, 30
	60	20	10, 11, 12, 13, 24
(23) (25) Dutchess Slough Creek	50	17	4, 9, 10, 13, 14, 15, 24
(24) (26) Elm Creek (Carlton)	50	16	35
(25) (27) Fawn Creek	66	20	1, 2, 3, 4, 12
	67	20	15, 22, 23, 26, 34, 35
(26) (28) French River	51	12	7, 17, 18
	51	13	1, 2, 3, 12
	52	13	8, 9, 16, 17, 20, 21, 23, 26, 27, 28, 29, 34, 35
(27) (29) Grassy Creek	61	13	6
	61	14	1
(28) (30) Hasty Brook (Carlton)	50	20	28, 29, 32, 33
(29) (31) Hay Creek (Carlton)	50	16	20, 21, 28, 29, 32, 33
(30) (32) Hellwig Creek	52	17	3, 10, 14, 15, 23, 26
	53	16	16, 18, 19, 20, 30
	53	17	13, 14, 23, 24, 25, 26, 34, 35
(31) (33) Hornby Junction Creek	55	13	5, 6, 7
	56	13	28, 32, 33
(32) (34) Humphrey Creek	54	14	23, 26, 27, 33, 34
(33) (35) Indian Creek	55	12	3
	56	12	14, 22, 23, 27, 34
(34) (36) Joe Martin Creek	50	18	3, 4, 5, 7, 8
	50	19	12
(35) (37) Johnson Creek	50	17	3, 10, 11, 14
	51	17	34
(36) Johnson Creek	55	12	35, 36
(37) Johnson Creek	60	18	6, 7, 8, 17, 20

Exempt Rules

(38) Keene Creek	49	14	18
	49	15	1, 12, 13
	50	15	24, 25, 36
(39) Kehtel Creek	51	15	8, 17, 18, 19, 20
(40) Kingsbury Creek	49	15	4, 9, 10, 11, 13, 14
	50	15	33, 34
(41) Kinmount Creek	67	20	19
	67	21	13, 14, 15, 20, 21, 22, 23, 24
(42) Knife River (Lake)	52	12	24, 25, 36
(43) Knife River, W.Br. (Lake)	52	12	1
	53	12	2, 3, 10, 15, 16, 22, 23, 27, 28, 34, 35, 36
	54	12	35, 36
(44) Knife River, Little	52	12	16, 17, 21, 22, 23, 26, 27, 28, 35, 36
(45) Knife River, Lit., W.Br. (Lake)	53	12	13, 14, 23, 24, 25, 26, 36
(46) Knowlton Creek	49	15	14, 15, 22, 23
(46) <u>(47)</u> Lavi Creek	52	15	21, 28
(47) <u>(48)</u> Lester River	50	13	4, 5, 8
	51	13	5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 28, 32, 33
	51	14	1, 2, 10, 11, 12, 13, 15, 16, 24
	52	13	31, 32
	52	14	21, 22, 23, 27, 28, 34, 35
(48) <u>(49)</u> Longstorff Creek	62	12	6, 7
	63	12	31
(49) <u>(50)</u> Lost River	65	19	6
	65	20	1, 2, 3, 4, 5, 6, 7, 8, 12
	65	21	1
	66	20	20, 25, 27, 29, 31, 32, 33, 34, 35, 36
(50) <u>(51)</u> Marshall Creek	52	15	10, 15
(51) <u>(52)</u> McCarthy Creek (Lake)	53	12	12, 13
(53) Merritt Creek	49	14	5, 6
	49	15	1
	50	15	36
	50	14	31
(52) <u>(54)</u> Midway River (Carlton)	49	15	5, 6
	50	15	7, 8, 14, 15, 16, 17, 20, 21, 22, 23, 28, 29, 32, 33
(53) <u>(55)</u> Miller Creek	49	14	4
	50	14	6, 18, 19, 29, 30, 32, 33
	50	15	12, 13
	51	14	31, 32
(54) <u>(56)</u> Mission Creek (Carlton)	48	15	5, 6
	49	15	31
(55) <u>(57)</u> Mud Creek	54	12	20, 21, 22, 29, 30
(56) <u>(58)</u> Nine Mile Creek	66	19	4
	67	19	7, 8, 18, 19, 20, 21, 27, 28, 29, 33
	67	20	12, 13, 14, 23
(57) <u>(59)</u> Pine River (White Pine River)	50	16	4, 8, 9, 15, 16, 17, 18, 19, 20, 21, 29, 30, 32
	50	17	23, 24, 26
(58) <u>(60)</u> Railroad Creek	50	17	1, 11, 12, 14
(59) <u>(61)</u> Rocky Run Creek	49	15	6

Exempt Rules

	50	15	30, 31
	50	16	11, 12, 13, 24, 25
(60) (62) Ross Creek	52	13	1, 2, 3, 4, 5
	53	13	33
(61) (63) Ryan Creek	55	14	14, 15, 22
(62) (64) Sand Creek	60	21	3, 4, 5, 10, 11, 14
	61	20	19
	61	21	3, 10, 11, 14, 15, 23, 24, 25, 26, 27, 33, 34, 35
	62	21	34
(63) (65) Sargent Creek	48	15	4, 5, 9, 10
	49	15	28, 29, 32
(64) (66) Schmidt Creek	51	12	17
(65) (67) Section 30 Cr. (Lake)	63	12	24, 25
(66) Spider Creek	52	18	19, 20, 21, 22, 27, 28, 29, 30
	52	19	9, 10, 13, 14, 15, 24
(67) (68) Spring Creek	54	12	1, 2
(68) (69) Stanley Creek (Lake)	52	12	4, 5, 8, 9, 10, 11, 12, 13
(69) (70) Stewart Creek	49	15	21, 22, 26, 27
(70) (71) Stewart River (Lake)	55	12	12, 13
(71) (72) Stoney Brook (Itasca)	61	21	7, 18
(72) (73) Sucker River	51	12	3, 4, 10
	52	12	18, 19, 29, 30, 31, 32, 33
	52	13	1, 12, 13, 24, 25
	53	12	19, 20, 30, 31
	53	13	24, 25, 36
(73) (74) Sucker River, Little	51	12	2, 3
(74) (75) Swan Creek, E.	56	20	3, 4, 5, 10, 11
(75) (76) Swan Creek, Lit.	56	19	17, 19, 20, 30
	56	20	25, 26, 35
(76) (77) Swan River, E.	55	19	18, 19, 30, 31
	55	20	1, 2, 12, 13
	56	20	2, 3, 11, 14, 23, 26, 27, 35
	57	20	28, 33, 34
(77) (78) Talmadge Creek	51	12	19
	51	13	9, 10, 13, 14, 15, 24
(78) (79) Tischer Creek (Congdon Creek/Hartley)			
	50	14	2, 3, 4, 10, 11, 13, 14
	51	14	29, 33, 34
(79) (80) Tower Creek	55	14	8, 9, 17, 18, 19
	55	15	24, 25, 26
(80) (81) Two Rivers, East	61	14	7, 8
	61	15	1, 2, 3, 4, 12
	62	14	29, 30, 31, 32
	62	15	32, 33, 34, 35, 36
(81) (82) Two Rivers, West	61	15	6, 7, 8, 9, 14, 15, 16, 17
(82) (83) Ugstad Creek	51	15	21, 22, 26, 27, 28
(83) (84) Unnamed Creek	65	19	4, 5
	66	19	33
(84) (85) Unnamed Creek (S-17-6) (Lake)			
	53	12	25
(85) (86) Us-kab-wan-ka (Rush)	52	16	2, 11, 14, 23
	53	15	5, 6
	53	16	1, 11, 12, 14, 15, 22, 23, 27, 34, 35

Exempt Rules

	54	15	23, 24, 26, 27, 32, 33, 34
(86) (87) Wyman Creek	58	14	3, 4
	59	14	11, 13, 14, 23, 24, 26, 27, 34, 35

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

Public Utilities Commission (PUC) Adopted Exempt Permanent Rules Relating to Intervenor Compensation

7831.0100 DEFINITIONS.

[For text of subps 1 to 7, see M.R.]

Subp. 8. **Final determination.** “Final determination” has the meaning given it in *Minnesota Statutes*, sections ~~216B.16, subdivision 2, paragraph (c), and section 237.075, subdivision 2, paragraph (c).~~

[For text of subps 9 to 11, see M.R.]

Subp. 12. **Issue.** “Issue” means a question, dispute, or controversy to be resolved in a proceeding held under *Minnesota Statutes*, section ~~216B.16 or 237.075.~~

[For text of subps 13 to 15, see M.R.]

Subp. 16. **Proceeding.** “Proceeding” means a ~~rate change proceeding under Minnesota Statutes, section 216B.16, or a~~ general rate case conducted under *Minnesota Statutes*, section 237.075. For purposes of this chapter, a procedural or supplemental matter is considered part of the main proceeding under *Minnesota Statutes*, section ~~216B.16 or 237.075~~, if it is decided or conducted by the commission or an administrative law judge on an issue or position considered in, related to, or supplemental to the main proceeding, or on the issue of intervenor compensation awarded. Procedural or supplemental matters include, for example: motions; orders; settlements; stipulations; prehearing conferences, determinations, or procedures; contested case hearings; reconsiderations or rehearings; and remanded hearings. Proceeding does not include matters considered during judicial appeal or review.

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

Subp. 18. [See repealer.]

7831.0200 PURPOSE.

The purpose of this chapter is to establish procedural and substantive criteria for reimbursing an intervenor for its intervenor costs incurred in a ~~rate change proceeding under Minnesota Statutes, section 216B.16, subdivision 10, or a~~ general rate case under *Minnesota Statutes*, section 237.075, subdivision 10, when the intervenor has insufficient financial resources to afford its intervenor costs and has materially assisted the commission in its deliberations in the proceeding.

7831.0300 REQUEST FOR COMPENSATION.

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

Subp. 4. **Budget.** The applicant shall file as part of the request an estimate of its intervenor costs, the basis for the estimate, the extent of financial commitment to participation, and a specific budget showing the total compensation, not to exceed the maximum amount allowed by *Minnesota Statutes*, section ~~216B.16, subdivision 10, or 237.075, subdivision 10~~, to which the applicant believes it may be entitled.

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

7831.0800 AWARD OF COMPENSATION.

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

Subp. 5. **Maximum amount awarded.** The total amount of the award for a proceeding may be all or part of the amount claimed, but must not exceed the maximum allowed under *Minnesota Statutes*, section ~~216B.16, subdivision 10, or 237.075, subdivision 10.~~

Subp. 6. **Payment.** The ~~utility or~~ telephone company that was the subject of the proceeding shall pay the award of compensation to the intervenor within 30 days after the commission issues its decision awarding compensation. The ~~utility or~~ telephone company shall file with the commission proof that it paid the amount of compensation awarded to the intervenor.

REPEALER. *Minnesota Rules*, part 7831.0100, subpart 18, is repealed.

Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270C.07.

KEY: Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

Department of Revenue

Revenue Notice # 08-10: Individual Income Tax and Withholding – Wages of Nonresident Individuals Assigned to Minnesota for Work Performed in Minnesota – Revocation of Revenue Notice # 01-10

Introduction

For nonresident individuals, *Minnesota Statutes*, section 290.17, subdivision 2, provides that income from wages as defined in section 3401(a) and (f) of the *Internal Revenue Code* is assigned to Minnesota to the extent that the work of the employee is performed in Minnesota. Income assigned to Minnesota is subject to Minnesota individual income tax and withholding tax.

Legislation in 2008 eliminated an exclusion from taxable income for work performed in Minnesota by a Minnesota resident and received when the taxpayer was a full-year nonresident. The 2008 legislation applies to taxable years beginning after December 31, 2007. Payers are required to withhold Minnesota tax beginning with payments made after April 1, 2008.

Nonetheless, federal law (title four of the *United States Code*, section 114; codified in *Minnesota Statutes*, section 290.17, subdivision 2) prohibits state taxation of “retirement income” paid to nonresidents. This generally includes, but is not limited to, income from:

- qualified pension plans, qualified annuity plans, or qualified individual retirement plans;
- nonqualified plans that would have been qualified plans had applicable income thresholds not been exceeded; and
- nonqualified plans where payments are made in at least ten substantially equal annual installments or over the life of the ex-employee.

Additionally, to the extent income recognized by a nonresident on the sale of stock purchased through statutory stock options (*Internal Revenue Code*, sections 422 and 423) is not wages under section 3401(a) and (f) of the *Internal Revenue Code*, it is not assignable to Minnesota.

Three main sources of deferred income from wages remain: (1) severance pay, (2) equity based awards, and (3) other non-statutory deferred compensation. The extent to which these sources when recognized by a nonresident are assigned to Minnesota constitutes the subject of this notice.

Department Position – Severance Pay

If an employer pays a nonresident with severance pay, the resulting income from wages is assigned to Minnesota to the extent that work connected with the employment from which the payment is received was performed in Minnesota.

Department Position – Equity Based Awards

If an employer pays a nonresident with an equity based award, including non-statutory stock options, stock appreciation rights, or restricted stock, the resulting income from wages is assigned to Minnesota in the ratio of days worked in Minnesota during the “allocation period” to the total number of days worked during the “allocation period.”

The allocation period begins on the date the equity based award is granted and ends at the earlier of (1) the date the award or corresponding stock is substantially vested or (2) the date the award or corresponding stock is sold.

Department Position – Other Non-Statutory Deferred Compensation

If an employer pays a nonresident with other non-statutory deferred compensation, the resulting income from wages is assigned to Minnesota in the ratio of days worked in Minnesota during the “allocation period” to the total number of days worked during the “allocation period.” The allocation period is the period of time during which the employee accrued the right to the deferred compensation.

Revenue Notices

Department Position – Administrative Guidance

The department recognizes that the change in law may initially place administrative burdens on employers as they improve their administrative systems to comply with the 2008 law change. When allocation issues arise that could result in penalties for failure to withhold the correct amount of tax due to limited historical data available to the employer, the taxpayer may request abatement under *Minnesota Statutes*, section 270C.34 and as further illustrated in Revenue Notice # 97-01. Whether to grant an abatement request remains a case-by-case determination based on reasonable cause.

This Revenue Notice revokes Revenue Notice # 01-10.

Date: October 13, 2008

JOHN H. MANSUN, Assistant Commissioner
for Tax Policy and External Relations

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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Department of Agriculture**Minnesota Rural Finance Authority****Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes*, Chapter 41C on Behalf of Brent Pohlman in Sioux Valley Township, Jackson County**

NOTICE IS HEREBY GIVEN that a public hearing will be held on November 3, 2008, at 9:00 A.M., Department of Agriculture Building, Agricultural Finance Division, 625 Robert Street North, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under Minnesota Statutes, Chapter 41C, in order to finance the construction of a 3,000 head hog finishing barn located: from Lakefield, MN, south 11 miles on Hwy. 86, five miles west on 710th Street, 3/4 mile south on 400th Ave., on east side of road; S 1/2, SW 1/4 Section 34, Sioux Valley Township, Jackson County, Minnesota on behalf of Brent Pohlman, (the Borrower/s).

The maximum aggregate face amount of the proposed bond issue is \$250,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: October 9, 2008

Jim Boerboom
RFA Director

Department of Health (MDH)**Public Hearing Regarding the Minnesota Department of Health Application to the Federal Department of Health and Human Services for Federal Fiscal Year 2009****Preventive Health and Health Services Block Grant Funding**

The Minnesota Department of Health will sponsor a public hearing to obtain comments on the proposed uses of the Preventive Health and Health Services Block Grant funds during federal fiscal year 2009. The draft application for those funds is available for inspection upon request.

The public hearing will be conducted as part of a meeting of the State Preventive Health Advisory Committee held Friday, October 24, 2008 at the Minnesota Department of Health – Snelling Office Park Building located at 1645 Energy Park Drive, St. Paul, MN. The meeting and public hearing will begin at 10:00 a.m. Any person or group may submit either written or oral comments at the meeting. Written comments must be submitted by noon Wednesday, October 22, 2008 to the address below.

For further information contact:

Debra Burns, Director
Office of Public Health Practice
Minnesota Department of Health
85 East 7th Place, Suite 220
P.O. Box 64882
St. Paul, Minnesota 55164-0882
Phone: (651) 201-3873
E-mail: debra.burns@state.mn.us

Official Notices

Department of Human Services (DHS)

Health Care Purchasing and Delivery Systems Division

Authorization List of All Drugs That Have Been Added Requiring Authorization as a Condition of Minnesota Health Care Programs (MHCP) Payment

The following is a listing of added drugs to the current authorization list. The newly added drug codes will require authorization on or after November 1, 2008.

As authorized by *Minnesota Statutes*, section 256B.0625, subd 25, the following list includes all drugs that have been added requiring authorization as a condition of MHCP payment. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health service needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health service are generally available.
- D. The health service is investigative.
- E. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

These newly added non preferred drugs will require Authorization for services provided on or after November 1, 2008.

DRUGS

Added Drug

- Cesamet (nabilone)
- Xifaxan (rifaximin)

Department of Labor and Industry (DOLI)

Labor Standards Unit

Notice of Prevailing Wage Determinations for Highway / Heavy Projects in Each of the State's 10 Regions

On October 20, 2008, the commissioner determined and certified prevailing wage rates for Highway/Heavy construction projects in each of 10 regions statewide.

Copies may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651)284-5091, or accessing our web site at: www.doli.state.mn.us. Charges for the cost of copying and mailing at \$.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

Minnesota Pollution Control Agency (MPCA)**Municipal Division****Notice of Availability and Request for Comments on Draft Section 401 Water Quality Certificate for the Proposed Construction of Minnesota Trunk Highway 11 – North Dakota Trunk Highway 66 Bridge Crossing the Red River of the North, the Realignment and Widening of Minnesota Trunk Highway 11, and the Realignment of Kittson County Road 18**

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) requests comments on its draft Clean Water Act (CWA) Section 401 Water Quality Certificate for the proposed replacement of the Minnesota Trunk Highway 11 – North Dakota Trunk Highway 66 bridge, the realignment and widening of Minnesota Trunk Highway 11, and the realignment of Kittson County Road 18. The MPCA is proposing to issue a CWA Section 401 Water Quality Certificate to the applicant, the North Dakota Department of Transportation, which is coordinating the portion of the project to be constructed in Minnesota with the Minnesota Department of Transportation.

The United States Army Corps of Engineers (USACE) North Dakota Regulatory Office has made a preliminary determination that the project, as proposed, will be processed under the Nationwide Permit (No. 23). Before the USACE can issue a Nationwide Permit 23, a CWA Section 401 Water Quality Certificate is required from both the States of Minnesota and North Dakota to ensure the project will comply with applicable state water quality standards. The USACE North Dakota Regulatory Office has furnished the MPCA with a copy of the original application, and the applicant has since furnished additional information to clarify the design and potential water quality impacts that the project may have.

The proposed bridge and Trunk Highway realignment will be constructed south of the existing bridge. The existing bridge will remain open for traffic until the replacement bridge is constructed and operational. The USACE has indicated it will only authorize the proposed construction activity at this time; the demolition of the existing bridge will require a subsequent USACE authorization.

Interested persons are invited to submit written comments upon the MPCA's Draft 401 Certification for the project. **The public comment period begins on Monday, October 20, 2008, and ends at 4:30 p.m. on Thursday, October 30, 2008.**

Preliminary Determination on the Draft CWA Section 401 Water Quality Certification

The MPCA Commissioner has made a preliminary determination to submit a CWA Section 401 Certificate for the project, a draft of which has been prepared, to the applicant and the US Army Corps of Engineers. A copy of the draft 401 Certification is available for review and copying at the MPCA office at the St. Paul and Detroit Lakes addresses listed below and on-line at:

<http://www.pca.state.mn.us/news/data/index.cfm?PN=1>.

MPCA - Detroit Lakes Office, 714 Lake Avenue, Suite 220, Detroit Lakes, MN 56501

MPCA - St. Paul Office, 520 Lafayette Road North, St. Paul, MN 55155

A copy of the draft 401 Certification will be mailed to you if the MPCA receives your written or oral request (if applicable) at either of these offices. If you have questions about this draft 401 Certification or the Commissioner's preliminary determination, please contact Kevin Molloy by phone at (651) 297-7572 or by e-mail at: *kevin.molloy@state.mn.us*.

Written Comment

You may submit written comments on the conditions of the draft 401 Certification or on the Commissioner's preliminary determination. Written comments must include the following:

1. A statement of your interest in the MPCA's draft 401 Certification for the construction of the proposed replacement bridge.
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft Certification that you believe should be changed.
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Official Notices

Petition for Public Informational Meeting

You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern.
2. The information required under items 1 through 3 of "Written Comments," identified above.
3. A statement of the reasons the MPCA should hold a public informational meeting.
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing

You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the draft Certification; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft Certification. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above.
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing.
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing.
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision

You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board (Board) consider the 401 Certification. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends. Under the Provisions of *Minnesota Statutes* 116.02, subd. 6(4), the decision whether to issue the Certification and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the Certification; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the Board as provided in *Minnesota Rules* 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the comment period will be considered in the final decision on this Certification. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff, as authorized by the Board, will make the final decision on the draft Certification.

Comments, requests and petitions should be submitted in writing to: Kevin Molloy, SP-3, Municipal Division, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; **Fax:** (651) 297-8676 and **e-mail:** kevin.molloy@state.mn.us.

If you have questions regarding this Notice, please contact Kevin Molloy via telephone at (651) 297-7572 or via email at kevin.molloy@state.mn.us.

DATED:

Brad Moore, Commissioner
Minnesota Pollution Control Agency

Department of Public Safety Bureau of Criminal Apprehension Notice of Information Meeting October 22, 2008

The Minnesota Bureau of Criminal Apprehension will hold a meeting from 9 a.m. to 12 noon on Wednesday, Oct. 22, 2008 to discuss progress on several BCA justice information services initiatives in the state of Minnesota. Updates will be provided on a number of initiatives, including the eCharging Service, Name-Event Index Service, National Information Exchange Model Training, and other BCA services. **These updates are primarily technical in nature.** Vendors, particularly those working with local agencies to manage records, and agency information technology staff are encouraged to attend this meeting. The meeting will take place at the Bureau of Criminal Apprehension offices at 1430 Maryland Ave. E. in St. Paul. In addition, up to 30 locations may participate via webconference. (To make arrangements to participate remotely, please contact Michelle Fure at the information listed below.)

Please RSVP. For more information or to RSVP, contact Michelle Fure, Information Officer, at (651) 201-7572 or michelle.fure@state.mn.us.

State Grants & Loans

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

Grant Applicants

Have you checked up on all the “active” state grants? For *State Register* subscribers a “Contracts & Grants” section is available that lists all grants and contracts open for bid. Open the *State Register* and click on Bookmarks in the upper left corner. You will see a list of ALL the current rules, with an INDEX, and previous years’ indices, as well as a list of all contracts and grants open for bid. Subscribe and receive LINKS to the *State Register*. You also receive Subscriptions cost \$180 a year (an \$80 savings). Here’s what you receive via e-mail:

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State Grants & Loans

Department of Human Services (DHS)

Chemical Health Division

Notice of Availability of Grant Contract for Urban American Indian Alcohol, Tobacco and Other Drug Prevention Services - Urban American Indian

The Minnesota Department of Human Services - Chemical Health Division, American Indian Section is requesting proposals from qualified responders to provide culturally appropriate, population specific chemical health services to address issues of Alcohol, Tobacco and Other Drug (ATOD) Prevention services. The American Indian Section wishes to offer support to end the harm oppression is causing Urban American Indian people in the form of Alcohol, Tobacco and other Drugs.

Services proposed should not be treatment – but culturally specific primary prevention services with evidence based or practice based evidence that are culturally appropriate, population specific chemical health services to address Alcohol, Tobacco, and Other Drug Prevention.

Work is proposed to start following Department selection, approval and contract completion, after July 1, 2009.

The Request for Proposals (RFP) is available by mail or email from this office by contacting the Grants assistant:

Tina Austin
Minnesota Department of Human Services \\
Chemical Health Division
Elmer Anderson Building - 540 Cedar St
(mail address: PO Box 64977, St. Paul, MN 55164-0977)
St. Paul, MN 55155
Phone: (651) 431-4928
Fax: (651) 431-7449
E-mail: *Tina.Austin@state.mn.us*

Proposal content questions must be addressed to:

Denise Estey Lindquist
American Indian Programs Supervisor
Phone: (651) 431-2461
E-mail: *denise.estey.lindquist@state.mn.us*

Proposals submitted (1 original and 7 copies) in response to the Request for Proposals in this advertisement must be received no later than **4:00 pm Central Standard Time, Tuesday, December 23, 2008. Late proposals will not 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.

Department of Human Services

Health Services and Medical Management Division

Request for Proposals (Second Release): Projects to Pilot Primary Care Clinic Models of Care Delivery Focused on Care Coordination and Family Involvement

The Minnesota Department of Human Services, Health Services and Medical Management Division, (DHS) is seeking qualified grantees to pilot primary care clinic models of care delivery focused on care coordination and family involvement. Publication of this

State Grants & Loans

Request for Proposals (RFP) is the second release for this initiative, the first having been made April 28, 2008.

A successful grantee will develop and administer a pilot project for children or adults with complex health care needs who are enrolled in the fee-for-service Medical Assistance (MA) program. Each project must involve the use of designated care professionals or clinics to serve as a patient's medical home and be responsible for coordinating health care services across the continuum of care.

The funding available for these Projects is approximately \$850,000.00. DHS views the purpose of these funds as primarily *capacity building* for qualified clinics and providers to foster the delivery of health care services under medical home models. While funds are targeted to the MA fee-for-service population, DHS recognizes that most clinics and providers see a mix of public and private patients from multiple payers. Prospective Responders are advised that DHS will allow grant funds to be used to build capacity in flexible ways, and it is expected that many or all patients in the grantee clinics will benefit, regardless of payer.

Each project will be evaluated based on patient satisfaction, provider satisfaction, clinical process and outcome measures, program costs and savings, and economic impact on health care providers.

The RFP document is available at the DHS website, <http://www.dhs.state.mn.us>, or by contacting:

Thomas Fields
Minnesota Department of Human Services
Health Services and Medical Management Division
P.O. Box 64984, St. Paul, MN 55164-0984
Phone: (651) 431-2487
Fax: (651) 431-7420
E-mail: tom.fields@state.mn.us

Proposals considered for grant funding must be received at DHS no later than **4:00 p.m. CDT, December 1, 2008.**

Minnesota Department of Human Services Managed Care and Payment Policy Division Addendum to Request for Proposals to Provide Health Care Services under Prepaid Medical Assistance Program (PMAP) including Minnesota Senior Care Plus (MSC+), Prepaid General Assistance Medical Care (PGAMC) and MinnesotaCare in Brown, Cass, Crow Wing, Dodge, Freeborn, Goodhue, Kanabec, Morrison, Sibley, Steele, Todd, Wabasha, Wadena and Waseca Counties

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services through its Managed Care and Payment Policy Division has published an Addendum to its Request for Proposal to provide health care services under Prepaid Medical Assistance Program (PMAP) including Minnesota Senior Care Plus (MSC+), Prepaid General Assistance Medical Care (PGAMC) and MinnesotaCare in Brown, Cass, Crow Wing, Dodge, Freeborn, Goodhue, Kanabec, Morrison, Sibley, Steele, Todd, Wabasha, Wadena and Waseca Counties that was published in the August 25, 2008 *State Register*. This Addendum extends the date for the Notice of Intent to Contract to November 7, 2008 to allow the State to receive all county board recommendations for the counties involved in this procurement.

To obtain a copy of the RFP Addendum, please contact Pam Olson, at pam.r.olson@state.mn.us or at:

Department of Human Services
Managed Care and Payment Policy Division
PO Box 64984
St. Paul, MN 551550984
Phone: (651) 431-2526 Fax: (651) 431-7426

This is the only person designated to answer questions by potential responders regarding this RFP.

State Grants & Loans

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

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

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

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

How to Work with Contracts

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Minnesota State Colleges and Universities (MnSCU)**Bemidji State University****Notice of Request for Sealed Bids for 3D Non-Contact Surface Profile System**

NOTICE IS HEREBY GIVEN that Bemidji State University will receive sealed bids for a 3D Non-Contact Surface Profile System. Bid specifications will be available on October 20, 2008 at the following website:

http://www.bemidjistate.edu/about/rfps_bids/

Sealed bids must be received by 2:00 PM, Tuesday, November 4, 2008, at the following location:

Belinda Lindell, Director of Logistical Services
Bemidji State University
Deputy 204, Box 8
1500 Birchmont Drive NE
Bemidji, MN 56601

Bemidji State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received. The University further reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU)**Chancellor's Office - Human Resources****Request for Proposals for Executive Conference Center**

NOTICE IS HEREBY GIVEN that proposals are being solicited to select an executive conference center to assist Minnesota State Colleges and Universities in hosting a Leadership Development Program, July 19-24, 2009 and July 18-23, 2010. Applicants must have a facility to accommodate the following:

- Overnight stays for approximately 56 participants in single rooms with a Sunday arrival and Friday departure; all rooms must have high-speed internet connection
- General session room for approximately 56 people
- Two (2) breakout rooms or areas available throughout the week
- Onsite indoor/outdoor sports and recreation facilities
- Audio/visual to include nine (9) flip charts, video and audio capability, projection screen
- Three meals (beginning w/Sunday dinner and ending w/Friday lunch) and two refreshment breaks (a.m. and p.m.) for each day
- Private dining area for dinner on two of the five nights for approximately 56 people
- Located within approximately 60 miles of the Minneapolis/St. Paul International Airport
- All proposals must include a statement that the costs and terms of the proposal are valid through July 30, 2010.

For further information, please contact:

Sandy Smith
Human Resources
Minnesota State Colleges and Universities
500 Wells Fargo Place, 30 East Seventh Street
St. Paul, MN 55101
Phone: (651) 296-3891
Fax: (651) 297-3145
E-mail: *sandy.smith@so.mnscu.edu*

Proposals are due by Friday, November 21, 2008, no later than 4:00 p.m.

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

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Chancellor's Office - Public Affairs

Request for Proposal for Various Graphic Design Projects

The Minnesota State Colleges and Universities system is requesting proposals from qualified designers for the design of several regular publications and projects for the Public Affairs division of the Office of the Chancellor. These include spring and fall issues of the Minnesota State Colleges and Universities magazine, a 28- to 32-page biannual magazine, annual greeting card, invitations, an 8-page 8 ½ x 11" publication, and other design projects throughout the year.

Proposers should review current and past editions of system publications available on the Web at:

<http://www.mnscu.edu/media/publications/index.html>

Request for proposal information is available by visiting the website: *<http://www.mnscu.edu/graphicdesign>*. Proposals must be received by Monday, October 27, 2008, noon CST.

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

The Minnesota State Colleges and Universities system is an Equal Opportunity employer and educator.

Minnesota State Colleges and Universities (MnSCU)

Minnesota West Community and Technical College

Minnesota West Community and Technical College is Accepting Sealed Bids for a Parking Lot Expansion Project for the Worthington Campus

Details regarding the Parking Lot Expansion Project including specifications can be obtained from Jeff Harms, Director of Facilities at (507) 828-2527, Minnesota West Community & Technical College, 1011 First Street West, Canby, MN 56220 or *jeff.harms@mnwest.edu*.

A Pre-Bid Meeting will be held at 2:00 pm on Monday, October 27, 2008 in the Classroom/Administration Building on the Worthington Campus in Worthington, Minnesota.

Deadline for submitting sealed bids is 2:00 pm on Thursday, October 30, 2008. Late proposals will not be accepted. Minnesota West Community and Technical College reserves the right to reject all bids.

Minnesota West Community and Technical College is a member of the Minnesota State Colleges and Universities System.

Department of Health

Notice of Availability of Contract for Creating an Intranet (Web) Based Application for Reporting the Results of the Minnesota Health Access Survey

The Minnesota Department of Health (MDH) requests proposals to create an Internet (Web) based application for reporting the results of the Minnesota Health Access Survey. The proposed application will allow the public to interactively select survey results from three previous years, as well as future surveys, in an intuitively appealing and easy to use format on the MDH Web site.

Work is proposed to start after December 1, 2008.

A Request for Proposals will be available by e-mail and direct mail from this office. **A written request (by e-mail or direct mail) is required to receive the Request for Proposals.**

The Request for Proposals can be obtained from:

Jessica Herrgott
Health Economics Program
85 E. Seventh Place, Suite 220
Saint Paul, MN 55101
Phone: (651) 201-5803
Fax: (651) 201-5179
E-mail: *Jessica.Herrgott@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:30 p.m., Central Time, November 14th, 2008. **Late proposals will not 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 Department of Human Services (DHS) Child Support Enforcement Division Notice of Request for Proposals to Provide Services to the Minnesota Child Support Payment Center

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to provide centralized receipting and processing of child support payments. The vendor selected will perform the function of receipting and supporting software. All work functions must be completed at the Payment Center site in St. Paul, Minnesota.

Work is proposed to start December 1, 2009. For more information, or to obtain a copy of the Request for Proposal, contact:

Michael Glenn
Department of Human Services
Child Support Enforcement Division
444 Lafayette Road North
St. Paul, MN 551553871
Phone: (651) 431-3325
Fax: (651) 431-7469
E-mail: *michael.glenn@state.mn.us*

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Standard Time, December 5, 2008.** **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.

State Contracts

Department of Natural Resources (DNR)

Division of Forestry

Request for Information in Conducting Forest Management

1. INTRODUCTION

The purpose of the Request for Information (RFI) is for the Department of Natural Resources, to obtain information from vendors who might be interested in conducting forest management on select state owned lands in St. Louis, Lake, Cook and Koochiching Counties through a lease program. The lands are outside of state forests, scattered throughout these counties (see map).

2. OBJECTIVE

The objective of the Department of Natural Resources is to improve the productivity of scattered lands through more intensive management by the most cost effective means. The lease would provide for exclusive rights to biomass and timber resources for a 10-year lease period in exchange for lease and royalty payments to the State. DNR's interest is in accomplishing sustainable management objectives in accordance with a sustainable forest management plan. Following forest certification management principles and activities should result in more productive forest stands for the future.

3. TECHNICAL CONSIDERATIONS

The proposed lease lands are located in scattered parcels ranging from 20 to 200 acres, with a median size of approximately 80 acres. Total acres are approximately 8000. Parcels identified include conifer stands requiring precommercial thinning (~280 acres), upland and lowland brush sites (~2400 acres) and highly damaged and declining forest stands with low timber volume (~5300 acres).

3. INFORMATION BEING REQUESTED

- Vendor Qualifications
 - Provide a general description of land you may have managed and how many acres.
 - Include certifications. (Management of state land requires individuals to have dual forest certification capabilities [SFI & FSC], and use certified contractors)
- Would you be interested in state lands within a specific county or all counties?
- Provide ideas/suggestions for forest management lease terms.

4. RFI RESPONSES: Four (4) copies of the response should be submitted to the address shown below, no later than **4:00 PM Central Time, October 31, 2008.**

Questions may be addressed to Dave Schuller at: (651) 259-5255 or by e-mail at: dave.schuller@dnr.state.mn.us

Dave Schuller, Lands Program Coordinator
Minnesota Department of Natural Resources
Division of Forestry
500 Lafayette Road
St. Paul, MN 55155-4044

Minnesota Department of Natural Resources

Division of Lands and Minerals

Request for Proposals to Investigate Innovative Methods to Achieve Mercury Control in Taconite Processing Plants

Certification Number 17011

The Department of Natural Resources, Division of Lands and Minerals is seeking research proposals to investigate innovative methods to achieve mercury control in taconite processing plants. Proposals in any of the following areas would be welcomed: (1) Testing of novel methods for mercury removal from stack gases; (2) Mercury monitoring of process gas containing reactive iron-oxides; (3) Investigation of metal corrosion and other deleterious effects of potential control technologies; (4) Other innovative techniques to mitigate the effects of mercury in taconite plants.

Total funding for these contracts is \$200,000. **One, or more, contracts may be awarded, to one, or more responders.**

Work is proposed to start after November 2008.

A Request for Proposals will be available by mail from this office November 12, 2008. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After November 12, 2008, the Request for Proposal must be picked up in person.

Prospective responders who have any questions regarding this request for proposal, or who wish to submit a proposal must contact:

Mike Berndt, Project Coordinator
DNR-Lands and Minerals
Box 45 500 Lafayette Road
St. Paul, MN 55155
Phone: (651) 259-5378
E-mail: mike.berndt@dnr.state.mn.us

Proposal Preparation:

Proposals may be written for research that will be conducted between January 1 and June 30, 2009. However, projects being proposed as precursor studies for research to be completed in subsequent years are encouraged. Proposals should be between five and ten pages in length, **submitted in triplicate**, and use a specific template.

The following web address has been established where interested parties may download the template and also access copies of mercury research conducted to date: http://www.dnr.state.mn.us/lands_minerals/dnr_hg_research.html

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **2:30 p.m., Central Time, November 21, 2008. 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 Natural Resources (DNR) Notice of Availability of Contract for Facilitating Stakeholder or Public Meetings for the Department of Natural Resources or Other Environmental State Agencies

CERTIFICATION # 16942

The goal of this request for proposal is for the State of Minnesota to obtain several vendors under a master contract who are able to scope, design, manage, and facilitate a public process relating to environmental and natural resource issues.

Work is proposed to start after November 17, 2008.

A Request for Proposals will be available by mail from this office through October 29, 2008. **A written request (by direct mail or e-mail) is required to receive the Request for Proposal.** After October 29, 2008, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Kim Montgomery, Contract Coordinator
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4010
E-mail: Kim.montgomery@dnr.state.mn.us

State Contracts

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:30 p.m., Central Time, November 4, 2008. **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 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 Juanita Voigt at (651) 366-4774 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 are 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:

Juanita Voigt
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680

Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers’ Transportation Accountability Act Notices

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. Mn/DOT is also posting notices as required by the Taxpayers’ Transportation Accountability Act on the above referenced website.

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.

Dakota County Transportation Department Notice of Request for Proposals (RFP) for Transportation System Study Services

NOTICE IS HEREBY GIVEN That the Dakota County Transportation Department requests proposals for professional services from qualified consultants to conduct a transportation system study of local roadways, county highways and trunk highways in Rosemount and Empire Township and surrounding adjacent areas.

The purpose of this study is to develop a plan that addresses transportation issues within this area of Dakota County in a coordinated and balanced manner with area land use development and land preservation plans. The University of Minnesota is currently considering conceptual residential, industrial, and commercial land use plans for 5,000 acres, known as UMore Park, in this area. Also, the State has established 2,800 acres, known as Vermillion Highlands, in this area for research, recreation and wildlife. This transportation system study will allow Dakota County, the City of Rosemount, Empire Township, the University of Minnesota, the Department of Natural Resources, and the public to develop a transportation system together, over time, that will result in safe and efficient travel in the area as cost-effectively as possible, while at the same time recognizing agency land use development and preservation land use objectives.

The following is the anticipated solicitation schedule:

<i>Issue Request for Proposals:</i>	October 27, 2008
<i>Receive Proposals:</i>	November 14, 2008
<i>Award Contract:</i>	November 26, 2008

All firms interested in receiving a Request for Proposal may contact Brian Sorenson at (952) 891-7122 or, e-mail: brian.sorenson@co.dakota.mn.us.

Metropolitan Council Notice of Request for Proposals (RFP) for Real Property Legal Services Including Condemnation Contract Number 08P105

The Metropolitan Council is soliciting proposals for Real Property Legal Services Including Condemnation.

<i>Issue RFP</i>	October 20, 2008
<i>Proposals Due</i>	November 18, 2008 by 4:00 p.m. local time
<i>Selection of Firm</i>	December 2008
<i>Project Activities</i>	January 1, 2008 to December 31, 2011

Firms interested in providing these services should request a copy of the RFP from the contact person listed below:

Sunny Jo Emerson
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

Non-State Bids, Contracts & Grants

Metropolitan Council

Notice of Invitation for Bids (IFB) for Grounds Maintenance for MCES Facilities

Reference Number 08P124

The Metropolitan Council is requesting bids for Grounds Maintenance for Metropolitan Council Environmental Services Facilities for a three year period beginning in 2009.

Issue Invitation for Bids

October 20, 2008

Bids Due

November 18, 2008

Award Contract

December 2008

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

Sunny Jo Emerson
Contracts and Procurement Unit
Metropolitan Council
390 Robert Street North
St. Paul, MN 55101-1805
Fax: (651) 602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

Minnehaha Creek Watershed District

Sealed Bids Requested for the Furnishing of All Labor, Materials and All Other Items Necessary to Complete the Minnehaha Creek Gorge Restoration – Phase I - Minneapolis Veteran’s Home

Owner:	Minnehaha Creek Watershed District
Class of Work:	Storm Sewer, Bituminous, Porous Concrete, Bio-engineered Slopes, Riprap
Project Location:	Hennepin County, Minnesota
Pre-Bid Meeting:	9:00 AM, October 31, 2008 (Mandatory)
Bids Close At:	2:00 PM, November 5, 2008

NOTICE TO CONTRACTORS: Sealed Bid Proposals for the furnishing of all labor, materials and all other items necessary to complete the work described herewith, will be received by Minnehaha Creek Watershed District at its office located at 18202 Minnetonka Blvd., Deephaven, MN, until 2:00 PM, November 5, 2008, after which such bids will be opened and read aloud.

The work, in accordance with drawings and specifications prepared by Wenck Associates, Inc. consists of the following major items of work: Storm Sewer Construction, Installation of StormTech® Underground Storm Water Storage Units, or Approved Equal, Porous Concrete Paving, Bituminous Paving, Excavation, Bio-engineered Slopes, Riprap. Contractors desiring a copy of the bid package, plans, specifications and proposal forms may obtain them from the offices of Minnehaha Creek Watershed District, the payment of a \$65.00 non-refundable fee for each bid package. Bid packages are also available for examination at the District office.

All communications relative to this project should be addressed to the Minnehaha Creek Watershed District Attn: Renae Clark, Project Manager, rclark@minnehahacreek.org or (952) 471-0590, prior to opening of the Bid. Bid Proposals shall be submitted on forms furnished for that purpose. Each bid proposal shall be accompanied by a “Bid Security” in the form of a certified or cashier’s check made payable to Minnehaha Creek Watershed District (“OWNER”) in an amount not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the OWNER, with a surety company duly authorized to do business in the state of Minnesota, such Bid Security to be a guarantee that the bidder, if awarded a contract, will enter into a contract with Minnehaha Creek Watershed District; and the amount of the certified check will be retained or the bond enforced by the OWNER in case the bidder fails to do so.

The OWNER will retain the deposits for the three lowest bidders until the contract has been awarded and executed but not longer than

Non-State Bids, Contracts & Grants

sixty (60) days. No bid may be withdrawn for a period of sixty (60) days following the bid opening. A mandatory PRE-BID meeting will be held at the Minnehaha Creek Watershed District office at 9:00 AM on October 31, 2008. The bid of the lowest responsible bidder is intended to be accepted on or before the expiration of sixty (60) days after the date of the opening of bids. The OWNER, however, reserves the right to reject any or all bids and to waive any minor irregularities, informalities or discrepancies, and further reserves the right to award the contract in the best interest of Minnehaha Creek Watershed District.

This project is being bid at the same time as with two additional projects, one administered by MCWD titled "Minnehaha Gorge Restoration – Phase II Minnehaha Falls/Glen" and also a project constructed by the Department of the Army on the site titled "MINNEHAHA CREEK WORKS PROGRESS ADMINISTRATION (WPA) WALLS—CAP SECTION 14— MINNEAPOLIS, MN."

Interested parties are strongly encouraged to review these project advertisements and submit bids accordingly. The Department of Army contact is as follows: William J. Hurley, (651) 290-5416, US Army Engineer District, St. Paul, Contracting Division CEMVP-CT, 190 East Fifth Street, St. Paul, MN 55101-1638.

Minnehaha Creek Watershed District

Sealed Bids Requested for the Furnishing of All Labor, Materials and All Other Items Necessary to Complete the Minnehaha Creek Gorge Restoration – Phase II - Minnehaha Falls-Glen

Owner:	Minnehaha Creek Watershed District.
Class of Work:	Bio-engineered Slopes, Riprap, Trail Construction, Road Surfacing.
Project Location:	Hennepin County, Minnesota.
Pre-Bid Meeting:	9:00 AM, November 3, 2008 (Mandatory).
Bids Close At:	12:00 PM (noon), November 6, 2008.

Sealed Bid Proposals for the furnishing of all labor, materials and all other items necessary to complete the work described herewith, will be received by Minnehaha Creek Watershed District at its office located at 18202 Minnetonka Blvd., Deephaven, MN, until 12:00 PM (noon), November 6, 2008, after which such bids will be opened and read aloud.

The work, in accordance with drawings and specifications prepared by Wenck Associates, Inc. consists of the following major items of work: Construction of bio-engineered slopes, Riprap, rock vanes and toe boulders, Aggregate trail surfacing, Limestone block retaining wall, Bituminous Surfacing, Access Road Improvement. Contractors desiring a copy of the bid package, plans, specifications and proposal forms may obtain them from the offices of Minnehaha Creek Watershed District, the payment of a \$65.00 non-refundable fee for each bid package. Bid packages are also available for examination at the District office.

All communications relative to this project should be addressed to the Minnehaha Creek Watershed District Attn: Renae Clark, Project Manager, rclark@minnehahacreek.org or (952) 471-0590, prior to opening of the Bid. Bid Proposals shall be submitted on forms furnished for that purpose. Each bid proposal shall be accompanied by a "Bid Security" in the form of a certified or cashier's check made payable to Minnehaha Creek Watershed District ("OWNER") in an amount not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the OWNER, with a surety company duly authorized to do business in the state of Minnesota, such Bid Security to be a guarantee that the bidder, if awarded a contract, will enter into a contract with Minnehaha Creek Watershed District; and the amount of the certified check will be retained or the bond enforced by the OWNER in case the bidder fails to do so.

The OWNER will retain the deposits for the three lowest bidders until the contract has been awarded and executed but not longer than sixty (60) days. No bid may be withdrawn for a period of sixty (60) days following the bid opening. A mandatory PRE-BID meeting will be held at the Minnehaha Creek Watershed District office at 9:00 AM on November 3, 2008. The bid of the lowest responsible bidder is intended to be accepted on or before the expiration of sixty (60) days after the date of the opening of bids. The OWNER, however, reserves the right to reject any or all bids and to waive any minor irregularities, informalities or discrepancies, and further reserves the right to award the contract in the best interest of Minnehaha Creek Watershed District.

This project is being bid at the same time as with two additional projects, one administered by MCWD titled "Minnehaha Gorge (Cite 33 SR 731)

Non-State Bids, Contracts & Grants

Restoration – Phase I Minneapolis Veteran’s Home” and also a project constructed by the Department of Army on the site titled “MINNEHAHA CREEK WORKS PROGRESS ADMINISTRATION (WPA) WALLS—CAP SECTION 14— MINNEAPOLIS, MN.”

Interested parties are strongly encouraged to review these project advertisements and submit bids accordingly. The Department of Army contact is as follows: William J. Hurley, (651) 290-5416, US Army Engineer District, St. Paul, Contracting Division CEMVP-CT, 190 East Fifth Street, St. Paul, MN 55101-1638

University of Minnesota

Request for Proposal for Sand & Aggregate Mining Partner(s) at UMore Park, City of Rosemount and Empire Township, Minnesota Project # 11021-2008-1020

I. NOTICE OF REQUEST FOR PROPOSAL

The University of Minnesota desires to identify and contract with one or more mining partners to do the mining and reclamation of large tracts of UMore Park which is currently an undeveloped agricultural research property. Consecutive with and subsequent to mining, UMore Park may be developed into a dynamic, University-founded community for the 21st century.

The University wants to recover this regionally significant sand and gravel resource for the benefit of the larger community, at the same time as generating financial support for the University’s mission.

Mining is an interim use and the reclamation of land post-mining can be used to further increase the interest and opportunity for subsequent development.

The University seeks a mining partner or partners who will perform to the highest operating standards at the best possible rate of financial support to the University. The mining partner(s) must demonstrate the capacity, track record and planning to show that they will be the best suited to what could be a several decades-long partnership with the University. Operations must be conducted in a manner consistent with the principles established by the Board of Regents.

Visit <http://www.cppm.umn.edu/purchasing/rfp.html> to download a full copy of the RFP

II. CONTACT FOR RFP INQUIRIES:

Refer questions to:

PURCHASING SERVICES:

Mr. Denis Larson
Facilities Management
400 Donhowe Building
319 15th Ave. SE
Minneapolis, MN 55455-1082
Phone: (612) 625-5554
Fax: (612) 624-5796
E-mail: d-lars@umn.edu

III. TENTATIVE SCHEDULE OF EVENTS

(Be advised that these dates are subject to change as University deems necessary)

RFP Document Available

October 20, 2008 – Monday

Non-State Bids, Contracts & Grants

Last Day for Questions / Inquiries - Noon
RFP Response Deadline - Due at 1:00 PM
Evaluation & Selection of Short-listed Finalists
Respondent Presentations

October 30, 2008– Thursday
November 7, 2008– Friday
Second half of November, 2008
Second half of November, 2008

The University reserves the right, in its sole discretion, to reject any and all proposals, accept any proposal, waive informalities in proposals submitted, and waive minor discrepancies between proposal and these proposal instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these proposal instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.

University of Minnesota (U of M) Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24-hour/day, 7-day/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.

Minnesota's Bookstore

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- **Central and Northwest Minnesota,** \$29.95
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- **Butterfly Gardening,** \$4.00
- **OSHA Part 1926 Construction,** \$39.98
- **OSHA Part 1910 General,** \$49.95
- **Trail Planning Guide -** Stock Number 323, \$19.95
- **Fish Cleaning Made Easy -** DVD on Fish Cleaning - Learn to clean 9 species of fish, Stock Number 226, \$14.99

