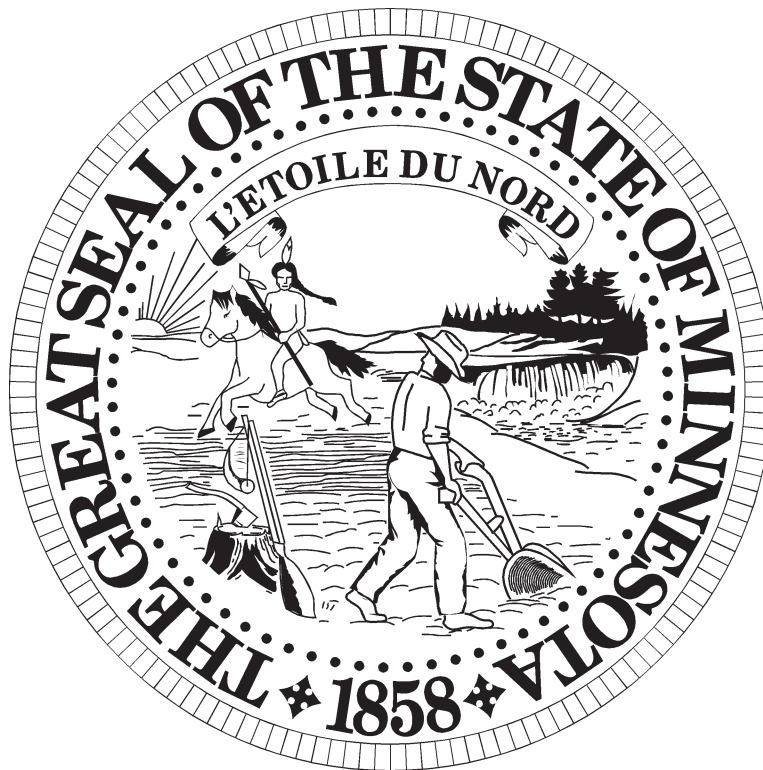


State of Minnesota

State Register



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

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# 35	Monday	2 March	Noon Tuesday	24 February	Noon Wednesday	18 February
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Minnesota Rules: Amendments and Additions

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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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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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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.

Department of Labor and Industry (DOLI) Adopted Permanent Rules Relating to Commercial Energy Code

The rules proposed and published at *State Register*, Volume 33, Number 1, pages 5-7, July 07, 2008 (33 SR 5), are adopted with the following modifications:

1323.0010 INCORPORATION BY REFERENCE.

For purposes of this chapter, "ASHRAE Standard 90.1" means ANSI/ASHRAE/IESNA Standard 90.1-2004, ~~version PC-1/06~~, titled Energy Standard for Buildings Except Low-Rise Residential Buildings, promulgated by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329. ASHRAE Standard 90.1-2004, ~~version PC-1/06~~, is incorporated by reference and made part of the Minnesota Commercial Energy Code, as amended in this chapter. Portions of this chapter reproduce text and tables from ASHRAE Standard 90.1. ASHRAE Standard 90.1 is not subject to frequent change and a copy of ASHRAE Standard 90.1 is available in the office of the commissioner of labor and industry. ASHRAE Standard 90.1 is copyright 2004 by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. All rights reserved.

1323.0320 SECTION 3.2, DEFINITIONS.

ASHRAE Standard 90.1, Section 3.2, is amended by adding the following definitions:

Demand Control Ventilation (DCV): A ventilation system capability that provides for the automatic reduction of outdoor air intake below design rates when the actual occupancy of spaces served by the system is less than design occupancy.

Lamp wattage, rated: The power consumption of a lamp as published in the manufacturers' literature.

R-value computation for concrete masonry block wall assembly with integral insulation: The thermal performance of a concrete masonry block wall assembly with integral insulation must be determined by one of the following methods. Foundation wall assembly R-values must exclude air film coefficients and the R-value of the surrounding soil.

- (a) Thermal performance must be calculated in accordance with ASHRAE Handbook of Fundamentals isothermal planes calculation method. The calculation must be certified by a professional engineer licensed in Minnesota.
- (b) Thermal performance must be measured in accordance with ASTM C 236 test procedure for thermal transmittance measurement performed by an approved laboratory as defined by *Minnesota Rules*, chapter 7640.

Climate zone 6: Climate zone 6 includes Anoka, Benton, Big Stone, Blue Earth, Brown, Carver, Chippewa, Chisago, Cottonwood, Dodge, Dakota, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Jackson, Kandiyohi, La Qui Parle, Le Sueur, Lincoln, Lyon, Martin, McLeod, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Pope, Ramsey, ~~Redwood~~, Renville, Rice, Rock, Scott, Sherburne, Sibley, Stearns, Steele, Stevens, Swift, Yellow Medicine, Wabasha, Waseca, Washington, Watonwan, Winona, and Wright Counties.

Climate zone 7: Climate zone 7 includes Aitkin, Becker, Beltrami, Carlton, Cass, Clay, Clearwater, Cook, Crow Wing, Douglas, Grant, Hubbard, Itasca, Kanabec, Kittson, Koochiching, Lake, Lake of the Woods, Mahanomen, Marshall, Mille Lacs, Morrison, Norman, Otter Tail, Pennington, Pine, Polk, Red Lake, Roseau, St. Louis, Todd, Traverse, Wadena, and Wilkin Counties.

Northern climate zone: Climate zone 7.

Southern climate zone: Climate zone 6.

1323.0513 SECTION 5.1.3, ENVELOPE ALTERATIONS.

ASHRAE Standard 90.1, Section 5.1.3, is amended to read:

5.1.3 Envelope alterations. Alterations to the building envelope shall comply with the requirements of Section 5 for insulation, air leakage, and fenestration applicable to those specific portions of the building being altered. When the wall cavity of the building envelope is exposed due to the removal of the interior wall finish materials, the wall cavity shall be insulated to full depth, or to a depth that provides insulating values as required for new wall construction.

Adopted Rules

Exceptions:

1. The following alterations need not comply with the requirements of Section 5 for insulation, air leakage, and fenestration, provided such alterations will not increase the energy usage of the building:
 - (a) Installation of storm windows over existing glazing.
 - (b) Replacement of glazing in existing sash and frame provided the U-factor and SHGC will be equal to or lower than before the glass replacement.
 - (c) Alterations to roof/ceiling, wall, or floor cavities, which are insulated to full depth with insulations having a nominal value of not less than R-3.0/in.
 - (d) Alterations to walls and floor, where the existing structure is without framing cavities and no new framing cavities are created.
 - (e) Removal of less than 50 percent of a roof membrane or built-up roof covering, or the existing roof insulation is at least R-16 for buildings that are conditioned, or the existing roof insulation is at least R-10 for buildings that are semiconditioned.
 - (f) Replacement of existing doors that separate conditioned space from the exterior shall not require the ~~insulation installation~~ of a vestibule or revolving door, provided, however, that an existing vestibule that separates a conditioned space from the exterior shall not be removed.
 - (g) Replacement of existing fenestration, provided, however, that the area of the replacement fenestration does not exceed 25 percent of the total fenestration area of an existing building and that the U-factor and SHGC will be equal to or lower than before the fenestration replacement.
 - (h) Walls that are back-plastered, walls that are more than 50 percent filled with insulation, walls without framing cavities.
 - (i) Small openings for purposes including installing, altering, or repairing plumbing, electrical, and mechanical systems, control, and expansion joints.
2. A vapor retarder is not required if the interior finish is not removed.

1323.0543 SECTION 5.4.3, AIR LEAKAGE.

Subpart 1. **Building envelope sealing.** ASHRAE Standard 90.1, Section 5.4.3.1, is amended and subsections added to read:

5.4.3.1 Building envelope air sealing. The building envelope shall contain an air barrier consisting of a material or combination of materials to resist the passage of air into or out of the conditioned or semiconditioned space. The following areas of the building envelope shall be sealed in a permanent manner to minimize air leakage at all edges, joints, openings, and penetrations:

- (a) joints around fenestration and door frames;
- (b) junctions between walls and foundations, between walls at building corners, between walls and structural floors or roofs, and between walls and roof or wall panels;
- (c) openings at penetrations of utility services through walls, roofs, and floors;
- (d) site-built fenestration and doors;
- (e) building assemblies used as ducts or plenums;
- (f) joints, seams, and penetrations of vapor retarders;
- (g) across construction, control, and expansion joints;
- (h) across junctions between different building assemblies; and
- (i) around all other penetrations through the building envelope.

5.4.3.1.1 The air barrier shall be located between the ~~warm-in-winter~~ warm-in-winter surface and the winter design dew point location within the building component or assembly.

Exception: When the building component or assembly is either integrally insulated concrete or integrally insulated concrete masonry.

5.4.3.1.2 Drawings shall indicate the location of the air barrier system.

Subp. 2. **Fenestration and doors.** ASHRAE Standard 90.1, Section 5.4.3.2, is amended to read:

5.4.3.2 Fenestration and doors. Air leakage for fenestration and doors shall be determined in accordance with National Fenestration Rating Council 400 (NFRC 400) or AAMA/WDMA/CSA 101/I.S.2/A440. Air leakage shall be determined by an independent laboratory accredited by a nationally recognized accreditation organization, such as the National Fenestration Rating Council, and shall be labeled and certified by the manufacturer. Air leakage under a pressure differential of 75 Pa (1.57 psf) shall not exceed 1.0 cfm/ft² for glazed swinging entrance doors and for revolving doors and 0.4 cfm/ft² for all other products.

1323.0643 SECTION 6.4.3, CONTROLS.

Subp. 4. **Freeze protection and snow/ice melting systems.** ASHRAE Standard 90.1, Section 6.4.3.8, is amended to read:

6.4.3.8 Freeze protection and snow/ice melting systems. Freeze protection systems, such as heat tracing of outdoor piping and heat exchangers, including self-regulating heat tracing, shall include automatic controls capable of shutting off the systems

when outdoor air temperatures are above 40 degrees Fahrenheit or when the conditions of the protected fluid will prevent freezing. ~~Snow and ice melting systems shall only be used where required for life safety.~~ Snow and ice melting systems shall include automatic controls capable of shutting off the systems when the pavement temperature is above 50 degrees Fahrenheit and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40 degrees Fahrenheit so that the potential for snow or ice accumulation is negligible.

1323.0651 SECTION 6.5.1, ECONOMIZERS.

Subp. 2. **High-limit shutoff.** ASHRAE Standard 90.1, Section 6.5.1.1.3, is amended to read:

6.5.1.1.3 High-limit shutoff. All air economizers shall be capable of automatically reducing outdoor air intake to the design minimum outdoor air quality when outdoor air intake will no longer reduce cooling energy usage. High-limit shutoff control types for specific climates shall be chosen from Table 6.5.1.1.3A, All Other Climates. High-limit shutoff control settings for these control types shall be those listed in Table 6.5.1.1.3B.

TABLE 6.5.1.1.3A High-Limit Shutoff Control Options for Air Economizers

Climate Zones	Allowed Control Types	Prohibited Control Types
1b, 2b, 3b, 3c, 4b, 4c, 5b, 5c, 6b, 6, 7, 8	Fixed Dry Bulb Differential Dry Bulb Electronic Enthalpy ^a Differential Enthalpy Dew Point and Dry Bulb Temperature	Fixed Enthalpy
1a, 2a, 3a, 4a	Fixed Dry Bulb Fixed Enthalpy Electronic Enthalpy^a Differential Enthalpy Dew Point and Dry Bulb Temperature	Differential Dry Bulb
All Other Climates	Fixed Dry Bulb Differential Dry Bulb Fixed Enthalpy Electronic Enthalpy^a Differential Enthalpy Dew Point and Dry Bulb Temperature	

Note: ^aElectronic enthalpy controllers are devices that use a combination of humidity and dry bulb temperature in their switching algorithm.

TABLE 6.5.1.1.3B High-Limit Shutoff Control Settings for Air Economizers

Device Type	Climate	Equation	Required High-Limit (Economizer Off When): Description
Fixed Dry Bulb	1b, 2b, 3b, 3c, 4b, 4c, 5b, 5c, 6b, 7, 8	$T_{OA} > 75^{\circ}\text{F}$	Outdoor air temperature exceeds 75°F
	5a, 6a, 7a, 6	$T_{OA} > 70^{\circ}\text{F}$	Outdoor air temperature exceeds 70°F
	All Other Zones	$T_{OA} > 65^{\circ}\text{F}$	Outdoor air temperature exceeds 65°F
Differential Dry Bulb	1b, 2b, 3b, 3c, 4b, 4c, 5a, 5b, 5c, 6a, 6b, 7, 8	$T_{OA} > T_{RA}$	Outdoor air temperature exceeds return air temperature
Fixed Enthalpy	All	$h_{OA} > 28 \text{ Btu/lb}^a$	Outdoor air enthalpy exceeds 28 Btu/lb of dry air ^a

Adopted Rules

Electronic Enthalpy	All	$(T_{OA}, RH_{OA}) > A$	Outdoor air temperature/RH exceeds the "A" set point curve ^b
Differential Enthalpy	All	$h_{OA} > h_{RA}$	Outdoor air enthalpy exceeds return air enthalpy
Dew Point and	All	$DP_{OA} > 55^{\circ}F$ or $T_{OA} > 75^{\circ}F$	Outdoor air dry bulb exceeds 55°F 75°F or outside dew point exceeds (65 gr/lb)

^aAt altitudes substantially different than sea level, the Fixed Enthalpy limit shall be set to the enthalpy value at 75°F and 50 percent relative humidity. As an example, at approximately 6,000 feet elevation the fixed enthalpy limit is approximately 30.7 Btu/lb.

^bSet point "A" corresponds to a curve on the psychometric chart that goes through a point at approximately 75°F and 40 percent relative humidity and is nearly parallel to dry bulb lines at low humidity levels and nearly parallel to enthalpy lines at high humidity levels.

1323.0653 SECTION 6.5.3, AIR SYSTEM DESIGN AND CONTROL.

Subpart 1. **Table 6.5.3.1 fan power limitation.** ASHRAE Standard 90.1, Section 6.5.3.1, Table 6.5.3.1, is amended to read:

TABLE 6.5.3.1 Fan Power Limitation
Allowable Brake Motor Power

Supply Air Volume	Constant Volume	Variable Volume
<20,000 cfm	1.2 Bhp/1000 cfm	1.7 Bhp/1000 cfm
≥20,000 cfm	1.1 Bhp/1000 cfm	1.5 Bhp/1000 cfm

Allowable Fan System Power = [Table 6.5.3.1 Fan Power Limitation x (Temperature Ratio) + Pressure Credit + Relief Fan Credit] where:

Table 6.5.3.1 Fan Power Limitation = Table Value x $\frac{CFM_u}{1000}$

Temperature Ratio = $\frac{(T_{t-stat} - T_s)}{20}$

Pressure Credit (hp) = Sum of $[CFM_n \times (SP_n - 1.0)/3718]$ + Sum of $[CFM_{HR} \times SP_{HR}/3718]$

Relief Fan Credit HP (kW) = F_R HP (kW) x $[1 - (CFM_{RF}/CFM_n)]$

CFM_u = supply air volume of the unit with the filtering system (cfm)

CFM_{HR} = supply air volume of heat recovery coils or direct evaporative humidifier/cooler (cfm)

CFM_{RF} = relief fan air volume at normal cooling design operation

SP_n = air pressure drop of the filtering system when filters are clean (in. w.g.)

SP_{HR} = air pressure drop of heat ~~recovery~~ recovery coils or direct evaporative humidifier/cooler (in. w.g.)

T_{t-stat} = room thermostat set point

T_s = design supply air temperature for the zone in which the thermostat is located

F_R = relief fan in horse power

1323.0672 SECTION 6.7.2, COMPLETION REQUIREMENTS.

Subp. 3. **HVAC system acceptance testing.** ASHRAE Standard 90.1, Section 6.7.2.4, is amended to read:

6.7.2.4 HVAC system acceptance testing. HVAC systems shall be tested and adjusted for function and performance to ensure that control elements are calibrated, and in proper working condition and that components, equipment, systems, and interfaces between systems conform to the construction documents. Acceptance testing and documentation shall be completed in accordance with Sections 7.2.9, ~~7.2.10~~ 7.2.10, 7.2.13, and 7.2.15 of ASHRAE Guideline 0-2005, "The Commissioning Process," and the documentation shall be submitted to the building official upon request.

Exceptions:

(a) Semiconditioned spaces within buildings.

(b) Buildings complying with the HVAC provisions in Appendix A of Acceptance Requirements from "Advanced Buildings: Energy Benchmark for High Performance Buildings," 2004, New Buildings Institute and documented as required by Section 6.7.2.4.

1323.0681 SECTION 6.8, MINIMUM EQUIPMENT EFFICIENCY TABLES.

ASHRAE Standard 90.1, Table 6.8.1C, is amended to read:

TABLE 6.8.1C Water Chilling Packages - Minimum Efficiency Requirements				
Equipment Type	Size Category	Subcategory or Rating Condition	Minimum Efficiencies ^a	Test Procedure ^b
Air Cooled, with Condenser, Electrically Operated	All Capacities		<u>2.80 COP 3.05 IPLV</u>	<u>ARI 550/590</u>
Air Cooled, without Condenser, Electrically Operated	All Capacities		<u>3.10 COP 3.45 IPLV</u>	
Water Cooled, Electrically Operated, Positive Displacement (Reciprocating)	All Capacities		<u>4.20 COP 5.05 IPLV</u>	<u>ARI 550/590</u>
Water Cooled, Electrically Operated, Positive Displacement (Rotary Screw and Scroll)	<150 tons		<u>4.45 COP 5.20 IPLV</u>	<u>ARI 550/590</u>
	≥150 tons and <300 tons		<u>4.90 COP 5.60 IPLV</u>	
	≥300 tons		<u>5.50 COP 6.15 IPLV</u>	
Water Cooled, Electrically Operated, Centrifugal	<150 tons		<u>5.00 COP 5.25 IPLV</u>	<u>ARI 550/590</u>
	≥150 tons and <300 tons		<u>5.55 COP 5.90 IPLV</u>	
	≥300 tons		<u>6.10 COP 6.40 IPLV</u>	
Air-Cooled Absorption Single Effect ^c	All Capacities		<u>0.60 COP</u>	<u>ARI 560</u>
Water-Cooled Absorption Single Effect ^c	All Capacities		<u>0.70 COP</u>	
Absorption Double Effect, Indirect-Fired	All Capacities		<u>1.00 COP 1.05 IPLV</u>	
Absorption Double Effect, Direct-Fired	All Capacities		<u>1.00 COP 1.00 IPLV</u>	

^aThe chiller equipment requirements do not apply for chillers used in low-temperature applications where the design leaving fluid temperature is <40° F.

^bSection 12 contains a complete specification of the referenced test procedure, including the reference year version of the test procedure.

^cSee Section 6.9.1.

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1323.0690 SECTION 6.9, WATER CHILLING PACKAGES AND ONCE-THROUGH COOLING SYSTEMS.

ASHRAE Standard 90.1, Section 6, is amended by adding a new section 6.9 and subsections to read:

6.9 Single effect absorption water chilling packages and once-through cooling systems.

6.9.1 Single effect absorption water chillers. Single effect absorption water chilling systems shall only be used when all the energy input is from waste heat or renewable energy sources.

6.9.2 Prohibition of once-through cooling systems. Once-through cooling systems as defined by *Minnesota Rules*, chapter 7685, are prohibited when ~~proscribed~~ prescribed by *Minnesota Statutes*, section 103G.271, subdivision 5.

1323.0780 TABLE 7.8, PERFORMANCE REQUIREMENTS FOR WATER HEATING EQUIPMENT.

ASHRAE Standard 90.1, Section 7, Table 7.8, is amended to read:

TABLE 7.8 Performance Requirements for Water Heating Equipment

Equipment Type	Size Category (Input)	Subcategory or Rating Condition	Performance Required ^a
Electric Water Heaters	≤12 kW >12 kW ≤24 Amps and ≤250 Volts	Resistance ≥20 gal Resistance ≥20 gal Heat Pump	0.97-0.00132V EF 20+35 √V SL, Btu/h 0.97-0.00132V EF
Gas Storage Water Heaters	≤75,000 Btu/h >75,000 Btu/h	≥20 gal <4,000(Btu/h)/gal	0.67-0.0019V EF 80% E _t (Q/800+110 √V) SL, Btu/h
Gas Instantaneous Water Heaters	>50,000 Btu/h and <200,000 Btu/h ≥200,000 Btu/h ^c ≥200,000 Btu/h	≥4,000(Btu/h)/gal and <2 gal ≥4,000(Btu/h)/gal and <10 gal ≥4,000(Btu/h)/gal and ≥10 gal	0.67-0.0019V EF 80% E _t 80% E _t (Q/800+110 √V) SL, Btu/h
Oil Storage Water Heaters	≤105,000 Btu/h >105,000 Btu/h	≥20 gal <4,000(Btu/h)/gal	0.59-0.0019V EF 78% E _t (Q/800+110 √V) SL, Btu/h
Oil Instantaneous Water Heaters	≤210,000 Btu/h >210,000 Btu/h >210,000 Btu/h	≥4,000(Btu/h)/gal and <2 gal ≥4,000(Btu/h)/gal and <10 gal ≥4,000(Btu/h)/gal and ≥10 gal	0.59-0.0019V EF 80% E _t 78% E _t (Q/800+110 √V) SL, Btu/h
Hot Water Supply Boilers, Gas and Oil	≥300,000 Btu/h and <12,500,000 Btu/h	≥4,000(Btu/h)/gal and <10 gal	80% E _t
Hot Water Supply Boilers, Gas		≥4,000(Btu/h)/gal and ≥10 gal	80% E _t (Q/800+110 √V) SL, Btu/h
Hot Water Supply Boilers, Oil		≥4,000(Btu/h)/gal and ≥10 gal	78% E _t (Q/800+110 √V) SL, Btu/h
Pool Heaters Oil and Gas	All		78% E _t

Heat Pump Pool Heaters	All		4.0 COP
Unfired Storage Tanks	All		R-12.5

^aEnergy factor (EF) and thermal efficiency (Et) are minimum requirements, while standby loss (SL) is maximum Btu/h based on a 70° F temperature difference between stored water and ambient requirements. In the EF equation, V is the rated volume in gallons. In the SL equation, V is the rated volume in gallons and Q is the nameplate input rate in Btu/h.

^bSection 12 contains a complete specification, including the year version, of the referenced test procedure.

^cInstantaneous water heaters with input rates below 200,000 Btu/h must comply with these requirements if the water heater is designed to heat water to temperatures 180° F or higher.

1323.0911 SECTION 9.1.1, LIGHTING SCOPE.

ASHRAE Standard 90.1, Section 9.1.1, is amended to read:

9.1.1 Scope. This section shall apply to the following: (a) interior spaces of buildings; (b) exterior building features, including facades, illuminated roofs, architectural features, entrances, exits, loading docks, and illuminated canopies; and (c) exterior building grounds provided through the building's electrical service.

Exceptions:

- (a) emergency lighting that is automatically off during normal building operation;
- (b) lighting within living units;
- (c) lighting that is specifically designated as required by a health or life safety statute, ordinance, or regulation; ~~and/or~~ and
- (d) decorative gas lighting systems that meet the requirements of *Minnesota Statutes*, section 216C.19.

1323.1300 SECTION 13, OTHER BUILDINGS.

ASHRAE Standard 90.1, is amended by adding a section to read:

Section 13. Other buildings.

13.1 Greenhouse structures. Greenhouse structures that require heating for cold weather protection are regulated by this section. A greenhouse structure is a structure that is used for plant growth.

13.1.1 Envelope requirements for greenhouse structures.

13.1.1.1 Foundation walls; slab-on-grade floors. Foundation walls and slab-on-grade floors must comply with the requirements of ASHRAE Standard 90.1, Section 5.

13.1.1.2 Transparent and translucent components. Transparent and translucent components are exempt from the requirements of Section 5 provided that they are either single-pane glass, twin wall polycarbonate, two-ply polyethylene or equivalent.

13.1.1.3 Coverings. Greenhouse structures must have either an exterior anti-infrared covering or internal thermal blanket that reduces nighttime radiation in compliance with this section.

13.1.1.3.1 Anti-infrared covering. The anti-infrared covering must be not less than ~~4-mil~~ 4-mil thick polyethylene greenhouse covering film that retards nighttime heat radiation from greenhouse structures and has a minimum energy saving rating of 20 percent.

13.1.1.3.2 Thermal blanket. The thermal blanket must be not less than ~~4-mil~~ 4-mil thick internally installed material used in greenhouse structures that provides both plant shading and retards nighttime radiation in greenhouse structures and has a minimum energy saving rating of 20 percent.

13.1.1.3.3 Energy saving rating. The energy saving rating shall be determined by comparing the heating energy required by similar greenhouse structures having similar plant contents; either adjusted for weather or co-located during the same heating season. A greenhouse structure covered with an anti-infrared polyethylene covering is compared to a similar structure covered with a polyethylene covering not having anti-infrared characteristics. A greenhouse structure having an internally installed thermal blanket material is compared to a similar structure not having a thermal blanket installed.

13.1.2 Heating requirements for greenhouse structures. Mechanical components of greenhouse structures must comply

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with the ASHRAE Standard 90.1, Section 6. In addition, unit heating systems must be power vented or direct vented.

13.1.3 Additional requirements for greenhouse structures. Greenhouse structures must comply with the requirements of ASHRAE Standard 90.1, Sections 7, 8, 9, and 10.

13.2 Inflated structures. Inflated structures that require heating for cold weather protection are regulated by this section. An inflated structure is a structure that is air supported.

13.2.1 Envelope requirements for inflated structures. Foundation walls and slab-on-grade floors must meet the requirements of ASHRAE Standard 90.1, Section 5. 13.2.1.1 Minimum insulation. The structure membrane must have a minimum insulation value of R-12. Exception: Inflated structures that are designed to deflate during the summer months. 13.2.2 Requirements for inflated structures. Inflated structures must comply with the requirements of ASHRAE Standard 90.1, Section 6. Air pressure controls for inflated structures must have the capability for manual and automated control with respect to outdoor wind speed. 13.2.3 Additional requirements for inflated structures. Inflated structures must comply with the requirements of ASHRAE Standard 90.1, Sections 7, 8, 9, and 10.

EFFECTIVE DATE. These amendments are effective ~~five working days after publication of the notice of adoption~~ June 1, 2009.

Department of Labor and Industry (DOLI) Adopted Permanent Rules Relating to Residential Energy Code

The rules proposed and published at *State Register*, Volume 33, Number 5, pages 250-252, August 4, 2008 (33 SR 250), are adopted with the following modifications:

1322.0010 DEFINITIONS.

ACCESSIBLE. Signifies access that requires the removal of an access panel or similar removable obstruction.

ACCESSIBLE, READILY. Signifies access without the necessity for removing a panel or similar obstruction.

ACCA. “Air Conditioning Contractors of America” or “ACCA” means the Air Conditioning Contractors of America.

AIR CIRCULATION, FORCED. A means of providing space conditioning utilizing movement of air through ducts or plenums by mechanical means.

AIR, EXHAUST. Air discharged from any space to the outside by the residential ventilation system.

AIR, OUTDOOR. The air that is taken from the external atmosphere, and therefore not previously circulated through the HVAC system or the conditioned space.

AIR-CONDITIONING SYSTEM. A system that consists of heat exchangers, blowers, filters, supply, exhaust and return-air systems, and shall include any apparatus installed in connection therewith.

ASHRAE. ~~“American Society of Heating, Refrigeration, and Air-Conditioning Engineers” or “ASHRAE”~~ means the American Society of Heating, Refrigeration Refrigerating, and Air-Conditioning Engineers.

ASTM. ~~“American Society for Testing and Materials” or “ASTM”~~ means ASTM International, formerly known as the American Society for Testing and Materials.

BALANCED VENTILATION SYSTEM. A residential ventilation system where the design fan powered exhaust air is equal to the fan powered supply air.

BUILDING. Building means only a one- or two-family dwelling or portion thereof, including townhouses, that is used, or designed or

intended to be used, for human habitation, living, ~~or sleeping, cooking, or eating purposes~~, or any combination thereof, and shall include accessory structures.

CONDITIONED SPACE. For energy purposes, space within a building that is provided with heating or cooling equipment or systems capable of maintaining, through design or heat loss or gain, 50 degrees Fahrenheit (10 degrees Celsius) winter design conditions and 85 degrees Fahrenheit (29 degrees Celsius) at summer design conditions, or communicates directly with a conditioned space. For mechanical purposes, an area, room, or space being heated or cooled by any equipment or appliance.

CUBIC FEET PER MINUTE (CFM). The quantity of air moved in one minute. A measurement typically applied to ventilation equipment.

ENERGY RECOVERY VENTILATOR (ERV). A device or combination of devices applied to transfer energy and moisture from the exhaust air stream for use within the dwelling.

EXHAUST VENTILATION SYSTEM. A residential ventilation system where a fan provides exhaust air and supply air is not fan powered.

FORCED-AIR CIRCULATION SYSTEM. An air heating or cooling system.

FURNACE. A vented heating appliance designed or arranged to discharge heated air into a conditioned space or through a duct or ducts.

HEAT RECOVERY VENTILATOR (HRV). A device or combination of devices applied to transfer energy from the exhaust air stream for use within the dwelling.

HVI. “Home Ventilating Institute” or “HVI” means the Home Ventilating Institute.

INTERNATIONAL BUILDING CODE OR IBC. “International Building Code” or “IBC” means the International Building Code, as promulgated by the International Codes Council, Falls Church, VA 22041, and as adopted by reference in part 1305.0011.

INTERNATIONAL RESIDENTIAL CODE OR IRC. “International Residential Code” or “IRC” means the International Residential Code, as promulgated by the International Codes Council, Falls Church, VA 22041, and as adopted by reference in part 1309.0010.

MANUFACTURER’S INSTALLATION INSTRUCTIONS. Printed instructions included with equipment as part of the conditions of listing and labeling.

MECHANICAL VENTILATION. The mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

NATIONAL FENESTRATION RATING COUNCIL OR NFRC. “National Fenestration Rating Council” or “NFRC” means the National Fenestration Rating Council.

1322.0015 ADMINISTRATION AND PURPOSE.

Subp. 2. **Purpose.** The purpose of this chapter is to establish a minimum code of standards for the construction, reconstruction, ~~alternation~~ alteration, and repair of buildings governing matters including design and construction standards regarding heat loss control, illumination, climate control, and radon control methods pursuant to *Minnesota Statutes*, sections 16B.59, 16B.61, and 16B.64.

1322.0020 CODES ADOPTED BY REFERENCE.

B. The following standards and references are incorporated by reference, are not subject to frequent change, and are made part of the Minnesota State Building Code as amended in this chapter: ASHRAE, 2005 Handbook of Fundamentals, chapter 29; ASTM E779-87 (1992), Standard Test Method for Determining Air Leakage Rate by Fan Pressurization; ASTM E1677-95, Standard Specification for an Air Retarder (AR) Material or System for Low-Rise Framed Building Walls; HVI Standard 915-2006, Loudness Testing and Rating Procedures; HVI Standard 916-2005, Airflow Test Procedure; HVI Standard 920-2005, Product Performance Test Procedure; HVI Standard 920-2005, Product Performance Certification Procedure; ACCA Manual J, Load Calculation for Residential Winter and Summer

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Air Conditioning, 8th edition, Air Conditioning Contractors of America; REScheck, residential energy code software, published by the United States Department of Energy; NFRC 100-2001, Procedure for Determining Fenestration Product U-Factors, National Fenestration Rating Council; NFRC 400-2001, Procedure for Determining Fenestration Product Air Leakage, National Fenestration Rating Council; and 101/1.s.2/A440-05, Specification for Windows, Doors, and Skylights, American Architectural Manufacturers Association, Canadian Standards Association, and Window and Door Manufacturers Association; CAN/CGSB 51.71-2005 Depressurization Test, Canadian General Standards Board, Place du Portage 111, 6B1, 11 Laurier Street, Gatineau, Quebec, Canada KIA 1G6; and Minnesota Department of Commerce, Minnesota Weatherization Field Guide 2003.

1322.1101 IRC SECTION N1101, GENERAL.

Subpart 1. **IRC Section N1101.1.** IRC Section N1101.1 is amended to read as follows:

N1101.1 Scope. This chapter regulates energy efficiency for the design and construction of buildings regulated by the International Residential Code (IRC) as adopted and amended by the state of Minnesota. This chapter shall also be used to regulate the energy efficiency for the design and construction of new residential buildings regulated by the International Building Code (IBC) as adopted and amended by the state of Minnesota that are not more than three stories in height and contain no conditioned common space that is shared between dwellings, and each dwelling unit contains a separate means of egress. The intent of these criteria is to provide a means for furnishing quality indoor air, assuring building durability, and permitting energy efficient operation. Pursuant to part 1322.2100, Appendix F of the 2006 International Residential Code (IRC) applies to all residential buildings covered by this chapter. Enforcement of this chapter must not abridge safety, health, or environmental requirements under other applicable codes or ordinances.

Exceptions:

1. Portions of the building that do not enclose conditioned space, including garages.
2. Insulation R-values, air barrier, and vapor retarder requirements are not required for existing foundations, crawl space walls, and basements in existing dwellings or existing dwelling units whose alteration or repair require a permit if the original dwelling's permit was issued before the effective date of this chapter.
3. Additions to existing dwellings or dwelling units may be made without making the entire dwelling or dwelling unit comply, provided that the addition complies with all the requirements of this chapter.
4. Alteration or repairs to existing dwellings or dwelling units may be made without making the entire dwelling or dwelling unit comply, provided the alteration complies with as many requirements of this chapter as feasible, as determined by the designated building official.
5. Buildings that have been specifically designated as historically significant by the state or local governing body, or listed or determined to be eligible for listing in the National Register of Historic Places.
6. If a building houses more than one occupancy, each portion of the building must conform to the requirements for the occupancy housed in that portion.
7. This chapter does not cover buildings, structures, or portions of buildings or structures whose peak design energy rate usage is less than 3.4 Btu per hour per square foot or 1.0 Watt ~~per hour~~ per square foot of floor area for all purposes.

Subp. 8. **IRC Section N1101.4.** IRC Section N1101.4 is deleted in its entirety and replaced with the following:

N1101.4 Building thermal envelope insulation. All thermal insulation must conform to *Minnesota Rules*, chapter 7640, Minnesota Thermal Insulation Standards, adopted by the Department of Commerce. Insulation shall be manufactured for its intended use, installed according to the manufacturer's specifications, and be no less than the stated performance at winter design conditions. Insulation used on the exterior for the purpose of insulating foundation walls shall be a water-resistant material and comply with ASTM C578; ~~or C612; or other approved standards.~~ ~~If an R-value identification mark shall be has not already been~~ applied by the manufacturer to each piece of building thermal envelope insulation 12 inches (305 mm) or more wide. ~~Alternatively,~~ the insulation installers shall provide a certification listing the type, manufacturer, and R-value of insulation installed in each element of the building thermal envelope as described in section N1101.8. For blown or sprayed insulation (fiberglass and cellulose), the initial installed thickness, settled thickness, settled R-value, installed density, coverage area, and number of bags installed shall be listed on the certification. For sprayed polyurethane foam (SPF) insulation, the installed thickness of the area covered and R-value of installed thickness shall be listed on the certificate. When using blown or sprayed insulation (fiberglass, cellulose, or sprayed polyurethane foam) requirements from Sections N1101.4.1, N1101.4.1.1, and N1101.4.1.2 shall be met accordingly.

N1101.4.1 Blown or sprayed roof/ceiling insulation. Installation of blown or sprayed roof/ceiling insulation must comply with sections N1104.1.1 and N1104.1.2.

N1101.4.1.1 Attic thickness markers. The thickness of blown in or sprayed roof/ceiling insulation (fiberglass or

cellulose) shall be written in inches (mm) on markers that are installed at least one for every 100 ft² (9.3 m²) throughout the attic space. The markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness with numbers a minimum of 1 inch (25 mm) high. Each marker shall face the attic access opening. Spray polyurethane foam thickness and installed R-value shall be listed on the certificate provided by the insulation installer.

N1101.4.1.2 Attic insulation card. A signed and dated insulation receipt attic card must be attached to the framing near the access opening, in a clearly visible place, and posted with the certificate required by section N1101.8. The attic card must identify the type of insulation installed, the manufacturer, the installer, the R-value per inch, the designed settled thickness, the square footage of attic coverage area, and the number of bays installed.

N1101.4.2 Insulation mark installation. Insulating materials shall be installed such that the manufacturer's R-value mark is readily observable upon inspection.

1322.1102 IRC SECTION N1102, BUILDING THERMAL ENVELOPE.

Subp. 9. **IRC Section N1102.2, Table N1102.2.4.** IRC Section N1102.2 is amended to read as follows:

N1102.2.1 Ceilings with attic spaces. IRC Section N1102.2.1 is deleted in its entirety.

N1102.2.2 Ceilings without attic spaces. Where Section N1102.1 requires insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for the roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section N1102.1 shall be limited to 500 ft² (46 m²) of ceiling area.

N1102.2.3 Mass walls. Mass walls, for the purposes of this chapter, shall be considered walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth), and solid timber or logs. The provisions of Section N1102.1 for mass walls shall be applicable.

N1102.2.4 Steel-frame ceilings, walls, and floors. Steel-frame ceilings, walls, and floors shall meet the insulation requirements of Table N1102.2.4 or shall meet the U-factor requirements in Table N1102.1.2. The calculation of the U-factor for a steel-frame envelope assembly shall use a series-parallel path calculation method.

Table N1102.2.4	
Steel-Frame Ceiling, Wall, and Floor Insulation (R-Value)	
Wood Frame R-Value Requirement	Cold-Formed Steel Equivalent R-Value ^a
R-38	Steel Truss Ceilings ^a R-49 or R-38+3
R-44	R-38+5
R-30	Steel Joist Ceilings ^b R-38 in 2x4 or 2x6 or 2x8
R-38	R-49 in any framing R-49 in 2x4 or 2x6 or 2x8 or 2x10
R-19	Steel Framed Wall R-13+9 or R-19+8 or R-25+7
R-30	Steel Joist Floor R-21+R-6 in 2x6 R-21+R-12 in 2x8 or 2x10

Notes:

^a. Cavity insulation R-value is listed first, followed by a "+" and the continuous insulation R-value, if applicable.

^b. Insulation exceeding the height of the framing shall cover the framing.

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N1102.2.5 Floors. Floor insulation shall be installed to maintain permanent contact with the underside of the subfloor decking.

N1102.2.6 Basement walls. IRC Section N1102.2.6 is deleted in its entirety and replaced with the following:

N1102.2.6 Foundation wall insulation prescriptive option.

N1102.2.6.1 Foundation insulation. Foundation insulation of basement and crawl space walls and the perimeter of slab-on-grade floors must comply with this section. Insulation materials shall be installed according to manufacturer's installation specifications and any additional requirements of Sections N1102.2.6.1 to N1102.2.6.11. Adding additional insulation to increase R-values or adding an additional vapor retarder to foundation wall assemblies, other than those required in this section, is prohibited.

Exceptions:

1. Foundation walls enclosing unconditioned spaces shall meet this requirement unless the floor overhead is insulated in accordance with Section N1102.1.
2. Permanent wood foundations shall meet the requirements of Section R401.1.
3. Frost-protected shallow foundations shall meet the requirements of Section R403.3.
4. Insulating concrete form materials shall meet the requirements of Section R611.

N1102.2.6.2 Basement foundation and crawl space walls. Basement foundation and crawl space walls shall be insulated from the top of the foundation wall down to the top of the footing or from the top edge of the interior wall to the top of the slab if insulation is on the interior.

N1102.2.6.3 Slab-on-grade and basement walkout foundation walls. Slab-on-grade and basement walkout foundation wall insulation shall extend to the design frost line or top of footing, whichever is less. The top edge of the insulation installed between the exterior wall and the edge of the interior slab shall be permitted to be cut at a 45-degree angle away from the exterior wall. Slab-edge insulation is not required in jurisdictions designated by the code official as having termite infestation.

N1102.2.6.4 Foundation wall and rim joist area thermal insulation requirements. The foundation wall system and rim joist area shall have an insulating layer with minimum thermal properties as required in this section. The insulation layer must be a minimum R-10 in accordance with Table N1102.1.

Exception: In the Southern Zone, the foundation and rim joist area insulation may be reduced to a minimum of an R-5 if:

1. The insulation is located on the exterior or is integral to the foundation wall; and
2. An additional R-5 insulation is added to the minimum attic R-value level; and
3. The heating system meets the minimum efficiency ratings in Table N1102.2.6.4; and 4. A minimum of a six-inch energy heel is used for the roof framing and/or truss system.

Table N1102.2.6.4		
HVAC System Minimum Efficiency Requirement to Qualify for R-5 Exterior Insulation in the Southern Zone		
Heating System Type	Minimum Efficiency Rating	
	AFUE	HSPF
Furnace, Gas or Oil Fired	90%	N/A
Boiler, Gas or Oil Fired	85%	N/A
Heat Pump, Split Systems	N/A	8.0
Heat Pump, Single Package or Equipment (including gas/electric package units)	N/A	7.7

N1102.2.6.5 Integral foundation insulation requirements. An insulation assembly installed integral to the foundation walls shall be manufactured for its intended use and installed according to the manufacturer's specifications.

N1102.2.6.6 Exterior foundation insulation requirements. An insulation assembly installed on the exterior of the foundation walls and the perimeter of slabs-on-grade:

1. shall be of water-resistant materials manufactured for its intended use;
2. shall be installed according to the manufacturer's specifications;
3. shall comply with either ASTM C578, C612, or C1029 as applicable; and
4. shall have a rigid, opaque, and weather-resistant protective covering to prevent the degradation of the insulation's thermal performance. The protective covering shall cover the exposed exterior insulation and extend a minimum of six inches (152 mm) below grade. The insulation and protective covering system shall be flashed in accordance with IRC Section R703.8.

N1102.2.6.7 Interior foundation insulation requirements. An insulation assembly installed on the interior of foundation walls shall meet the following provisions:

1. Masonry foundation walls shall be drained through the masonry block cores to an approved interior drainage system.
2. If a frame wall is installed, it shall not be in direct contact with the foundation wall unless that interior side of the foundation wall has been waterproofed.
3. Comply with the interior air barrier requirements in Section N1102.4.1.
4. Comply with Section N1102.2.6.8, N1104.2.2.6.9, N1102.2.6.10, or N1102.2.6.11.

N1102.2.6.8 Rigid interior insulation. Rigid interior insulation shall comply with the following:

1. Either ASTM C578 or ASTM C1289.
2. Dampproofing, waterproofing, or a water repellent shall be applied to the exposed above grade foundation walls or a layer of dampproofing or waterproofing shall be installed on the entire inside surface of the foundation wall. Water-repellent materials shall comply with ASTM E514 with 90 percent or greater reduction in water permeance when compared to an untreated sample.
3. Installation requirements:
 - a. must be in contact with the foundation wall surface;
 - b. vertical edges shall be sealed with acoustic sealant;
 - c. all interior joints, edges, and penetrations shall be sealed against air and water vapor penetration;
 - d. horizontally continuous acoustic sealant exists between the foundation wall and the insulation at the top of the foundation wall; and
 - e. horizontally continuous acoustic sealant exists between the basement floor and the bottom insulation edge.
4. The insulation shall not be penetrated by the placement of utilities or by fasteners or connectors used to install a frame wall.

N1102.2.6.9 Spray-applied interior insulation. Spray-applied interior insulation shall comply with the following as applicable:

1. Closed cell polyurethane.
 - a. ASTM C1029 compliant with a permeance not greater than 1 in accordance with ASTM E96 procedure A.
- b. Sprayed directly onto the foundation wall surface. There must be a one-inch minimum gap between the foundation wall surface and any framing.
 - c. The insulation shall not be penetrated by the placement of utilities.
 - d. Through penetrations shall be sealed.
2. One-half pound free rise open cell foam.
 - a. Sprayed directly onto the foundation wall surface. There must be a one-inch minimum gap between the foundation wall surface and any framing.
 - b. The insulation shall not be penetrated by the placement of utilities.
 - c. Through penetrations shall be sealed.

N1102.2.6.10 Semi-rigid interior insulation. Semi-rigid interior insulation shall comply with the following:

1. ASTM C1621 with a maximum permeance of 1.1 per inch.
2. Must have a minimum density of 1.3 pcf and have a fungal resistance per ASTM C1338.
3. Installation requirements:

Adopted Rules

- a. Must be in contact with the foundation wall surface;
- b. Vertical edges shall be sealed with acoustic sealant;
- c. All interior joints, edges, and penetrations shall be sealed against air and water vapor penetration;
- d. Horizontally continuous acoustic sealant shall be applied between the foundation wall and the insulation at the top of the foundation wall; and
- e. Horizontally continuous acoustic sealant shall be applied between the basement floor and the bottom insulation edge.

N1102.2.6.11 Unfaced fiberglass batt interior insulation. Unfaced fiberglass batt interior insulation shall comply with the following:

1. Waterproofing shall be applied to the entire inside surface of the foundation wall.
2. The top and bottom plates must be air sealed to the foundation wall surface and the basement floor.
3. In addition, an air barrier material and vapor retarder material with a minimum permance of at least 1, in accordance with ASTM E96 procedure A, shall be installed on the warm-in-winter side of the foundation insulation meeting the following:
 - a. Air sealed to the framing with construction adhesive or equivalent at the top and bottom plates and where the adjacent wall is insulated;
 - b. Air sealed utility boxes and other penetrations; and
 - c. All seams shall be overlapped at least six inches and sealed with compatible sealing tape or equivalent.
4. Up to R-13 batts are allowed.

N1102.2.6.12 Foundation wall insulation performance option. Insulated foundation systems designed and installed under the performance option shall meet the requirements of this section.

N1102.2.6.12.1 Water separation plane. The foundation shall be designed and built to have a continuous water separation plane between the interior and exterior. The interior side of the water separation plane must:

1. have a stable annual wetting/drying cycle whereby foundation wall system water (solid, liquid, and vapor) transport processes produce no net accumulation of ice or water over a full calendar year and the foundation wall system is free of absorbed water for at least four months over a full calendar year;
2. prevent conditions of moisture and temperature to prevail for a time period favorable to mold growth for the materials used; and
3. prevent liquid water from the foundation wall system from reaching the foundation floor system at any time during a full calendar year.

N1102.2.6.12.2 Documentation. The foundation insulation system designer shall provide documentation certified by a professional engineer ~~registered~~ licensed in Minnesota demonstrating how the requirements of this section are fulfilled. The foundation insulation system designer shall also specify the design conditions for the wall and the design conditions for the interior space for which the water separation plane will meet the requirements of this section. The foundation insulation system designer shall provide a label disclosing these design conditions. The label shall be posted in accordance with Section N1101.8. **N1102.2.6.12.3 Installation.** The water separation plane shall be designed and installed to prevent external liquid or capillary water flow across it after the foundation is backfilled.

N1102.2.6.12.4 Foundation air barrier. The foundation insulation system shall be designed and installed to have a foundation air barrier system between the interior and the exterior. The foundation air barrier system must be a material or combination of materials that is continuous with all joints sealed and is durable for the intended application. Material used for the foundation air barrier system must have an air permeability not to exceed $0.004 \text{ ft}^3/\text{min} \cdot \text{ft}^2$ under a pressure differential of 0.3 inches water (1.57 psf) ($0.02 \text{ L/s} \cdot \text{m}^2$ at 75Pa) as determined by either commonly accepted engineering tables or by being labeled by the manufacturer as having these values when tested in accordance with ASTM E2178.

N1102.2.7 Slab-on-grade floors. IRC Section N1102.2.7 is deleted in its entirety.

N1102.2.8 Crawl space walls. IRC Section N1102.2.8 is deleted in its entirety.

N1102.2.9 Masonry veneer. Insulation shall not be required on the horizontal portion of the foundation that supports a masonry veneer.

N1102.2.10 Thermally isolated sunroom insulation. Sunrooms that are capable of maintaining, through design or heat loss, 50 degrees Fahrenheit (10 degrees Celsius), during the heating season shall meet the building thermal envelope requirements of Table N1102.1 or N1102.1.2. New ceilings and walls separating the thermally isolated sunroom from conditioned space shall meet the building thermal envelope requirements of Table N1102.1 or N1102.1.2.

Exception: Insulation is not needed in ceilings, walls, and floors that do not separate the sunroom from conditioned space and when the sunroom is not capable of maintaining, through design or heat gain, 50 degrees Fahrenheit (10 degrees Celsius) during the heating season.

Subp. 13. **IRC Section N1102.6.** IRC Section N1102 is amended by adding a section to read as follows:

N1102.6 Alterations and repairs to existing residential buildings.

N1102.6.1 Reducing air leakage. ~~If an addition or alteration reduces the air leakage characteristics or capacity of a building then a combustion and makeup air supply must be provided according to the State Building Code, *Minnesota Rules*, chapter 1346. Alterations that will likely reduce the air leakage characteristics or capacity of a building include, but are not limited to, attic insulation, wall insulation, applying siding underlayment, or the replacement of a majority of window or door units. A combustion air supply must be provided in accordance with *Minnesota Rules*, chapter 1346, when an alteration includes installation of attic insulation, wall insulation in more than 50 percent of the area of exterior above grade walls, insulation in at least 50 percent of rim joist spaces, cladding replacement covering more than 50 percent of the total area of exterior walls, or replacement of more than 50 percent of the total number of exterior windows and doors combined.~~

Exceptions:

Combustion air is not required if any of the following apply:

1. the building is equipped with carbon monoxide alarms installed in compliance with *Minnesota Statutes*, sections 299F.50 and 299F.51;
2. the building contains all direct vent or all electric appliances for space and water heating;
3. a worst case draft test is performed according to the Minnesota Department of Commerce's Minnesota Weatherization Field Guide, and documentation is provided that the vented appliances continue to draft within established parameters of the Worst Case Draft Test procedure;
4. a test is performed according to CGSB Standard 51.71 and the depressurization limit does not exceed the maximum amount referenced in Table 3; or
5. the Recommended Procedure for Safety Inspection of an Existing Appliance Installation from Appendix D of the 2006 International Fuel Gas Code is performed for each natural draft water or space heating appliance.

N1102.6.2 Conversions. A change in the occupancy of an existing building meeting the scoping provisions of this chapter that would require an increase in demand for either fossil fuel or electrical energy supply shall comply with the requirements of this chapter.

Exception: Existing HVAC and service water heating equipment within an existing building is not required to be replaced.

N1102.6.3 Penetrations. Penetrations resulting as part of an alteration must be sealed. This includes, but is not limited to, penetrations for telecommunication wires and equipment, electrical wires and equipment, electronic wires and equipment, fire sprinklers, plumbing and ducts, and penetrations in exterior walls and ceilings.

N1102.6.4 Roofs and ceilings.

- A. Attic insulation may not be installed unless accessible attic bypasses have been sealed.
- B. A ceiling vapor retarder may be omitted if the interior ceiling finish is not removed.

N1102.6.5 Walls.

- A. Storm windows may be installed over existing glazing without meeting the additional requirements of this chapter.
- B. Reglazing and repairs to existing windows are not required to meet the additional requirements of this chapter.
- C. Interior wall finish may not be replaced unless wall cavities have been insulated to full depth. This item shall apply whenever plaster is removed, even though lath may not have been removed.

Adopted Rules

Exceptions:

1. Walls that are back-plastered; and
2. Walls without framing cavities.
 - D. A vapor retarder is not required if the interior wall finish is not removed.

REPEALER. *Minnesota Rules*, parts 7670.0100; 7670.0130; 7670.0260; ~~7670.0350~~ 7670.0325; 7670.0400; 7670.0450; 7670.0460; 7670.0470; 7670.0475; 7670.0490; 7670.0495; 7670.0610; 7670.0660; 7670.0710; 7670.0800; 7670.1115; 7672.0100; 7672.0200; 7672.0300; 7672.0400; 7672.0500; 7672.0600; 7672.0700; 7672.0800; 7672.0900; 7672.1000; 7672.1100; 7672.1200; 7672.1300; 7674.0100; 7674.0200; 7674.0300; 7674.0400; 7674.0500; 7674.0600; 7674.0700; 7674.0800; 7674.0900; 7674.1000; 7674.1100; and 7674.1200, are repealed.

EFFECTIVE DATE. These amendments are effective ~~five working days after publication of the notice of adoption in the *State Register*~~ June 1, 2009.

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Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

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Minnesota Department of Agriculture Agriculture Marketing Services Division Request for Comments for Possible Amendments to Rules Governing the Commodity Councils, *Minnesota Rules* Parts 1570.0100 to 1570.0900

Subject of the Rule. The Minnesota Department of Agriculture requests comments on its planned amendments to rules governing the commodity councils. The department is considering amendments that clarify commodity council procedures and requirements.

Persons Affected. The amendments to rules would likely affect the commodity councils, producers who are eligible to vote in council elections, and first purchasers of agricultural commodities subject to check-off. The department does contemplate appointing an advisory committee to comment on the planned rules.

Statutory Authority. *Minnesota Statutes*, section 17.58 subd. 4 allows the commissioner to adopt rules that govern commodity councils.

Public Comment. Interested persons or groups may submit comments or information on the possible amendments/rules in writing or orally until 4:30 p.m. on May, 1, 2009. The department has not prepared a draft of the planned amendments. Written or oral comments, questions, requests to receive a draft proposed rules when prepared, and requests for more information on the possible rules should be addressed to: Gail Ryan, 625 Robert Street North, St. Paul, MN 55155; **Phone:** (651) 201-6378; **Fax:** (651) 201-6118 or **E-mail:** gail.ryan@state.mn.us **TTY** users may contact the Department of Agriculture through Minnesota Relay Service at 1-800-627-3529.

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

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 18 February 2009

Jim Boerboom, Deputy Commissioner
Department of Agriculture

Minnesota Department of Agriculture Rural Finance Authority Board Request for Comments for Possible Amendments to Rules Governing the Agriculture Development Bond Beginning Farmer Loan Program, *Minnesota Rules* Parts 1650.0511 to 1650.0531

Subject of the Rule. The Rural Finance Authority Board requests comments on its planned amendments to rules governing the Agriculture Development Bond Beginning Farmer Loan Program for the issuance of bonds to finance loans made to beginning farmers. The board is considering amendments that change the eligibility requirements to comply with federal law.

Persons Affected. The amendments to rules would likely affect agriculture lenders and entry level farmers that participate in the program. The board does not contemplate appointing an advisory committee to comment on the planned amendments.

Statutory Authority. *Minnesota Statutes*, section 41B.07 allows the board to adopt rules for the efficient administration of *Minnesota Statutes*, section 41B.01 to 41B.23.

Public Comment. Interested persons or groups may submit comments or information on the possible amendments in writing or orally until 4:30 p.m. on May 1, 2009. The board has not prepared a draft of the planned amendments. Written or oral comments, questions,

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requests to receive a draft proposed rule when prepared, and requests for more information on the possible rules should be addressed to: Peter Scheffert, Rural Finance Authority, 625 Robert Street North, St Paul, MN 55155; **Phone:** (651) 201-6486; **Fax:** (651) 201-6109; or **E-mail:** peter.scheffert@state.mn.us. **TTY** users may contact the Department of Agriculture through Minnesota Relay Service at 1-800-627-3529.

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

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 23 February 2009

Peter Scheffert, Executive Director
Rural Finance Authority Board

Minnesota Department of Education Division of Academic Standards Request for Comments on Possible Amendment to Rules Governing Arts Academic Standards, *Minnesota Rules*, 3501.0620-3501.0635

Subject of Rules. The Minnesota Department of Education requests comments on its possible amendment to rules governing arts academic standards. The Department is considering rule amendments that revise the existing arts academic standards rules to better emphasize artistic literacy and the basic artistic processes of creating, performing and responding in addition to foundational knowledge.

Persons Affected. The amendment to the rules likely would affect arts educators, school districts, students and parents.

Statutory Authority. *Minnesota Statutes*, section 120B.023, subd. 2(a) and (c) requires the Department to revise and align the state's academic standards in arts. *Minnesota Statutes*, section 120B.02, also authorizes the Department to adopt rules that govern academic standards.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on May 1, 2009. The Department also appointed an advisory committee composed of representative experts and stakeholders, the Arts Standards Revision Committee, which has proposed revisions to the existing arts academic standards.

Rules Drafts. The Department is finalizing a draft of the possible new standards and accompanying benchmarks, based on the recommendations of the Arts Standards Revision Committee. As soon as they are completed, the draft standards and any additional information on the rulemaking process for these rules will be available on the Department's rulemaking webpage at:

<http://education.state.mn.us/mde/Legislation/Rulemaking/index.html>

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Kathryn Olson at Minnesota Department of Education, 1500 Highway 36 West, Roseville, MN 55113; **Phone:** (651) 582-8669; **Fax:** (651) 582-8248; and **E-mail:** kathryn.a.olson@state.mn.us. **TTY** users may call the Department at (651) 582-8201.

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

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

you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 24 February 2009

Chas Anderson, Deputy Commissioner
Department of Education

Metropolitan Council Transportation Advisory Board Actions to Utilize Economic Recovery and Reinvestment Program

The Metropolitan Council (MC) and its Transportation Advisory Board (TAB) and Technical Advisory Committee (TAC) will be considering and acting on requests to use Economic Recovery and Reinvestment Program Funds (ERRP Funds) over the coming months. In March (see schedule below) the MC/TAB are scheduled to act on a 2009-2012 Transportation Improvement Program (TIP) amendment that will allocate approximately \$100 million of the ERRP Funds to 25 MnDOT projects.

All the meetings are open to the public and the committee chairs, in accordance with the committee by-laws, may accept public comments. Additional amendments to add remaining ERRP Funds to the TIP will be considered at later MC/TAB meetings during 2009.

These meetings will be noted in Council publications and the Council and MnDOT websites: www.metrocouncil.org, and www.dot.state.mn.us.

This TIP amendment will be considered at the following meetings:

- **February 25, TAC Funding & Programming Committee, 1:30 p.m.**
Ramsey County Public Works Facility
1425 Paul Kirkwold Drive
Arden Hills, MN
- **March 4, TAC, 9 a.m.**
Metropolitan Council offices – Chambers
390 Robert Street North
St. Paul, MN
- **March 18, TAB Programming Committee, 12 Noon**
Metropolitan Council offices – Chambers
390 Robert Street North
St. Paul, MN
- **March 18, TAB, 1:30 p.m.**
Metropolitan Council offices – Chambers
390 Robert Street North
St. Paul, MN
- **March 23, Metropolitan Council Transportation Committee, 4 p.m.**
Metropolitan Council offices – Chambers
390 Robert Street North
St. Paul, MN
- **March 25, Metropolitan Council, 4 p.m.**
Metropolitan Council offices – Chambers
390 Robert Street North
St. Paul, MN

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Minnesota Management and Budget Budget Services Division Notice of Rate for Provider Tax Research Credit

NOTICE IS HEREBY GIVEN that pursuant to *Minnesota Statutes* 295.53 Subdivision 4a(e), the research tax credit for companies subject to the gross earnings tax under *Minnesota Statutes* 295.52 shall be 2.0 percent of revenues for patient services used to fund expenditures for qualifying research conducted by an allowable research program in calendar year 2009.

For additional information, please call Katharine Barondeau, Executive Budget Officer, at (651) 201-8026.

Tom Hanson, Commissioner
Minnesota Management and Budget (MMB)

Minnesota Department of Natural Resources Division of Waters Request for Comments on Possible Amendment to Rules Governing Shoreland Management, *Minnesota Rules*, parts 6120.2500 to 6120.3900, 6105.0010 to 6105.0250 and 6105.0600 to 6105.1700

Subject of Rules. The Minnesota Department of Natural Resources (DNR) requests comments on expanding the scope of possible shoreland rule revisions to include incorporation of the rules governing state-designated wild, scenic, and recreational rivers.

The DNR published a Request for Comments on possible amendments to the shoreland rules on January 22, 2008. Over the past year, the DNR has engaged in an extensive public participation process involving a number of advisory committees representing state and local governmental agencies, interested stakeholder groups, and others across Minnesota to consider revising the shoreland rules to address emerging shoreland issues and changes in development patterns. For more information on the Shoreland Rules Update Project, visit the web link provided below under “Rules Draft”.

Since the initial Request for Comments was published, the DNR has decided to consider incorporating the rules governing Minnesota’s wild, scenic, and recreational rivers into the shoreland rules. This would entail moving and renumbering the statewide wild, scenic, and recreational river rules, as well as the individual rules for each of the six state-designated rivers, which include portions of the Kettle, Mississippi, North Fork of the Crow, Minnesota, Rum, and Cannon rivers. This merger would NOT include rules pertaining to the Lower St. Croix National Scenic Riverway. The primary purpose for integrating the two sets of rules is to simplify administration by eliminating inconsistencies and reducing duplication. However, commenters are advised that several material changes to the wild, scenic, and recreational river rules could result from the merger, including: greater flexibility in ordinance administration, imposition of impervious surface limits, and guidance for planned unit developments and conservation subdivisions. The DNR is also considering administrative changes regarding the review and certification of local land use decisions.

The DNR will continue working with local governments, state agencies, and other stakeholders concerned with land use practices that may affect the quality of Minnesota’s public waters to ensure that the end product would be a unified set of rules that simplifies management while enhancing resource protection.

Persons Affected. The proposed amendments, including integration of the rules governing state-designated wild, scenic, and recreational rivers, have the potential to affect any local government with *shoreland and Wild and Scenic river jurisdiction*, as well as property owners, developers and others involved in the development of these areas. While the primary focus is on new development, land use practices affecting the quality of Minnesota’s waters will also be addressed that could affect shoreland property owners and users.

Statutory Authority. *Minnesota Statutes*, section 103F.211 authorizes the DNR to adopt rules for the subdivision, use and development of shoreland areas. *Minnesota Statutes*, section 103F.321 authorizes the DNR to manage and administer the Wild and Scenic rivers

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system and to adopt statewide minimum standards and criteria for the preservation and protection of shorelands within state-designated wild, scenic, and recreational river districts.

Public Comment. Interested persons or groups may submit comments or information on the proposed rulemaking in writing or orally until 4:30 p.m. on April 17, 2009.

Rules Drafts. The DNR will post drafts of the proposed rule amendments as they become available on the project website:

http://www.dnr.state.mn.us/waters/watermgmt_section/shoreland/shoreland_rules_update_project.html

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

Peder Otterson
Shoreland Rules Update Project Manager
Division of Waters, Box 32
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4032
Telephone: (651) 259-5697
Fax: (651) 296-0445
E-mail: shorelandupdate@dnr.state.mn.us

TTY users may call the Department at (651) 296-5484 or 1-800-657-3929.

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

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

Dated: February 18, 2009

Larry Kramka, Assistant Commissioner
Department of Natural Resources

Minnesota Pollution Control Agency

Environmental Analysis and Outcomes Division

Request for Comments for Planned Amendments to Rules Governing Water Quality, *Minnesota Rules* Chapters 7050 and 7052

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on its planned amendments to rules governing state water quality standards found in *Minnesota Rules* chs. 7050 and 7052.

Chapter 7050 includes provisions to protect Minnesota's waters from pollution. Provisions in this rule include such things as:

- A classification system of designated beneficial uses for both surface and ground waters (e.g., drinking water, aquatic life and recreation, etc.), and a listing of specifically classified water bodies.
- Numeric and narrative water quality standards that protect those beneficial uses.
- Nondegradation provisions.
- Provisions for the protection of wetlands.
- Methods for the determination of site-specific criteria for toxic pollutants.

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- Other provisions related to the protection of surface and ground water from point and nonpoint source pollution.

Chapter 7052 provides standards specific to surface waters of the state in the Lake Superior Basin. Chapter 7052 establishes aquatic life, human health, and wildlife water quality standards and criteria for Great Lakes Initiative pollutants, nondegradation standards, and implementation procedures for deriving effluent limitations from these standards and criteria.

(Of note, the MPCA has initiated a parallel rule revision process to address the anti-degradation or nondegradation portions of Minnesota Rule, Chapter 7050. For more information about the nondegradation rulemaking see

<http://www.pca.state.mn.us/water/nondegradation-rule.html>

or contact Carol Nankivel at the number or address listed below.)

Subject of Rules. The federal Clean Water Act (CWA) requires states to review their water quality standards every three years and to amend and update them if necessary. The MPCA initiated this triennial review by seeking comments in a Request for Comments (Request) published in the July 28, 2008, *State Register*. In that Request, the MPCA identified six specific areas for potential amendments. The original Request sought comment on the identified areas and also on whether additional aspects of the rules should be considered for amendment.

After considering the available data and comments received in response to the original Request, the MPCA has developed the list of proposed amendments identified below. With this second Request, the MPCA continues to seek comment from all parties who have an interest in or information about the proposed areas of amendment. In addition to inviting general comment, the MPCA is specifically seeking technical information and data related to the areas identified below.

I. Background on Use Classifications for Ground and Surface Waters

People rely on surface and ground water resources to provide many beneficial uses such as recreation and drinking. Each state and authorized Indian tribe assigns beneficial uses to their water resources and then develops water quality standards (WQs) to protect those uses. Minnesota has identified seven beneficial uses associated with waters of the state. These uses are designated as Class 1 through Class 7, and they are described in *Minnesota Rule 7050.0140*. The use classes are listed below. The numbers 1 through 7 do not imply a priority rank to the use classes.

Use Class	Beneficial Use
Class 1	Drinking water
Class 2	Aquatic life and recreation
Class 3	Industrial use and cooling
Class 4A	Agricultural use, irrigation
Class 4B	Agricultural use, livestock and wildlife watering
Class 5	Aesthetics and navigation
Class 6	Other uses
Class 7	Limited resource value waters (not fully protected for aquatic life due to lack of water, lack of habitat or extensive physical alterations)

In Minnesota all ground water is protected as an actual or potential source of drinking water (Class 1); some surface waters are also designated as Class 1 to protect for drinking water use. All of Minnesota's surface waters are protected for aquatic life and recreation (Class 2), unless the waterbody has been individually assessed and re-classified, through rulemaking, as a limited resource value water (Class 7). Both Class 2 and Class 7 waters (i.e., all surface waters of the state) are also designated Class 3, 4A, 4B, 5 and 6, and are protected for the associated beneficial uses, as listed above (*Minnesota Rules 7050.0400 to 7050.0470*).

Minnesota Rule 7050.0470 is a listing, by major watershed, of individual waters and their associated use classifications. Only a limited subset of all waters is listed in *Minnesota Rule 7050.0470*. For example, waters that are individually listed include trout waters, surface waters protected for drinking, outstanding resource value waters, and limited resource value waters (Class 7). All waters **not listed** in *Minnesota Rule 7050.0470* are assigned multiple beneficial uses by "default," including aquatic life and recreation, under *Minnesota Rules 7050.0425 and 7050.0430* (Class 2, and Classes 3, 4A, 4B, 5 and 6). The beneficial uses most pertinent to this proposed rulemaking are Classes 1, 2, 3, 4 and 7.

II. Class 2—Planned Amendments for Numeric Standards:

Water quality standards (WQSs) for Class 2 waters are comprised of narrative and numeric WQSs to ensure that the designated beneficial uses; healthy aquatic life communities, fish consumption, recreation in- and on the water, and drinking water sources, where applicable, are met. WQSs are important for controlling and assessing impacts of contaminants in surface waters. For some of the contaminants listed, Minnesota's water quality rules have narrative standards and the MPCA plans to add numeric values that support the narrative requirements (e.g. eutrophication standards for rivers and numeric standards for new toxic contaminants); for others, numeric standards exist, but newer scientific data warrants updates to methods for deriving standards (e.g. human health-based methods) or to incorporate newer toxicity data (e.g. cadmium).

II. A. Eutrophication standards for river systems.

Eutrophication means the increased productivity of the biological community in water bodies in response to increased nutrient loading. Eutrophication is characterized by increased growth and abundance of algae and other aquatic plants, reduced water clarity, reduction or loss of dissolved oxygen, and other chemical and biological changes (*Minnesota Rule 7050.0150*). The acceleration of eutrophication due to excess nutrient loading from human sources and activities, called cultural eutrophication, causes degradation of surface water quality and possible loss of beneficial uses.

In 2008, the MPCA added eutrophication standards for lakes and reservoirs to *Minnesota Rule 7050.0222* and other referenced sections. The standards are based on ecoregions and lake types and include total phosphorus concentration standards as the indicator of excess nutrients and chlorophyll-a or Secchi disk transparency as response measurements. In this triennial rule amendment the MPCA is proposing to adopt new standards for rivers that will include both nutrient concentrations and response variable measurements. Phosphorus and nitrogen are being considered as indicators of excess nutrients. Response measures being considered include: chlorophyll-a, daily variation in dissolved oxygen, and various measurements of stream biological health.

The MPCA is specifically requesting the public to submit any data or information related to establishing the relationships between excess river nutrients and aquatic system impacts.

The MPCA reports on work-to-date on this issue are available at:

<http://www.pca.state.mn.us/water/biomonitoring/bio-streams-algae.html>

II. B. Turbidity standards (*Minnesota Rule 7050.0222*).

The turbidity WQS has existed, unchanged, in *Minnesota Rule 7050.0222* (or its earlier versions) since 1967. The term is not defined in state statute or rule, but the U.S. Environmental Protection Agency (EPA) describes turbidity as follows: *"Turbidity is a principal physical characteristic of water and is an expression of the optical property that causes light to be scattered and absorbed by particles and molecules rather than transmitted in straight lines through a water sample. It is caused by suspended matter or impurities that interfere with the clarity of water. These impurities may include clay, silt, finely divided inorganic and organic matter, soluble colored organic compounds, and plankton and other microscopic organisms. Typical sources of turbidity...include the following...:*

- *Waste discharges,*
- *Runoff from watersheds, especially those that are disturbed or eroding,*
- *Algae or aquatic weeds and products of their breakdown in water reservoirs, rivers, or lakes, and*
- *Humic acids and other organic compounds resulting from decay of plants, leaves, etc. ...*

Simply stated, turbidity is the measure of relative clarity of a liquid."

[from EPA Guidance Manual Turbidity Provisions, April 1999]

The existing turbidity WQS generally has a statewide value of 25 NTU (Nephelometric Turbidity Units). It is a challenge to use NTUs when assessing impairments and when developing Total Maximum Daily Load (TMDL) plans because it is only a surrogate for aquatic organism health and it is not directly amenable for load determinations.

The existing turbidity WQS will be evaluated for its appropriateness. Consideration is to replace the existing turbidity WQS with multiple regional suspended sediment WQSs designed to protect the aquatic life beneficial use and multiple regional transparency tube WQSs designed to protect the aquatic recreation beneficial use.

The MPCA is requesting the public to submit any data or information related to the use of regional suspended solids WQS and/or the use of regional transparency tube WQS.

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Further discussion on the impacts of turbidity to aquatic life has been published by EPA at the Web page, **Water Quality Criteria: Suspended and Bedded Sediments** at <http://www.epa.gov/waterscience/criteria/sediment/>.

II. C. New or revised contaminant standards for protection of aquatic life and human health from toxic effects: U. S. Environmental Protection Agency 304(a) Ambient Water Quality Criteria and MPCA-derived Class 2 water quality criteria.

The MPCA is required by the CWA to develop WQSs for toxic contaminants that may be impacting beneficial uses. WQSs are adopted into *Minnesota Rules* through the public rulemaking process, under the authority of state statutes and the CWA. Contaminants of concern can be identified by EPA at the national level or by the state based on available monitoring and toxicological data, or presumed presence in surface waters from Toxics Release Inventory reports or other information sources.

The CWA (section 304(a)) mandates that the EPA develop and publish Ambient Water Quality Criteria (AWQC) for contaminants that provide protections for aquatic life and the human-use of aquatic life (e.g., fish consumption) and water for potable use; EPA criteria have only guidance status. States and tribes use the EPA criteria as one source of scientifically defensible information to develop and adopt legally enforceable WQSs into rules. The CWA requires states to review published AWQC during triennial rule revisions to determine if adoption into state water quality rules is needed.

States can modify EPA AWQC when available local data supports a change. Also, states can develop on their own AWQC for contaminants for which EPA has not published AWQC when statewide data show that a contaminant may affect aquatic life or human health, and is a priority for implementation of controls. EPA encourages states to take such actions and set local priorities when supported by data. Minnesota's water quality rules also have procedures for establishing site-specific criteria when no water quality standard currently exists as described in *Minnesota Rule* 7050.0218 to address new pollutants detected in surface waters.

The MPCA is pursuing gathering data to determine if there is adequate, defensible data and a demonstrated need to promulgate into statewide rules updates of the current standards for two metals: cadmium and copper, and possibly chloride, and to add new standards for nonylphenol, diazinon, and nitrate as described in more detail below. Of note, while EPA publishes AWQC for both human health and aquatic life, the recent EPA AWQC for cadmium, copper, diazinon, and nonylphenol address only aquatic life; the MPCA will consider the human health toxicological data for these contaminants in conjunction with developing a priority list of human health-based chronic standards in need of new standards or updates (see section II. D.).

Cadmium

Cadmium has numerous municipal and industrial sources that may be discharged into surface waters. The EPA revised surface water aquatic life criteria values for cadmium in 2001 (Update of Aquatic Life AWQC – Cadmium 2001 (EPA822R01001)). Changes to the current Minnesota acute and chronic WQSs for cadmium would involve compiling, reviewing and developing a value for the short-term (acute) and long-term (chronic) protection of aquatic life communities (e.g. fish, invertebrates, aquatic plants, etc.). Efforts to revise the existing Minnesota standard will require reviewing existing toxicity data from the published literature and other sources.

Copper

Copper is an element and an environmental contaminant associated primarily with industrial activities. The EPA revised the surface water aquatic life criteria methods and values in 2007 (Aquatic Life AWQC – Copper 2007 (EPA822R07001)). The EPA copper criteria revision uses a new method called the Biotic Ligand Model to determine toxic effects to aquatic organisms. Changes to the current WQSs for copper would involve compiling, reviewing and developing a revised criterion value. Efforts to revise the existing Minnesota standard will require reviewing existing aquatic life toxicity data from the published literature and other sources.

Chloride

Chloride is an environmental contaminant, with primary sources stemming from urban and agricultural runoff, and discharges of industrial and municipal wastes. EPA is currently revising the AWQC for chloride for ensuring protection to aquatic life from toxic effects. The MPCA will review chloride for possible revisions to the current Class 2 standards if the AWQC is published in 2009. MPCA is already reviewing Class 3 chloride standards, which are based on the use of surface water for industrial processes (see full discussion in section III).

Diazinon

Diazinon is an agricultural use pesticide used for the control of insects and other invertebrate organisms (insecticide). Water monitoring has shown few detections of diazinon in surface waters of the state, but concentrations may approach the current EPA aquatic life criterion value. Of concern is the persistence of diazinon in the environment and its reported values of toxicity to some aquatic organisms. These

characteristics along with possible mixtures of other organophosphate insecticides increase the potential for impacts to aquatic invertebrates. The EPA completed a national criterion for diazinon in 2001 (Aquatic Life AWQC – Diazinon 2001 (EPA822R05006)). Efforts to develop Minnesota criteria for diazinon will require a review of the literature to present, toxicity endpoints from EPA (Office of Pesticide Programs) pesticide registration reports, and consideration of other sources of information that provide substantive toxicological data on effects to aquatic organisms.

Nonylphenol

Nonylphenol (NP) is an industrial chemical used primarily as an intermediary compound in the development of numerous commercial non-ionic surfactants. These surfactants are ingredients of detergents and emulsifiers found in household, industrial, agricultural, and other applications. The chemical makeup of the surfactants is largely in the form of nonylphenol and octylphenol ethoxylates, more broadly referred to as alkylphenol ethoxylates (APEs). Concentrations of these APEs primarily consist of nonylphenol ethoxylates (NPE) and have been reported from water samples collected from studies of the Mississippi River, smaller Minnesota streams, and wastewater effluents. Sources of NPEs to the environment include point and nonpoint discharges to surface waters. Under anaerobic conditions NPEs breakdown to NP.

Nonylphenol is toxic to aquatic organisms demonstrated, in part, through recent national criteria established by the EPA (AWQC–Nonylphenol 2005 (EPA822R05005)). The need to develop national criteria was based both on concerns of NP toxicity and its presence in surface waters throughout the nation. The capacity of NP as an endocrine-disrupting compound is also documented in the EPA criteria document and in numerous reports in the scientific literature. Endocrine-disrupting chemicals (EDCs) are those compounds [human-made compounds or natural compounds at unnatural concentrations due to human activity] that exert an adverse effect through interaction with the endocrine system of mammals, birds, fish, amphibians and many invertebrates [from the MPCA's Legislative report on EDCs www.pca.state.mn.us/publications/reports/lrp-ei-1sy08.pdf].

For the purposes of this rulemaking, the endocrine-disrupting characteristics of NP will be considered in the development of surface water aquatic life criteria for Minnesota. Developing water quality criteria for NP in Minnesota will require review of new toxicity information available since the published national criteria and will include developing appropriate endpoints associated with an endocrine-disrupting mode of action.

For more information on surface water monitoring of NP and APEs in Minnesota, see the U. S. Geological Survey (USGS) studies in Minnesota at <http://mn.water.usgs.gov/projects/CED/index.html>.

Nitrate

Nitrate is a naturally occurring compound derived from the decomposition of plant-based, organic material and animal wastes. Anthropogenic sources of nitrate come from the use of agricultural fertilizers, breakdown and discharge of animal wastes, and wastes associated with municipal and industrial wastewater treatment. Nitrate contributes to the degradation of surface waters as inputs from both point and nonpoint sources. Increased levels of nitrate have been attributed to increased growth of aquatic plants including nuisance algal blooms. The scientific literature reports additional degradation of aquatic resources by nitrate exerting a direct toxic effect to aquatic organisms. Concern of nitrate toxicity is raised as monitoring data have reported levels of nitrate from Minnesota surface water above suggested critical endpoints for survival of some aquatic species.

Current levels of protection of designated uses of Minnesota surface waters for nitrate are set by a Class 1 drinking water consumption standard of 10 milligrams per liter nitrate as N. This present level of protection does not extend to other aquatic uses and aquatic life. It is the intent of the MPCA to consider development of a Class 2 standard for protection for aquatic life for nitrate. Efforts to develop Minnesota criteria for nitrate will require a review of the literature to present, and consideration of other sources of information that provide substantive toxicological endpoints.

For more information, see EPA's *Water Quality Criteria* Web site for a full list of published criteria at <http://www.epa.gov/waterscience/criteria/aqlife.html>

AWQC procedures can be found in *Minnesota Rule 7050.0218*, *Minnesota Rule 7052.0110*, and the *Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses (1985 Guidelines)* at: www.epa.gov/waterscience/criteria/library/85guidelines.pdf.

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II. D. Human health-based chronic water quality standards: Updates in methods

As introduced earlier, Class 2 WQSs include protection for surface waters as a source of drinking water for Class 2A and 2Bd (Class 1) use classifications and aquatic life for human health consumption for all waters and for wildlife in the Lake Superior Basin (*Minnesota Rule* ch. 7052). The methods or algorithms that the MPCA uses to develop human health protections are described in *Minnesota Rules* 7050.0217 to 7050.0218 and *Minnesota Rule* 7052.0110. The MPCA is proposing to make changes to key aspects of the algorithms for two reasons:

1. Maintain consistency with the Minnesota Department of Health's Health Risk Limits Rule, *Minnesota Rule* ch. 4717 (currently under revision), and
2. Address EPA recommended changes published in the *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (2000).

The Minnesota Department of Health (MDH) develops protective drinking water standards, Health Risk Limits (HRLs), for contaminants found in ground water (*Minnesota Rule* ch. 4717). The MPCA has worked closely with the MDH to ensure consistency in the Class 1 WQSs for drinking water protection and HRLs. MDH recently proposed changes to how HRLs are developed based on extensive research and consideration of public comments during their rulemaking, with a focus on addressing differences in exposure and sensitivity for infants and children as compared to adults. MDH is proposing new drinking water intake rates, an early-life cancer potency adjustment factor, and other changes as discussed and listed in their proposed rulemaking documents

(<http://www.health.state.mn.us/divs/eh/groundwater/hrlgw/index.html>).

Besides the MDH research on more protective risk assessment methods, the EPA also provides states and tribes with guidance and AWQC for development of human health-based standards. In 2000, EPA published the *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (EPA822B00004), which provided updated methods for bioaccumulation factors, relative source contribution, and other changes.

The MPCA is proposing to make changes in how WQSs are derived based on MDH research and rule revisions and updates from EPA AWQC; the proposed changes will examine:

- Drinking water and fish consumption rates for infants and children;
- Bioaccumulation factor methods for contaminants in aquatic organisms;
- Relative source contribution reviews;
- Early-life sensitivity to carcinogens;
- Multiple health endpoints additivity, and
- Other aspects of the methods.

With the promulgation of newer methods to develop human health-based standards, the MPCA will be working toward updating all contaminants in *Minnesota Rule* chs. 7050 and 7052 where human health is the basis for the chronic standard (see *Minnesota Rules* 7050.0222 and 7052.0100); human health-based WQSs are developed for long-term or chronic durations; the more stringent of the chronic standards for aquatic life toxicity or human health are adopted into rules. However, the contaminants addressed in these triennial water quality rule amendments will be based first on maintaining consistency with MDH's new HRLs. Other contaminants under consideration for human health reviews are those being addressed with new or updated aquatic life criteria and bioaccumulatives found in fish tissue with more recent and stringent toxicological values. The proposed list of water quality standards for possible updates or additions include: alachlor, benzene, cadmium, chloroform, diazinon, dieldrin, nonylphenol, 2,3,7,8-tetrachlorodibenzo-*p*-dioxin (*Minnesota Rule* ch. 7052 only) and vinyl chloride.

Additional reference information on these proposed revision are available at the EPA's *Human Health Criteria* Web page at:

<http://www.epa.gov/waterscience/criteria/humanhealth>.

III. Amendments to Class 3 (Industrial Consumption) — and Class 4 (Agriculture and Wildlife) — water use standards.

The Class 3 (Industrial Consumption) and the Class 4 (Agriculture and Wildlife) standards listed in *Minnesota Rules* 7050.0223 and 7050.0224 were first adopted into rule on a statewide basis in 1967 and have remained largely unchanged since that time. The Class 3 WQSs were established to protect the use of waters for general industrial purposes, industrial cooling, and materials transport. Class 4A standards protect waters as source waters for irrigation purposes and Class 4B standards permit the use of the waters by livestock and wildlife without inhibition or injurious effects. Examination of these standards has been proposed several times in the past but other priority rule related issues have knocked this review off the "standards plate." However, in recent years, it is apparent that newer data and

application of these standards need to be comprehensively addressed as part of the triennial rule revision process.

The MPCA is examining the Class 3 and 4 standards from a broad perspective; examining if the contaminants listed and their standards are appropriate, as well as if changes are needed in their application. As part of this triennial rulemaking review, the MPCA has contracted with the Department of Bioproducts and Biosystems Engineering at the University of Minnesota to conduct this re-examination. University faculty and staff with expertise in the area of industrial water use requirements and quality control, crop production, irrigation, and livestock and wildlife physiology will be conducting this review. Their work product, with an emphasis on the analysis of conditions and applications specific to Minnesota, will be a technical report addressing the questions and issues outlined below. This technical report will then serve as the basis for the proposed rule amendments (if any) to the standards associated with the Class 3 and Class 4 use classifications.

The MPCA is also requesting public comment and input on the general questions and issues related to the review of the Class 3 and Class 4 standards. For example:

1. Are the listed Class 3 and Class 4 standards the appropriate analytes for the respective use classifications?
 - a) Are there some that should be added?
 - b) Are there some that should be deleted?
2. Are the concentrations specified for each of these standards set at appropriate levels?
 - a) These standards have statewide, presumptive applicability; that is, they apply to all surface waters of the state. Are there geographic areas of the state that require a, more or less, restrictive water concentration based on the types of soils in the area, the amount of irrigation waters used, the types of crops grown, etc.?
 - b) Excluding livestock and wildlife watering uses under Class 4B, should the concept of “presumptive applicability” continue to apply to the Class 3 and Class 4A standards? (In other words, if there are no water appropriators using the surface water for either industrial or irrigation purposes, should stringent effluent limitations be assigned to upstream dischargers to meet the protection levels of these use classes?)
3. Should some or all of these standards be listed as discrete concentrations or should they be listed as a range of concentrations?
4. Should these standards apply year-round or is it appropriate to establish them as seasonal standards (irrigation uses in particular)?

IV. Potential Water Use Classification Changes for Specific Water Bodies

IV. A. Class 2A -Trout Waters.

The Class 2A use classification is a subgroup of the Class 2 aquatic life and recreational use classification assigned to some waters of the state so as to “*permit the propagation and maintenance of a healthy community of cold water sport and commercial fish and associated aquatic life and their habitat.*” (*Minnesota Rule 7050.0222*, subp. 2). The MPCA is proposing to update the list of Class 2A waters to reflect the latest Minnesota Department of Natural Resources list of designated trout waters contained in *Minnesota Rule 6264.0050*.

Another proposed set of rule changes involves the identification of designated lake trout lakes and stream trout lakes in the use class listing section of the rule, *Minnesota Rule 7050.0470*. The recently adopted lake eutrophication standards in *Minnesota Rule 7050.0222*, subparts 2 and 2a, specify different eutrophication standards for lake trout lakes versus non-lake trout lakes. Identifying these different types of trout lakes in the rule will clarify which set of standards are applicable for a given Class 2A classified lake.

IV. B. Class 7-Limited Resource Value Waters.

There are two proposals relating to reclassification of Class 7 Limited Resource Value waters during this upcoming rulemaking proceeding: (1) possible addition of new Class 7 waters to the rule in response to outside party requests; and (2) a triennial review of all Class 7 waters currently listed in *Minnesota Rule* ch. 7050.

For the most part, Class 7 waters are low flow streams and ditches that are protected so as to allow secondary body contact, to preserve the groundwater for use as a potable water supply, and to protect the aesthetic qualities of the water. Use attainability analyses (UAAs) are conducted on candidate Class 7 waters to determine whether or not the Clean Water Act and *Minnesota Rule* chs. 7050 and 7052 goals

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of propagation and maintenance of aquatic communities, consumption of fish, and recreation in and on the water or “fishable and swimmable” waters under Class 2 standards are achievable. If the UAA reveals that the aquatic life and recreational uses in and on these waters are limited, the water is proposed for reclassification during the triennial review. As part of the multiple use classification system for waters of the state, Class 7 waters are also protected for industrial consumption (Class 3C), agriculture and livestock uses (Class 4A and 4B), aesthetic enjoyment and navigation (Class 5) and other uses (Class 6).

To date the MPCA has two new candidate waters for potential Class 7 reclassification during this triennial review. These waters are an unnamed ditch (Township. 119, Range. 33, Section. 12) and Judicial Ditch #17 along the Meeker/Kandiyohi County line at Atwater, Minnesota. The MPCA is interested in obtaining information on any known and observed “fishable and swimmable” related uses of either of these two watercourses.

The MPCA is also conducting a review of all listed Class 7 Limited Resource Value waters in accordance with the provisions of 40 CFR § 131.20 (a) which in part states: “... *Any water body segment with water quality standards that do not include the uses specified in section 101(a)(2) of the (Clean Water) Act shall be re-examined every three years to determine if any new information has become available.*” Opinions and comments are being sought from the public on the continued assignment of the Class 7 use classification for these waters. MPCA staff acknowledges that the physical conditions that were cited originally when these waters were individually assessed (e.g. degree of channelization and lack of sustaining flows) probably have not changed much over time. The MPCA is, nonetheless, requesting the public’s consideration regarding the continued assignment of this use classification to these waters. Specifically the MPCA is requesting:

1. Information on any known and observed “fishable and swimmable” related uses of existing Class 7 water segments.
2. Information on any past, current, or future habitat restoration activities within channelized segments of Class 7 waters where the watercourse is purposely allowed to revert to a more natural waterway.
3. Information on any past, current or future channel maintenance (re-dredging) activities on existing Class 7 waters.

To find out which of Minnesota’s surface waters are classified as Class 7, see listed waters by basin in *Minnesota Rule 7050.0470*. An example of a water listed as Class 7 is Elbow Creek, Eveleth, (T.57, R.17, S.6; T.57, R.18, S.1): 7 as noted by the “7” following the locational information. The MPCA also has a link to the list of all the waters currently classified as Class 7 waters at the MPCA’s 2008 - 2011 Triennial Water Quality Rule Revision Web page at: <http://www.pca.state.mn.us/water/standards/rulechange.html> under the section titled, *Class 7 Limited Resource Value Waters*.

V. Minor changes

V. A. Update lists of Class 1 surface waters to reflect facilities and sites that are part of the Safe Drinking Water Program overseen by the Minnesota Department of Health.

V. B. Clarify the administrative process for the adoption of site-specific WQSs as described in *Minnesota Rule 7050.0220*, subp. 7 with respect to public participation, hearing request and administrative approvals.

V. C. Identify and list additional calcareous fens as Outstanding Resource Value Waters (ORVWs) in *Minnesota Rule 7050.0180* and *Minnesota Rule 7050.0470*.

V. D. Include more information on the durations and frequencies for which Class 1 and 2 WQSs are applied, if not already part of the rules. Currently, the details used for implementing standards may only be referenced in the MPCA’s *Guidance Manual for Assessing the Quality of Minnesota Surface Waters for the Determination of Impairment*.

V. E. Modifications to the public land survey (Township, Range, Section) location information for certain listed waters in *Minnesota Rule 7050.0470* that are needed as a result of the electronic mapping efforts associated with the updating of the National Hydrography Database. This database contains a computerized mapping tool showing assigned water use classifications for the surface waters of the state.

Persons Affected. The amendments to the rules will be likely to affect municipal and industrial dischargers to, and water appropriators of, waters of the state, local and statewide lake and river associations, the agricultural community, and members of the general public with an interest in the protection of Minnesota’s waters. Because many of the revisions under consideration are applicable statewide, any person in Minnesota may potentially be affected by changes made to these rules.

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Statutory Authority. The MPCA has general authority to promulgate and/or revise the water quality rules under *Minnesota Statute* § 115.03, subd. 1 and *Minnesota Statute* § 115.44.

Public Comment. Interested persons or groups may submit written comments or information on these planned rule amendments until 4 p.m. on Friday, April 17, 2009. All written comments will become part of the rulemaking record. Written comments by letter or email are required for submission into the rule record.

With this Request for Comments the MPCA is specifically seeking technical information and data as well as identification of parties who wish to receive future notification regarding this triennial rulemaking.

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

Agency Contacts. Questions regarding the proposed scope of the rulemaking or technical comments or questions should be directed to:

Angela Preimesberger
Minnesota Pollution Control Agency
520 Lafayette Road North, St. Paul, MN 55155-4194
Phone: (651) 757-2656, or
TTY: (651) 282-5332
Toll-free: 1-800-657-3864.
E-mail: minnrule7050@pca.state.mn.us

Requests to receive draft rules when they have been prepared and requests for more information on these planned rule amendments should be directed to:

Carol Nankivel
Minnesota Pollution Control Agency
520 Lafayette Road North, St. Paul, MN 55155-4194
Phone: (651) 757-2597, or
TTY: (651) 282-5332
Toll-free: 1-800-657-3864
E-mail: carol.nankivel@pca.state.mn.us

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

Dated: February 19, 2009

Paul Eger, Commissioner
Minnesota Pollution Control Agency

Minnesota Pollution Control Agency (MPCA) Regional Division

Public Notice of Availability of Draft Golden Lake Nutrient TMDL Report and Request for Comment

Public Notice Period Begins: March 2, 2009

Public Notice Period Ends: April 1, 2009

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft Report for the Golden Lake Nutrient Total Maximum Daily Load (TMDL). The draft TMDL Report for Golden Lake is available for review at <http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html>. Following the comments, the MPCA will revise the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval. Comments must be sent to the MPCA contact person listed below by April 1, 2009.

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Required by the federal Clean Water Act, a TMDL is a scientific study that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. It is a process that identifies all the sources of the pollutant causing an impairment and allocates necessary reductions among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

The Golden Lake Watershed is located in the west-central portion of the Rice Creek Watershed District (RCWD) in southern Anoka County and is a sub-watershed of the Upper Mississippi Watershed. This area lies entirely within the North Central Hardwood Forest Ecoregion (NCHF). Golden Lake itself is located in the city of Circle Pines, and the watershed is located in Blaine, Circle Pines, Lexington, and Lino Lakes. Golden Lake is 57.2 acres in size and has a maximum depth of 24 feet and a mean depth of 8 feet, constituting it as a shallow lake. The littoral area of Golden Lake constitutes approximately 90 percent of the lake's total surface area. The lakeshore area is well developed. The state placed Golden Lake on the 2002 impaired waters list for aquatic recreation because it exceeds the water quality standard for nutrients. Excess nutrients such as phosphorus from stormwater runoff create poor water quality conditions causing frequent summer algal blooms, which limit recreational activities. A reduction of 86 percent in phosphorus loading to Golden Lake would be required to consistently meet water quality standards under average precipitation conditions. In-lake phosphorus load management and the reduction of phosphorus from urban runoff in the watershed by retrofitting Best Management Practices (BMPs) would have the most impact on reducing phosphorus loads and improving water quality in Golden Lake.

Agency Contact Person. Written or oral comments, petitions, questions, or requests to receive a draft of the TMDL Reports, and requests for more information should be directed to:

Brooke Asleson
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Phone: (651) 757-2205
TTY users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

Preliminary determination on the draft TMDL Report: The MPCA Commissioner has made a preliminary determination to submit this TMDL Report to the EPA for final approval. A draft TMDL Report and fact sheet are available for review at the MPCA office at the address listed above, and at the MPCA Web site: <http://www.pca.state.mn.us/water/tmdl/project-goldenlake.html>.

Suggested changes will be considered before the final TMDL Report is sent to the EPA for approval.

Written Comments: You may submit written comments on the conditions of the draft TMDL Report or on the Commissioner's preliminary determination.

Written comments must include the following:

1. A statement of your interest in the draft TMDL Report;
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft TMDL that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

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; and
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 application or draft TMDL Report; (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 TMDL Report.

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; and
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; and
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 TMDL Report approval. 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, identified on page 1 of this notice. Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to submit the TMDL Report 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 TMDL Report; or
3. A timely request for a contested case hearing is pending. You may participate in the activities of the MPCA Board as provided in *Minnesota Rules* 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this TMDL Report. 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 TMDL Report.

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.

Applying for Grants

Have you checked up on all the “active” state grants? Only for *State Register* subscribers is a “Contracts & Grants” section 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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Department of Human Services

Community Partnerships

Office of Economic Opportunity

Availability of Emergency Services Program, Transitional Housing Program, and Emergency Shelter Grant Program Funds

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) Community Partnerships, Office of Economic Opportunity announces the anticipated availability of Emergency Services Program (ESP), Transitional Housing Program (THP) and Emergency Shelter Grants Program (ESGP) funding. Funding under these programs may be used to pay the costs of providing homelessness prevention services, emergency shelter, transitional housing, and supportive services to homeless persons.

The exact amount of available funding may not be known until the end of the 2009 Minnesota Legislative Session. All funds will be awarded through a competitive grant process. Funds will be awarded for a two-year period beginning July 1, 2009 and ending June 31, 2011. To be considered for funding under this program, applicants must email one electronic copy to: kadra.bade@state.mn.us by 4:30 pm on Thursday, April 23, 2009, and mail three hard copies of the application, postmarked by April 23, 2009 to:

Kadra Bade
Minnesota Department of Human Services
Office of Economic Opportunity
P.O. Box 64962
St. Paul, MN 55164-0962

For more information or to request an application packet, contact:

Pat Leary
Minnesota Department of Human Services
Office of Economic Opportunity
P.O. Box 64962
St. Paul, MN 55164-0962
Phone: (651) 431-3824, or
E-mail: pat.leary@state.mn.us

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

Get the Most from State Contracts

A summarized "Contracts & Grants" section lists **all contracts and grants** currently open for bid. It is available **only to subscribers** to the *State Register*. Subscribers also receive LINKS to the *State Register*, as well as Bookmarks. Subscribers also receive a growing INDEX to each volume, including the current issue, as well as indices to previous volumes. Here's what you receive via e-mail:

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

Subscriptions cost \$180 a year (an \$80 savings). It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** cathy.hoekstra@state.mn.us

Department of Administration

State Designer Selection Board Project No. 09-02

University of Minnesota

Notice of Availability of Request for Proposal (RFP) for Designer Selection for University of Minnesota – Biomedical Discovery District Phase II

The State of Minnesota, acting through its Board of Regents for the University of Minnesota, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the University of Minnesota Capital Planning and Project Management website:

<http://www.cppm.umn.edu/purchasing/rfp.html>

click on "Request for Proposal" under "Biomedical Discovery District Phase II."

A mandatory informational meeting is tentatively scheduled for **March 12 at 1:00pm CDT will be held in Room 318 of the Donhowe Building, 319 – 15th Avenue SE Minneapolis, MN 55455. The meeting will include a tour of the proposed project areas and a review of the scope of work** All firms interested in this project should attend this meeting. Project questions will also be taken at this meeting.

Proposals must be delivered to Sherry Van Horn, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services Administration Building, Room 309, 50 Sherburne Ave., St. Paul, MN 55155 (651.201.2376) no later than **12:00 P.M. CDT, March 23, 2009**. Late responses will not be considered.

State Contracts

The University of Minnesota is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU) Anoka Ramsey Community College, Coon Rapids Campus Request for Bids for New Studio Arts Classroom Building

INTENT AND DESCRIPTION: Request Bids for the New Studio Arts Classroom Building at Anoka Ramsey Community College, Coon Rapids Campus. Project general construction includes concrete, masonry, metals, carpentry, thermal and moisture protection, doors and frames, curtain wall and glazing, wall and floor finishes, specialties systems. Mechanical systems include plumbing, heating, ventilation, air conditioning and temperature controls. Electrical systems include power, lighting, fire alarm, communications, and special systems. Site work includes pavement, water distribution, sanitary sewer storm drainage and landscaping.

Sealed Bids to: Mirela Gluhic, Business Office
Anoka Ramsey Community College
Room C140, College Services Building
11200 Mississippi Boulevard NW
Coon Rapids, Minnesota 55433

Pre-Bid Meeting: 10:00 am, Thursday, March 12, 2009
Room SC270, Student Center Building

Bid Date and Time: 10:00 am, Thursday, March 26, 2009
Room SC270, Student Center Building
All bids received until 2 pm where they will be opened and publicly read aloud.

Bidding Documents as prepared by the Project Architect/Engineer; DLR Group, inc., are on file at the offices of the:

- 1) above named Project Architect/Engineer.
- 2) following Builders' Exchanges:
 - McGraw Hill Construction Plan Room
 - Minneapolis Builders' Exchange
 - St. Paul Builders' Exchange
 - MEDA Minority Contractors Plan Room
 - National Association of Minority Contractors of Upper Midwest
 - St. Cloud Builder's Exchange

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained by calling the following and arranging for pick up:

Engineering Repro Systems
3005 Ranchview Lane
Plymouth, Minnesota 55447
Phone: (763) 694-5910

A deposit of \$75.00 is required for each set. Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Architect) for \$25.00 per set for shipping & handling (in addition to the deposit amount) to the Architect. Documents will be sent to street addresses only (P.O. Boxes not acceptable). Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to Minnesota State Colleges and Universities, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

**Minnesota State Colleges and Universities (MnSCU)
Dakota County Technical College
Bids Sought for Printing of 2009 Summer/Fall Course Schedules**

NOTICE IS HEREBY GIVEN that Dakota County Technical College will receive bids for the Printing of 2009 Summer/Fall Course Schedules. Bid specifications are available by contacting Renee Johnson at *Renee.Johnson@dctc.edu*, or by calling (651) 423-8576

Sealed bids must be received by Pat Adams at Dakota County Technical College, 1300 - 145th St. East, Rosemount, MN 55068 by 2:00 March 9, 2009.

Dakota County Technical College reserves the right to reject any or all proposals or portions thereof, or to waive any irregularities or informalities in proposals received.

**Minnesota State Colleges and Universities (MnSCU)
Metropolitan State University
Request for Proposals for Operation of Campus Bookstore**

NOTICE IS HEREBY GIVEN that proposals will be received by the Director of Purchasing, Metropolitan State University, until 3:00 pm, March 16th 2009, for the purpose of the Operation of Campus Bookstore according to the specifications on file at Metropolitan State University 700 East 7th Street, Saint Paul, MN 55106.

Institution: Metropolitan State University
Name: Dave Peasley
Title: Purchasing Coordinator/Buyer
Mailing Address: 700 East 7th Street, Founders Hall, Room 329,
Saint Paul, MN 55106.

Sealed proposals can be hand delivered to the cashiers' window at Founders Hall, Room 327 on the Saint Paul Campus or mailed at the above address. Proposals received after this date and time will be rejected and returned unopened.

Faxed or electronic proposals are not accepted. This request for proposal does not obligate the State to complete the proposal project and the state reserves the right to cancel the solicitation process if it is considered to be in its best interest.

Specifications and Request for Proposal forms may be obtained from the Director of Safety and Security at the address or e-mail shown below. There is no plan for a pre-proposal conference at this time.

For further information contact:

Thomas Maida
Safety and Security Director
700 East 7th Street Saint Paul MN 55106
Phone: (651) 793-1725
Fax: (651) 793-1718
E-mail: *thomas.maida@metrostate.edu*

State Contracts

Minnesota State Colleges and Universities (MnSCU) Minneapolis Community & Technical College Request for Proposals for Providing Certain Health Care Services to Students

NOTICE OF INTENT to Request Proposals for providing certain health care services to students.

Description: Provide certain health care services to college students such as screenings, vaccinations, prescriptions, acute care for minor injuries and other services.

Pre-bid Meeting: Thursday March 12, 2009 at 9:00am. Contact for more information.

Due Date: Tuesday March 24, 2009 at 2:00 pm

Contact: Michael Noble-Olson / Purchasing Manager
1501 Hennepin Avenue
Minneapolis, MN 55403
Phone: 612-659-6866
E-mail: *michael.noble-olson@minneapolis.edu*

Minnesota State Colleges and Universities (MnSCU) Ridgewater College, Willmar, Minnesota Sealed Bids for Technical Instruction Addition and Renovations

Will be received by: Gary Myhre, Director of Facilities & Auxiliary Services
Room H104, Helland Hall
2101 15th Avenue N.W.
Ridgewater College
Willmar, Minnesota 56201

Until 2:00 PM, local time, **Tuesday, March 31, 2009**, at which time the bids will be opened and publicly read aloud.

Project Scope: The Project consists of the construction for an addition of approximately 7,900 GSF connected to the north side of existing Building D. The addition will be one story, slab on grade with a mechanical systems penthouse. The Project also includes renovation of approximately 6,750 GSF of existing Building D with approximately 2,900 GSF of floor infill at an existing high-bay space, both to create vocational laboratory spaces for the electrician's program. HVAC mechanical systems will be replaced in another separate Cosmetology Building as part of the Project. Space types include classrooms, offices, rest rooms, vocational laboratory shops, circulation, storage, mechanical, electrical, janitorial and auxiliary support spaces.

The Project also includes infrastructure and site improvements for and adjacent to the new addition. This will include a reconstructed drive and parking area, main and secondary building entrances, pedestrian circulation, site utilities and site lighting, walkways, and related landscaping improvements. Demolition of four existing, freestanding outbuildings and a covered walkway are also included (total square footage demolished is approximately 15,200 GSF).

The Work includes, but is not limited to: concrete, masonry, structural and misc. steel, woodwork, waterproofing, roofing, sealants, frames, doors, curtain wall, steel studs and drywall, suspended ceiling systems, floor and wall finishes, specialties, and casework. Mechanical systems include fire protection, plumbing, heating, ventilation, air conditioning, temperature controls and special systems. Electrical systems include electrical power, lighting, communications, life safety, security and special systems. Associated site work excavation, earthwork, grading, utilities, paving and related landscaping are also included.

A **Pre-Bid Meeting** will be held at **10:30 AM, Wednesday, March 18, 2009**, in the Conference Center, Building A, Ridgewater College, Willmar. The Architect/Engineer and College representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer of Record, LHB, Inc., are on file at the offices of the:

- 1) above named Project Architect/Engineer of Record.
- 2) following Builders' Exchanges:
 - Minneapolis
 - St. Paul
 - Fargo-Moorhead
 - St. Cloud
 - Willmar
- 3) McGraw Hall Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest.

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

LHB, Inc.,
250 Third Avenue North, Suite 450
Minneapolis, MN 55401
Phone: (612) 338-2029

A refundable deposit of \$250.00 is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed directly to them may send a separate non-refundable payment (check made out to LHB) for \$75.00 per set for shipping and handling (in addition to the \$250.00 refundable deposit) to LHB. Such deposits and payments may be sent prior to **Tuesday, March 24, 2009**. Documents will be sent to street addresses only (P.O. Boxes are not acceptable).

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

Minnesota State Colleges and Universities (MnSCU)

Southwest Minnesota State University

Advertisement for Bids for Planetarium Remodeling - Phase 2

Sealed Bids for: **Planetarium Remodeling – Phase 2**
Science and Technology Building
Southwest Minnesota State University
Marshall, Minnesota 56258

will be received by: **Jeff Kuiper**
Southwest Minnesota State University
1501 State Street
Individualized Learning Center, IL 139
Marshall, Minnesota 56258

Until **2:00 PM, local time, Tuesday March 17, 2009**, at which time the bids will be opened and publicly read aloud.

State Contracts

Project Scope: Interior remodeling of existing Planetarium. Work includes but is not necessarily limited to new carpet tile, new fixed auditorium seating, new sound system, new drapery, marker board refurbishment, new acoustic treatment on perimeter walls and painting.

A **Pre-Bid Meeting** will be held at 9:30 AM on Wednesday, March 11, 2009, in the Planetarium Room ST 109, Science and Technology Building, Southwest Minnesota State University. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

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

- 1) above named Project Architect/Engineer.
- 2) following Builders' Exchanges:
 - **Minneapolis**
 - **St. Paul**
 - **Rochester**
 - **South Central (Fairmont)**
 - **Southwest (Marshall)**
 - **Sioux Falls, and**Email: john.williamson@state.mn.us **Willmar**
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

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

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

A refundable deposit of **\$50.00** is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Architect) for **\$20.00** per set for shipping & handling (in addition to the \$75.00 deposit) to the Architect. Such deposits and payments may be sent prior to **March 11, 2009**. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

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

Minnesota Office of Higher Education (OHE) Notice of Request for Proposals for Contract for Collection Agency Services

The Minnesota Office of Higher Education is requesting proposals to serve as a collection agency for collection of defaulted student loans.

Work is proposed to start after May 1, 2009.

A complete Request for Proposal (RFP) is available at the OHE website, <http://www.ohe.state.mn.us/rfp> or by contacting:

Marilyn Kosir
Student Loan Manager

OHE
1450 Energy Park Drive Suite 350
St. Paul, MN 55108-5227
Phone: (651) 355-0600
E-mail: *marilyn.kosir@state.mn.us*

Proposals submitted in response to the RFP must be received at the address above no later than 4:00 p.m. CDT, March 30, 2009. **Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

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

Department of Labor and Industry (DOLI)

Notice of Request for Proposals (RFP) for Providing Electrical Inspection Service for Fiscal Year 2010 (July 1, 2009 Through June 30, 2010)

The Department of Labor and Industry (Department) is requesting proposals to provide electrical inspection service in areas of the state that are not provided with local (municipal) electrical inspection service. In accordance with Minnesota Statutes section 326B.36, subdivision 1(b), all individuals providing inspection service must be licensed as journeyman or master electricians.

The Department is requesting proposals from prospective responders to provide primary electrical inspection service for all, part, or combinations of the following counties: Dakota, Hennepin, Itasca, Kanabec, Lac Qui Parle, Nobles, Pine, Pipestone, Polk, Redwood, Red Lake, Renville, Rock, Steele, Washington, Waseca, Wright, and Yellow Medicine.

In addition, the Department is requesting proposals from prospective responders to provide supplemental electrical inspection service in regional areas of the state, including full-time, part-time, or seasonal service.

A detailed Request for Proposals (RFP) packet has been prepared by the Department that defines available geographical inspection areas, minimum service requirements, and other related information. The packet is available by mail or for pick-up at the Department office. The RFP packet cannot be faxed or emailed.

Prospective responders interested in submitting a proposal for this service should request the detailed Request for Proposals (RFP) packet. Requests for the detailed Request for Proposals (RFP) packet can be made by sending an e-mail message to *robin.roscoe@state.mn.us* (preferred), by faxing the request to (651) 284-5749, or by calling (651) 284-5804. Please make sure to provide your name, mailing address, phone number and email address when requesting a detailed Request for Proposal packet. Any related questions regarding the Request for Proposal packet should be directed to the following person:

John I. Williamson
Supervisor Electrical Inspections
Construction Codes and Licensing Division
Department of Labor and Industry
443 Lafayette Road North
Saint Paul, MN 55155-4342
Phone: (651) 284-5823
Fax: (651) 284-5749
E-mail: *john.williamson@state.mn.us*

Proposals must be received at the Department of Labor and Industry office by 3:00 p.m. Central Daylight Time, Tuesday, March 24, 2009. Late proposals, faxed proposals, or emailed proposals will not be considered.

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

State Contracts

Minnesota Management & Budget Department

Notice of Availability of Contract for Specialized Consulting and Training Services

The Minnesota Management & Budget Department, Management Analysis & Development (MAD) Division, is requesting proposals for the purpose of contracting with multiple, highly qualified parties interested in providing specialized consulting and training services on MAD projects. These services, procured on an as-needed basis, may be required to complement existing MAD and other state agency resources or expertise. Specialty areas include: business process analysis and redesign; program and public policy analysis and evaluation; organizational development; consultation and facilitation; training and development; and workforce planning.

Application and Scoring

MAD is seeking highly qualified and experienced vendors, with specialized skills, who will be well-suited to work with MAD. To be selected as a vendor on the Master Contract, applicants must:

1. Demonstrate that they meet the following **minimum qualifications**:
 - Their specialty services complements or enhances MAD's mission and philosophy.
 - A minimum of five years experience in one or more of the respective specialty areas.
 - A minimum of five years experience in consultation or training for Minnesota or other state governmental units, or equivalent experience working within a government setting. However, preference would be given to those with experience in Minnesota government.
2. Submit a proposal and work samples, and score above 70%, based on specific criteria.

Work is proposed to start after March 23, 2009.

A Request for Proposal will be available by mail from this office through March 11, 2009. A written request (by direct mail or fax) is required to receive the Request for Proposal. After March 11, 2009, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Renda Rappa, Project Coordinator
Minnesota Management & Budget
Management Analysis & Development
203 Administration Building, 50 Sherburne Avenue
St. Paul, MN 55155
Fax: (651) 297-1117

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2 p.m., Central Time, March 17, 2009. **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 Wetland Delineation Services

CERTIFICATION # 17923

The State of Minnesota, Department of Natural Resources (State), requests proposals from firms and individuals (Responder) to identify wetland boundaries, delineation and identification of wetland types and plant communities, and identification of any wetlands or wetland features of special significance under *Minnesota Rules* 8420.0548

The goal of this Request for Proposals is to provide the Department of Natural Resources a pool of consultants within each of the four DNR Regions from which to hire wetland delineation services for those projects administered by the various divisions of the Department. Most work orders will be for less than \$2,500.00 but some work orders may be much larger in cost. Because there are over 180 DNR office

sites in Minnesota, contracts will be established to cover all regions of the state. For each project, the DNR will identify specific tasks and duties to be provided, select a Consultant(s) from those under Master Contract, and prepare and issue a Work Order identifying specific tasks, duties and timelines needed by the Department.

Based upon the size of a project, the State may issue project-specific Work Order RFP's to one or more Consultants on the Master Contract list and make a final selection of the Consultant(s) based on qualifications, specific approach, and overall proposed cost.

It is anticipated that contracts will be fully executed by April 2, 2009.

The Request for Proposal can be obtained from:

Julie Johansen, Contract Office
Department of Natural Resources
500 Lafayette Road, Box 16
St. Paul, Minnesota 55155-4016
Fax: (651) 297-5818
E-mail: julie.johansen@dnr.state.mn.us

All proposals must be received NOT later than 3:00 p.m. Central Daylight Time, March 19, 2009.

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.

Minnesota State Lottery

Request for Proposals for Sponsorship Agreements

Description of Opportunity

The Minnesota State Lottery develops sponsorship agreements throughout the year with organizations, events, and sports teams to create excitement for lottery players, to interest new players and increase the visibility of lottery games. The Lottery encourages and continually seeks new sponsorship agreements to help achieve current Lottery marketing goals.

Proposal Content

A sponsorship proposal presented to the Lottery should meet the following three criteria:

1. Maximize Lottery Visibility – the event, sports or tie-in proposal should draw a large number of desired participants (typically 50,000 or more) whose demographics match the Lottery player profile. The Lottery is interested in effectively delivering its message of fun and entertainment to Minnesota adults whose demographics skew primarily towards those aged 25-64, with a household income of \$35,000-\$75,000, and having an educational background of some college or higher. The Lottery does not market to those under the age of 18, and family events with high levels of children present are generally not accepted. Attendance, on-site signage visibility and paid media exposure will be critical components that will be evaluated.

2. Enhance Lottery Image- – the event, sports or tie-in proposal should inherently project the attitude that the Lottery is a fun and socially acceptable part of the community. The Lottery's presence should fit well within the lineup of other sponsors. The Lottery is interested in creating opportunities whereby the sponsorship can translate into sales revenue, either via on-site sales from a Lottery booth, from sales-generating promotions with Lottery retailers or from joint programs with the sponsor's media partners.

3. Provide Promotional Extensions – the event, sports or tie-in proposal should offer exciting, value-added ways to interact with our players and have opportunities to motivate attendees, listeners and viewers to participate in and purchase Lottery games. The proposal must include proper staffing availability or other considerations to help the Lottery implement any appropriate promotional extension ideas.

State Contracts

Proposals should address all pertinent elements of the sponsorship and how the Lottery criteria as stated above and on the Evaluation Form are to be met. To view or print copies of the Request for Proposal go to: <http://www.mnlottery.com/vendorops.html>

This Solicitation does not obligate the state to award a contract or pursue a proposed sponsorship opportunity, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Questions

Questions concerning this Solicitation should be directed to:

John Mellein, Marketing Director
Minnesota State Lottery
2645 Long Lake Road
Roseville, MN 55113
Telephone: (651) 635-8230
Toll-free: (888) 568-8379 ext. 230
Fax: (651) 297-7496
TTY: (651) 635-8268
E-mail: johnm@mnlottery.com

Other personnel are not authorized to answer questions regarding this Solicitation.

Response Delivery

All responses must be in writing and delivered to the contact noted above. Proposals will be accepted on an ongoing basis.

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

Office of Transit

Request for Proposals (RFP) for the 2009 Cedar Avenue Transitway Implementation Plan Update

Dakota County's Office of Transit is requesting written proposals from qualified firms related to the production of an update to the 2005 Cedar Avenue Transitway Implementation Plan. The 2009 Implementation Plan Update will be used as a reference tool for making informed project decisions. The 2009 Implementation Plan Update will set the direction for further corridor development and address the following components of the 2005 Implementation Plan by updating and/or evaluating:

Non-State Bids, Contracts & Grants

- Project costs for capital and operating.
- Corridor ridership projections.
- Location, size, functionality of stations and any associated park & ride facility needs.
- Additional capital needs including equipment, maintenance and support facilities, advanced traveler information technology and potential corridor enhancements.
- Operations plan refinement for station-to-station, express and supporting bus operations within and between the two BRT corridors and with other regional transitway investments.
- An implementation and financial plan that includes a revised overall project development schedule.

It is anticipated that this body of work will be completed by fall of 2009. To obtain a RFP document in .PDF format, please send an e-mail request to Jeanne Hoffmann. Your e-mail request should include the name of your organization, a project contact designee and their mailing address, e-mail address and phone number. For a hard copy of the RFP, please send a written request with the above information to:

Jeanne Nash Hoffmann
Administrative Coordinator
Dakota County – Physical Development Division
14955 Galaxie Avenue
Apple Valley, MN 55124
E-mail: jeanne.hoffmann@co.dakota.mn.us

Questions about this project shall be directed to Sam O'Connell and must be transmitted via e-mail by 3:30 PM (Central Time), March 6, 2009. Answers to all questions received will be sent via e-mail to each requesting organization's project designee on March 10, 2009. Other county personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

Contact Person: Sam O'Connell, AICP
Transit Specialist
Dakota County – Physical Development Division
14955 Galaxie Avenue
Apple Valley, MN 55124
E-mail: sam.oconnell@co.dakota.mn.us

Deadline for proposals is 3:30 pm (Central Time), March 13, 2009.

Metropolitan Council

Notice of Invitation for Bids (IFB) for 5,600 Gallon Tank Truck for the Metro Wastewater Treatment Plant

Reference Number 09P012

The Metropolitan Council is requesting bids for the fabrication, assembly, and delivery of a 5,600 gallon, wastewater sludge truck. The vehicle should be a straight-line tandem axel tank truck, configured to maximize the load carrying capacity on a 10-ton road, and not to exceed 45 feet in total length.

Issue Invitation for Bids
Bids Due
Contract Award
Required Delivery

March 2, 2009
March 25, 2009 @ 2:00 pm local time
April 2009
No later than December 31, 2009

Bidding documents are available for download for a non-refundable cost of \$10.00 at www.metrocouncil.org (see Doing Business with the Council) or www.questcdn.com. Input QuestCDN eBidDoc™ Number 822533 on the website's Project Search page. Contact QuestCDN.com at (952) 233-1632 or info@questcdn.com for assistance in downloading and working with the digital documents.

Non-State Bids, Contracts & Grants

Questions concerning the content of the IFB documents may be directed to:

Steve Kaukola
IFB Administrator
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101
Phone: (651) 602-1064
E-mail: steve.kaukola@metc.state.mn.us

Metropolitan Council

Notice of Invitation for Bids (IFB) for Nitrate Salts and Odor Control Related Services

Reference Number 09P028

The Metropolitan Council is requesting bids for the furnishing and delivery of Nitrate Salts and Odor Control Related Services for the period May 1, 2009 to April 30, 2011. The **anticipated** schedule for this procurement is as follows:

Issue Invitation for Bids

February 23, 2009

Bids Due

March 24, 2009 @ 2:00 pm local time

Contract Award

May 1, 2009

Bidding documents are available for download for a non-refundable cost of \$10.00 at www.metrocouncil.org (see Doing Business with the Council) or www.questcdn.com. Input QuestCDN eBidDoc™ Number 816707 on the website's Project Search page. Contact QuestCDN.com at (952) 233-1632 or: info@questcdn.com for assistance in downloading and working with the digital documents.

Questions concerning the content of the IFB documents may be directed to:

Richard Halsted
IFB Administrator
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101
Phone: (651) 602-1038
E-mail: richard.halsted@metc.state.mn.us

Metropolitan Council

Notice of Request for Proposals (RFP) for Business Intelligence (SAP BusinessObjects XI 3.0) and Integrated Data Environment Assistance

Contract Number 09P009

The Metropolitan Council is soliciting proposals for consultant services to install and configure SAP BusinessObjects XI 3.0 Suite and modify the Council's current data environment to utilize BusinessObjects to deliver a variety of business intelligence tools. The **anticipated** schedule for this procurement is as follows:

Issue Request for Proposals

February 23, 2009

Questions Due

March 10, 2009

Proposals Due

March 24, 2009

Award Contract

April 2009

Non-State Bids, Contracts & Grants

The RFP document is available to view and download for a non-refundable cost of \$10.00 at www.metrocouncil.org (see Doing Business with the Council) or www.questcdn.com. Input QuestCDN eBidDoc™ Number 812887 on the website's Project Search page. Contact QuestCDN.com at (952) 233-1632 or info@questcdn.com for assistance in downloading and working with the digital documents.

Questions concerning the content of the RFP documents may be directed to:

Auburn Dees
RFP Administrator
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101
Phone: (651) 602-1346
E-mail: auburn.dees@metc.state.mn.us

Metropolitan Council - Metro Transit Request for Proposals for Construction Observation, Independent Testing Services and Inspection Services for Three Construction Projects Reference #8058

Metro Transit, a division of the Metropolitan Council, is seeking the services of a qualified firm for Construction Observation, Independent Testing Services and Inspection Services for three construction projects: Hiawatha Light Rail Transit Platform Extensions, American Boulevard Station, and Grade Crossing Control Upgrades.

A Disadvantaged Business Enterprise participation goal of 15 percent has been established for this project.

Proposals are due no later than 2:00 p.m. on March 6, 2009.

To view and obtain the Request for Proposals document, go to the Metropolitan Council's website at www.metrocouncil.org, and then Doing Business with the Council. Under Contracting Opportunities, view the information related to this procurement, where you will find instructions for viewing and downloading the Request for Proposals.

Metropolitan Council - Metro Transit Request for Proposals for Master Contracts 2009 for Various Services Reference Number 8060

Metro Transit, a division of the Metropolitan Council, is requesting proposals from firms to provide services under a Master Contract. Metro Transit expects to award up to 15 Master Contracts, each valued between \$50,000 and \$150,000 with a three-year term and each providing service in one of these areas: environmental testing and investigations; geotechnical investigations; materials testing/testing and inspection services (Independent Testing Lab); surveying and rights-of-way services; traffic studies and traffic engineering services; mechanical engineering services; and electrical engineering services of various Metro Transit projects. Services for a project will be authorized by individual work orders, each generally valued at less than \$50,000.

Proposals are due by 2:00 PM on March 12, 2009.

To view and obtain the Request for Proposals document, go to the Metropolitan Council's website at www.metrocouncil.org, and then Doing Business with the Council. Under Contracting Opportunities, view the information related to this procurement, where you will find instructions for viewing and downloading the Request for Proposals.

Non-State Bids, Contracts & Grants

Metropolitan Council - Metro Transit

Request for Proposals for Utility Bill Management and Analysis

Reference #7888

Metro Transit, a division of the Metropolitan Council, is requesting proposals from firms to assist the Metropolitan Council in the strategic analysis and management of its utility billings. The Council desires to implement a comprehensive and coordinated program to better collect and analyze utility billings and to identify methods to minimize expenditures. Toward that objective the Council seeks the ability expeditiously collect and review billing data while being able to use the data and outside information such as weather to generate reports that will assist in the management of energy consumption and forecasting while providing a reliable and accurate database for various reporting activities.

Proposals are due by 2:00 PM on March 20, 2009.

To view and obtain the Request for Proposals document, go to the Metropolitan Council's website at www.metrocouncil.org, and then Doing Business with the Council. Under Contracting Opportunities, view the information related to this procurement, where you will find instructions for viewing and downloading the Request for Proposals.

Metropolitan Council - Metro Transit

Magnetic Transfer Tickets

Procurement #8049

The Metropolitan Council is soliciting sealed bids for Magnetic Transfer Tickets. Bids are due at **2:00 PM** on March 17, 2009. Bids must be submitted in accordance with the Invitation for Bids document available from:

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

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.

Source Code SR007