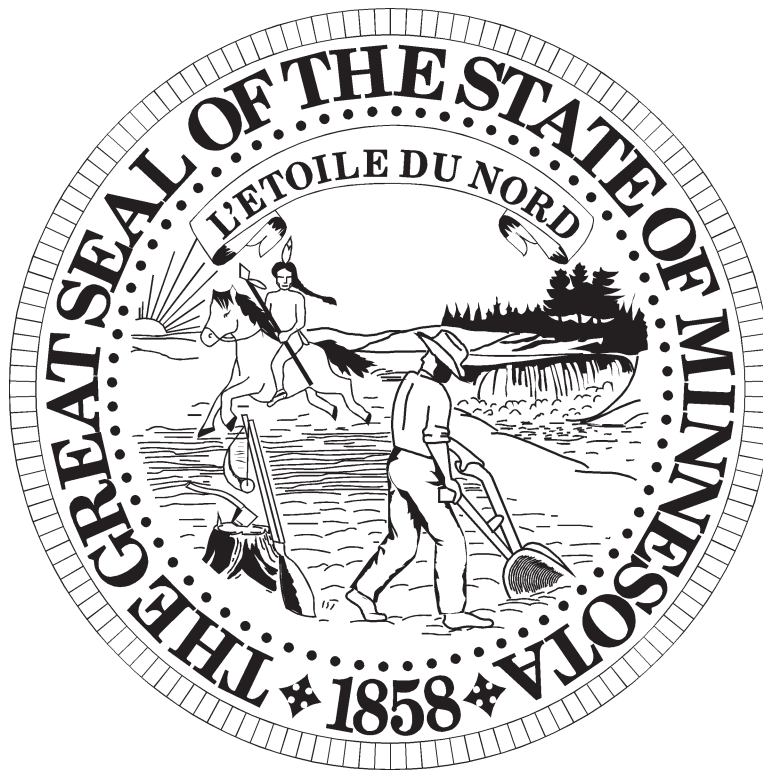


Minnesota

State Register

(Published every Monday (Tuesday when Monday is a holiday).)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts;
Non-State Public Bids, Contracts & Grants**

**Monday 23 December 2013
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Minnesota State Register

Judicial Notice Shall Be Taken of Material Published in the *Minnesota State Register*

The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 38 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 27	Monday 30 December	NOON MONDAY 23 DECEMBER	NOON TUESDAY 17 DECEMBER
# 28	Monday 6 January 2014	NOON MONDAY 30 DECEMBER	NOON TUESDAY 24 DECEMBER
# 29	Monday 13 January	Noon Tuesday 7 January	NOON TUESDAY 31 DECEMBER
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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. 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, but 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.

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 #40-52 inclusive, with final index (#1-52, or 53 in some years). 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, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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Proposed Rules

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

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

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

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

Minnesota Pollution Control Agency (MPCA)

Resource Management and Assistance Division

Proposed Permanent Rules Relating to Compost Facilities

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number 04110

Proposed Amendment to Rules Governing Compost Facilities, *Minnesota Rules*, Chapters 7001 and 7035; and the Proposed Repeal of *Minnesota Rules*, Part 7035.0300, Subpart 7

A one-page summary of this notice is available at: <http://www.pca.state.mn.us/jsri8b0>

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules parts* 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on March 7, 2014, a public hearing will be held.

Two hearings will be scheduled. The first will start at 9:00 a.m. on Monday, March 24, 2014, and will continue until all parties are heard or until the Administrative Law Judge (ALJ) adjourns the hearing. The second hearing will start at 5:30 p.m. on Monday, March 24, 2014, and continue until all parties are heard or until the Administrative Law Judge adjourns the hearing.

The hearings, if required, will be at the MPCA's Saint Paul office at 520 Lafayette Road North, Saint Paul, MN 55155. For the convenience of the public, if hearings are held they will also be broadcast via interactive video conference to the following MPCA regional offices.

MPCA-Marshall: 504 Fairgrounds Road, Suite 200, Marshall, MN 56258

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

You may listen, present testimony or ask questions at any of the videoconference sites. Directions to the hearing locations may be found on the MPCA's website at <http://www.pca.state.mn.us/iryp3e4> or by contacting the MPCA contact person identified in this Notice.

NOTE: Access to the MPCA offices is controlled. To attend a hearing you will be asked to sign in at the security desk and provide photo identification, such as a driver's license.

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To find out whether the MPCA will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person listed below after March 7, 2014 and before March 24, 2014. You may also check the following webpage:

<http://www.pca.state.mn.us/jsri8b0>

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is:

Yolanda Letnes
MPCA – Resource Management and Assistance Division
520 Lafayette Road North
Saint Paul, MN 55155-4194
Phone: (651) 757-2527
Fax: (651) 297-8676
E-mail: *yolanda.letnes@state.mn.us*
TTY: (651) 282-5332 or 1-800-657-3864

Subject of Rules. The MPCA has regulated solid waste management facilities since 1970. Compost facilities are a component of the solid waste management system of the state and are currently regulated by the Solid Waste Management Rules. The rules relating to solid waste management facility permits are in chapter 7001. The rules relating to design, construction and operation of solid waste management facilities are in chapter 7035.

The composting industry, including local government units (LGUs), compost facility operators and others associated with the compost industry, approached the MPCA with concerns that the current composting rules were overly restrictive for the composting of source-separated organic material (SSOM). Those entities felt the composting of SSOM should not be held to the same standards as facilities composting mixed-municipal solid waste (MMSW) because SSOM does not pose the same environmental and health risks as MMSW. The LGUs and industry believe that the current regulations inhibit the expansion of composting. Composting is a preferred option in the solid waste management hierarchy. Local government units and industry requested MPCA amend current regulations to streamline requirements which will support their current efforts to increase composting.

On review of Minnesota's existing regulations and SSOM composting practices in other states, the MPCA agrees that some regulatory changes are appropriate. Therefore, MPCA proposes amendments providing different construction, design, location, and operation requirements for SSOM than MMSW composting facilities, while still protecting the environment and health of Minnesotans.

Currently, a facility wanting to compost SSOM would be regulated as a MMSW composting facility. Mixed-municipal solid waste compost facilities are required to both design and construct an impervious surface under the entire site. The proposed SSOM rules only require an impervious surface if the onsite soils are not adequate to protect the groundwater. Additionally, if an impervious surface is needed, it is only required under portions of the site.

Location requirements have been carried forward unchanged, but now also include prohibiting establishing a site in an area with karst features due to concerns with weakened bedrock and the potential impacts to ground water, potential injuries to staff, or potential damage to equipment.

The proposed rules also include a minimum buffer zone of 500 feet around a compost site. The buffer zone serves to reduce potential impacts from compost activities on the surrounding area, including the nearest residence, place of business or public area, such as parks, wildlife areas and public buildings. Two exceptions to the buffer zone are allowed under the proposed rule. The first exception allows the commissioner to reduce the distance based on operational modifications, geographic features or other natural or man-made physical characteristics that have the potential to reduce nuisance conditions. The second exception excludes adjacent commercial activities operated by the facility owner from the 500 foot horizontal separation requirements for the owner's residence or place of business because they are not likely to have issues with a composting site they operate.

The proposed SSOM compost facility rules also set different operational requirements specific to the composting of SSOM. These requirements include processing time, pile height limits and personnel training. These requirements are based on current industry standards and are intended to ensure facilities are using the best management practices available.

Changes to "backyard compost site" requirements are also proposed allowing further flexibility, commensurate with this type of lower

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intensity composting. The changes replace the “backyard compost site” with an expanded category called a “small compost site” that allows specific materials for composting, prohibits listed materials, establishes a site throughput, and requires management of materials to minimize odor. The proposed changes result in the needed repeal of part 7035.0300, subpart 7. The MPCA also proposes to expand the extended permit process utilized by transfer facilities to cover SSOM compost facilities. This change minimizes permit costs and processing time. Additional rule language changes are proposed to clarify requirements, add definitions, and update language.

Statutory Authority. The statutory authority to adopt the rules is *Minnesota Statutes* § 116.07, subd. 4.

Rule Availability. The proposed changes to *Minnesota Rules* chapters 7001 and 7035 are published after this notice in the *State Register* and attached to this notice as mailed or they can be viewed on the MPCA website at: <http://www.pca.state.mn.us/yrwc6a9>. Due to the proposed rule’s availability on MPCA’s website, it is not attached to this Notice. However, a free copy of the proposed rules is available upon request by contacting the agency contact person listed above. Only one copy will be sent per request.

Comments. You have until 4:30 p.m. on Friday, March 7, 2014, to submit written comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the MPCA hold a hearing on the rules. You must:

- make your request for a public hearing in writing, to the MPCA contact person identified above by 4:30 p.m. on March 7, 2014
- include your name and address in your written request
- identify the portion of the proposed rule amendments to which you object or state that you oppose the entire set of rule amendments

Any request that does not comply with these requirements is not valid and the MPCA cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The hearing scheduled for March 24, 2014, will be cancelled if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 757-2527 after March 7, 2014 to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling (651) 757-2527 or going on-line at:

<http://www.pca.state.mn.us/jsri8b0>

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge (ALJ) Barbara L. Neilson is assigned to

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conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7845, and **fax:** (651) 361-7936.

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

The agency requests that any person submitting written views or data to the ALJ before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness (SONAR). The SONAR summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the MPCA contact person. You may review or obtain copies for the cost of reproduction by contacting the MPCA contact person. You may review the SONAR at the MPCA's website (<http://www.pca.state.mn.us/yrwc6a9>) or may obtain a copy by contacting the MPCA contact person listed above.

Request to Have MPCA Board Make Decision on Rule if No Hearing is Required. If hearings are required, the MPCA Citizens' Board will make the final decision on whether to adopt the proposed rules. However, even if hearings are not required, you may submit a request to the MPCA Commissioner or an MPCA Citizens' Board member to have the MPCA Citizens' Board make the decision on whether to adopt the proposed rule amendments. Your request must be in writing, must state to whom it is directed, and must be received by the MPCA contact person by 4:30 p.m. on March 7, 2014. Under *Minnesota Statutes*, section 116.02, where a hearing is not required, the MPCA Citizens' Board will only make the decision on the rule if the MPCA Commissioner grants your request or if an MPCA Citizens' Board member makes a timely request that the decision be made by the MPCA Citizens' Board.

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

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

Adoption Procedure after a Hearing. If a hearing is held, after the close of the hearing record, the ALJ will issue a report on the proposed rules. You may ask to be notified of the date that the ALJ's report will become available, and can make this request at the hearing or in writing to the ALJ. You may also ask to be notified of the date that the MPCA adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the MPCA contact person stated above.

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

Dated: 10 December 2013

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

7001.3075 SOLID WASTE MANAGEMENT FACILITY PERMIT APPLICATION.

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

Subp. 4. Source-separated organic material compost facilities extended permit term.

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A. For source-separated organic material compost facilities as defined in part 7035.2836 that have operated under an existing permit issued under parts 7001.0010 to 7001.0200, no application is required for permit reissuance upon the expiration date of the permit and the term of the permit shall be extended indefinitely unless (1) the commissioner requires the facility to be repermited as provided in part 7001.3410, subpart 3, or (2) the owner or operator of the facility proposes a major modification to the facility. In either of these cases, the owner and operator shall submit an application for reissuance or modification of the permit as provided in this chapter. The commissioner shall process the application following the procedures in this chapter. For purposes of this part, “operated” means to have accepted source-separated organic material as defined in part 7035.0300, subpart 105a, for composting at levels constituting normal expected volumes for facilities for a minimum of one year during the most recent five-year term of the permit, such that the agency can reasonably conclude that the facility is operating in compliance with applicable rules and its permit. For purposes of this part, a “major modification” means a change in the type of materials managed at the facility, an increase beyond the original permitted capacity, or a change that could significantly affect compliance with the design or operation standards of part 7035.2836, subparts 8 and 9.

B. Owners and operators of source-separated organic material compost facilities operating under an extended permit may make minor modifications as listed in part 7001.3550, subpart 3, at any time, provided that notice of the minor modification is given to the agency as provided in part 7001.3410, subparts 1 and 2. Owners of facilities operating under an extended permit must comply with the requirements in part 7001.0190, subpart 2, before transferring ownership and control of the facility. Owners or operators of source-separated organic material compost facilities operating under an extended permit, as provided in this subpart, must submit to the agency the notification required by part 7001.3410, and the annual report required under part 7035.2585.

7001.3375 FINAL APPLICATION INFORMATION REQUIREMENTS FOR COMPOST FACILITIES.

The application for a compost facility permit must include the following information in addition to the information required by part 7001.3300:

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

D. a description of the ~~residue’s~~ composition of the rejects and residuals;

E. a description of the disposal method for the ~~residue~~ rejects and residuals;

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

I. an operating plan indicating how the provisions of part 7035.2836 will be met, including a waste analysis plan; ~~and~~

J. a description of the proposed uses for the compost;

K. a workplan for any proposed soil characterization to comply with part 7035.2836, subpart 9, item B, subitem (8). Once the workplan is approved by the commissioner, the owner or operator of a source-separated organic material compost facility must submit a report summarizing field activities used for the site characterization to the commissioner for review and approval prior to issuance of the permit; and

L. for source-separated organic material compost facilities, evidence that the owner and operator have obtained all necessary approvals from the municipality, as defined under part 7035.0300, subpart 67. A municipality that has submitted a permit application under this part is not required to submit a municipality approval. The owner or operator must submit a copy of any approvals obtained from a municipality. If the facility is located in an area where no municipality approval is required, the owner or operator must submit a signed written statement indicating that no municipality approval is required.

7001.3410 EXTENDED PERMIT NOTIFICATION AND TERMINATION PROCEDURES.

Subpart 1. **Notification contents.** Owners or operators of transfer facilities or source-separated organic material compost facilities operating under an extended permit shall submit to the agency, upon the anniversary of the expiration date of the permit, ~~or five years after November 30, 2005, whichever is sooner,~~ and every five years thereafter, a notification containing the following information:

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

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

Subp. 3. **Termination of extended permit operation as allowed under part 7001.3075.** The agency shall notify the owner or operator of a transfer facility or a source-separated organic material compost facility operating under an extended permit that the transfer facility or source-separated organic material compost facility is no longer eligible to operate under an extended permit and must be

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repermitted under chapter 7001 under any of the following conditions:

A. the transfer facility or source-separated organic material compost facility has unresolved noncompliance or has not been operated substantially in accordance with applicable standards;

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

D. the owner or operator has failed to submit the notification or the annual report required under part 7035.2585.

In the termination notice, the agency shall state the reasons why the agency proposes to require repermitting of the facility and shall provide the owner or operator with 30 days to respond to the notice. Following receipt of the response, if any, the agency shall make a final determination and shall notify the owner and operator of that decision. Upon receipt of this final determination, the owner or operator may elect to seek to continue the operation of the transfer facility or source-separated organic material compost facility by submitting a permit application, or may close the facility. If the owner or operator elects to continue the operation, the owner or operator shall submit a permit application within 30 days of receipt of the final determination. ~~This application will be approved or denied~~ The commissioner shall process the application following the procedures in chapter 7001. If the owner or operator elects to close the facility, the owner or operator must notify the agency and initiate closure procedures within 30 days of receipt of the final determination.

7035.0300 DEFINITIONS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. [See repealer.]

[For text of subps 7a to 20, see M.R.]

Subp. 20a. **Contact water.** “Contact water” means water that has come into contact with source-separated organic material in the tipping area, source-separated organic material in the mixing area, rejects, residuals, or active compost. For purposes of this subpart, compost is active until it has reached PFRP as described in part 7035.2836, subpart 11, item B, subitem (10), and the Solvita maturity index is greater than or equal to five with ammonia greater than or equal to four.

[For text of subps 21 to 92, see M.R.]

Subp. 92a. **Rejects.** As applied to source-separated organic material compost facilities, “rejects” means:

A. inorganic materials that cannot be rendered into a humus-like material;

B. materials that are unacceptable due to permit conditions;

C. materials that are unacceptable according to subpart 99a, item B; or

D. materials that are unacceptable according to subpart 105a, items B and C.

[For text of subps 93 and 93a, see M.R.]

Subp. 93b. **Residuals.** As applied to source-separated organic material compost facilities, “residuals” means organic materials that require further composting due to their large size, such as tree branches.

[For text of subps 94 to 99, see M.R.]

Subp. 99a. **Small compost site.** “Small compost site” means a site that:

A. is used to compost:

(1) food scraps;

(2) yard waste;

(3) poultry litter generated on site only if the compost produced is used on site;

(4) nonrecyclable paper; or

(5) compostable materials meeting ASTM D6400 or ASTM D6868, incorporated by reference under part 7035.0605;

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B. does not accept fats, oils, grease, meat, dairy, animal manure, diapers, or sanitary products;

C. does not exceed 80 cubic yards on site at any one time, including collected raw materials and compost being processed, but excluding finished compost; and

D. is where the materials under item A are managed to minimize odor and the creation of nuisances and public health risks.

[For text of subps 100 to 105, see M.R.]

Subp. 105a. **Source-separated organic material.**

A. "Source-separated organic material" means:

(1) source-separated compostable materials and yard waste, as defined under *Minnesota Statutes*, section 115A.03, except sanitary products and diapers;

(2) vegetative wastes generated from industrial or manufacturing processes that prepare food for human consumption; and

(3) compostable materials that meet the standards in ASTM D6400 and ASTM D6868, incorporated by reference under part 7035.0605.

B. Unless specifically permitted by the commissioner under part 7001.0150, source-separated organic material does not include:

(1) animal wastes;

(2) fish wastes generated from industrial or manufacturing processes;

(3) meat by-products generated from industrial or manufacturing processes;

(4) sanitary products; or

(5) diapers.

C. Source-separated organic material does not include:

(1) septage; or

(2) sewage sludge, as defined in part 7041.0100, subpart 49.

Subp. 105b. **Source-separated organic material compost facility.** "Source-separated organic material compost facility" means:

A. a site used to compost source-separated organic material;

B. all structures or processing equipment used to compost source-separated organic material; and

C. all structures or equipment used to:

(1) control drainage;

(2) manage contact water;

(3) manage storm water;

(4) manage incoming material;

(5) manage the finished product; or

(6) manage rejects and residuals resulting from the composting process.

[For text of subps 106 to 121, see M.R.]

7035.0605 AVAILABILITY OF REFERENCES.

A. The documents needed for analyzing and classifying soils as required in parts 7035.0300 to 7035.2915 may be obtained by contacting the Engineering Library of the University of Minnesota, through the Minitex interlibrary loan system, and requesting the standards from the American Society for Testing and Material, in the Annual Book of ASTM Standards, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

B. The publication for classification of wetlands, titled "Classification of Wetlands and Deep Water Habitats of the United States," may be obtained through the Minitex interlibrary loan system or by requesting the publication from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

C. Test Methods for Evaluating Solid Waste, EPA SW-846, Third Edition, November 1986, issued by the United States Environmental Protection Agency (EPA), is incorporated by reference. Sections of this document which are directly relevant to parts 7035.2885 to 7035.2915 are available through the Minitex interlibrary loan system. The entire document is available from EPA Environmental Monitoring and Support Laboratory, Cincinnati, Ohio, 45268. It is not subject to frequent change.

D. The document Standard Number 54: Flexible Membrane Liners, May 1990, issued by the National Sanitation Foundation, is incorporated by reference. It is available through the Minitex interlibrary loan system. It is not subject to frequent change.

E. EPA Document 600/4-79-020 Methods for Chemical Analyses of Water and Wastes, appearing in *Code of Federal Regulations*, title 40, part 136, 1990, is incorporated by reference. The document is available through the Minitex interlibrary loan system and EPA Environmental Monitoring and Support Laboratory, Cincinnati, Ohio, 45268. It is not subject to frequent change.

F. EPA Method 1312: the Synthetic Precipitation Leach Test for Soils (draft document, no date available) is incorporated by reference. The method is available through the Minitex interlibrary loan system. A copy of the method may also be obtained from the commissioner. The draft method is not subject to frequent change.

G. EPA Method 8290, November 1990, is incorporated by reference. The method is available through the Minitex interlibrary loan system and EPA Office of Solid Waste, Characterization and Assessment Division, Technical Assessment Branch, OS-331, Washington, D.C., 20460. The method is not subject to frequent change.

H. American Society for Testing and Materials (ASTM) Methods D3173 and D3174 are incorporated by reference. These methods are published in the Annual Book of ASTM Standards: Part 26, Gaseous Fuels; Coal and Coke; Atmospheric Analysis, 1981 Edition. This publication is available through the Minitex interlibrary loan system. The methods are not subject to frequent change.

I. American Society for Testing and Materials (ASTM) Standards D6400 "Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities" (2012 and as subsequently amended) and D6868 "Standard Specification for Labeling of End Items that e Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities" (2011 and as subsequently amended). ASTM International, are incorporated by reference. The standards are not subject to frequent change and are available through the Minitex interlibrary loan system.

7035.2525 SOLID WASTE MANAGEMENT FACILITIES GOVERNED.

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

Subp. 2. **Exceptions.** Parts 7035.2525 to 7035.2915 do not apply to the following solid waste management facilities or persons, except as indicated:

A. backyard compost sites small compost sites must only comply with parts 7035.2535, subpart 1, items A to E; 7035.2555; and 7035.2565;

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

7035.2585 ANNUAL REPORT.

The owner or operator of a solid waste management facility shall prepare and submit a single copy of an annual report to the commissioner no later than February 1 for the preceding calendar year. A report form and instructions may be obtained from the commissioner. The annual report must cover all facility activities during the previous calendar year and must include the following

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information:

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

I. the summary evaluation reports required for the specific solid waste management facilities in parts 7035.2825, subpart 9; 7035.2836, subparts 3, item D, and 6 G, 5, items J and K, and 11, item B, subitem (14); 7035.2845, subpart 4a; and 7035.2875, subpart 5;

[For text of items J and K, see M.R.]

L. for transfer facilities or source-separated organic material compost facilities operating under an extended permit term, the information required in part 7001.3410, subpart 2.

Waste facilities that do not dispose of waste need not include items D, H, and I.

7035.2836 COMPOST FACILITIES.

Subpart 1. **Scope.** The owner or operator of a yard waste compost facility must comply with subparts 2 and 3 only. The requirements of subparts 4 to 7 apply to the owner and operator of a facility used to compost solid waste, including source-separated compostables except as provided in part 7035.2525, subpart 2. The owner or operator of a yard waste compost facility must comply with subparts 2 and 3 only. The owner or operator of a source-separated organic material compost facility must comply with subparts 6 to 11.

[For text of subs 2 to 7, see M.R.]

Subp. 8. **Location requirements for a source-separated organic material compost facility.** An owner or operator must not establish or construct a source-separated organic material compost facility in the following areas:

A. within locations described in part 7035.2555;

B. on a site with karst features including sinkholes, disappearing streams, and caves;

C. within five vertical feet of the water table; and

D. unless a different distance is specified by a local unit of government by ordinance, within 500 feet horizontal separation distance as measured from the closest edge of all compost activities to the closest edge of a property boundary of the nearest residence, place of business, or public area, such as parks, wildlife areas, and public buildings, except:

(1) upon approval of the commissioner, operational modifications, geographic features, or other natural or man-made physical characteristics that reduce nuisance conditions, such as noise, litter, and odor, may be used to reduce the 500-foot horizontal separation distance; and

(2) adjacent commercial activities operated by the facility owner are excluded from the 500-foot horizontal separation requirement for the owner's residence or place of business.

Subp. 9. **Design requirements for a source-separated organic material compost facility.**

A. The owner or operator of a source-separated organic material compost facility must submit an engineering design report to the commissioner for approval with the facility permit application.

B. The engineering design report must comply with the design requirements in subitems (1) to (10).

(1) Site preparations must include clearing and grubbing for the compost operating and storage areas, building locations, topsoil stripping, excavations, berm construction, drainage control structures, storm water management systems, contact water collection systems, access roads, screening, fencing, and other special design features.

(2) Access to the facility must be controlled to prevent unauthorized entry. A perimeter fence and gate, enclosed structures, or other physical barriers must be used to prevent unauthorized entry to the facility.

(3) Storm water drainage must be diverted around and away from the compost storage and operating areas. The storm water drainage control system must be designed to manage a 24-hour, 10-year storm event. A storm water drainage control system, including changes in the site topography, ditches, berms, sedimentation ponds, culverts, energy breaks, and erosion control measures, must comply with part 7035.2855, subpart 3, items C to E. For purposes of this subpart, water that has come into contact with compost in the curing

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and finished storage areas is considered storm water. For purposes of this subpart, compost has reached the curing stage after PFRP as described in subpart 11, item B, subitem (10), has been achieved and the Solvita maturity index is greater than or equal to five with the ammonia greater than or equal to four. An owner or operator may use alternative test methods that are approved by the commissioner as equivalent to those listed in this subitem.

(4) Contact water must be diverted to a contact water collection and treatment system. The contact water collection and treatment system must comply with applicable portions of part 7035.2815, subpart 9. For purposes of this subpart, immature compost is defined as not having reached the curing stage described in subitem (3).

(5) The facility must be designed for collection of rejects and residuals and must provide for the final transportation and proper disposal of rejects and management of residuals.

(6) The tipping, mixing, active composting, curing, and storage areas for compost must be located on a hard-packed, all-weather surface capable of minimizing migration of materials or contact water into the subsurface soil, groundwater, and surface water.

(7) The working surface of a source-separated organic material compost facility must have a minimum of five feet of soil separation to the water table.

(8) Unless designed as allowed under subitem (9), the site must have at least five feet of any combination of the following soil types comprising the soil profile above the water table: sandy clay loam, sandy clay, clay loam, silty clay loam, silty clay, and clay. An owner or operator may use an alternate separation distance according to unit (a). Water tables classified as perched or epi-saturated by the United States Department of Agriculture, Natural Resources Conservation Service, are not considered to be the seasonal high water table. The soil profile must be characterized by the use of soil borings, piezometers, or test pits as certified by a Minnesota-licensed soil scientist, engineer, or geologist. The owner or operator may propose the use of alternative methods for soil profiles according to unit (b). If the site cannot meet the soil criteria, an impervious pad or liner must be installed under all activity areas except curing and storage of finished compost.

(a) The owner or operator may use an alternative separation distance that is approved by the commissioner as equivalent to that listed in this subitem if, during the previous five years:

i. the site has experienced an abnormally wet period or an abnormally dry period; and

ii. the elevation of the water table at the site has changed. The alternative separation distance must maintain a sufficient distance between the water table and compost activities to account for the movement of the water table through normal wet and dry years.

(b) An owner or operator may use alternative methods that are approved by the commissioner as equivalent if the owner or operator can demonstrate that the alternative methods provide soil profile characterization substantially equivalent to characterization by soil borings, piezometers, or test pits.

(9) Owners and operators whose sites are unable to meet the soil requirement listed under subitem (8) must install a pad system in all areas where source-separated organic materials will be managed and composted prior to curing. For the purposes of this subpart, compost has reached the curing stage after PFRP as described in subpart 11, item B, subitem (10), has been achieved and the Solvita maturity index is greater than or equal to five with an ammonia test result of greater than or equal to four. An owner or operator may use alternative test methods that are approved by the commissioner as equivalent to those listed in this subitem. Sites requiring a pad must comply with one of the options listed in units (a) to (c).

(a) If a geomembrane is used, the liner system must be designed and built according to the applicable criteria in part 7035.2815, subpart 7. The surface must comply with part 7035.2855, subpart 3, item A.

(b) If a concrete or asphalt pad is used, the surface must at a minimum meet requirements established in the Department of Transportation, Road Design Manual (2012 and as subsequently amended). The manual is incorporated by reference, is subject to frequent change, and is available at <http://www.roaddesign.dot.state.mn.us/roaddesign.aspx>. The owner or operator must inspect the pad routinely and immediately repair any cracks, crumbling, and failures. The owner or operator must include the results of all inspections and repairs in the annual report submitted to the commissioner.

(c) An alternative liner system design may be used when approved by the commissioner. The owner or operator must demonstrate that the proposed liner system will control contact water migration, meet performance standards, and protect human health

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and the environment.

(10) The owner or operator must design the site to minimize liquids; odors; vectors, such as flies and rodents; and nuisance conditions, such as litter, noise, ponding water, and erosion.

Subp. 10. Construction requirements for a source-separated organic material compost facility. The owner or operator must include the construction requirements in items A to G in the project specifications for all design features of a source-separated organic material compost facility.

A. The owner or operator must notify the commissioner in writing at least ten days before the day construction is expected to begin on any design features.

B. The construction firm's inspector must record all procedures completed during construction at a source-separated organic material compost facility. The record must document that design features were constructed according to parts 7035.2525 to 7035.2915. The record must include pictures, field notes, and all test results.

C. The owner or operator must install a permanent benchmark on site and show its location on the facility as-built plan.

D. The owner or operator must complete tests for compaction, grain size distribution, and field moisture density, at a minimum, for soil pads constructed at the facility.

E. Flexible membranes must be installed during dry conditions. The seams joining membrane panels must be inspected as construction proceeds. Seams must be air tested and field seams must be tested for tensile strength. All flexible membranes must be protected after placement. The natural layer above and below the barrier layer must be free of roots, sharp objects, rocks, or other items that might puncture the liner.

F. A quality control and quality assurance program must be established for all construction projects. The program must include the tests to be completed during construction. The program must also establish the frequency of inspection and testing, the accuracy and precision standards for the tests, procedures to be followed during inspections and sample collection, and the method of documentation for all field notes including testing, pictures, and observations.

G. If a geomembrane is used, the surface must comply with part 7035.2855, subpart 5.

Subp. 11. Operation requirements for a source-separated organic material compost facility.

A. The owner or operator of a source-separated organic material compost facility must submit an operation and maintenance manual to the commissioner for approval with the facility permit application. The manual must include a source-separated organic materials management plan, a personnel training program plan, a contact water management plan, a storm water management plan, an odor management plan, and a compost sampling plan.

B. The facility operations must at a minimum meet the requirements in subitems (1) to (16).

(1) All access points must be secured when the facility is not open for business or when no authorized personnel are on site.

(2) All source-separated organic materials delivered to the facility must be confined to a designated delivery area and processed or removed by the end of the day on which the materials were delivered to prevent nuisances such as odors, vector intrusion, and aesthetic degradation.

(3) All salvageable and recyclable materials must be containerized or stored and removed from the facility in a manner that prevents nuisances such as odors, vector intrusion, and aesthetic degradation.

(4) All rejects and residuals must be stored to prevent nuisances such as odors, vector intrusion, and aesthetic degradation. All rejects and residuals must be managed to prevent the generation of contact water. All contact water from residuals and residuals storage areas must be diverted to the contact water collection and treatment system.

(5) Liquid that has come in contact with source-separated organic material, immature compost, and residuals must be diverted to a collection and treatment system.

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(6) Contact water or storm water may be reused in the compost process. It must be added to the source-separated organic materials prior to initiating the PFRP process described in subitem (10). Any water to be discharged into waters of the state must meet all federal and state national pollutant discharge elimination system requirements.

(7) The owner or operator must operate and maintain a drainage system to divert storm water around and away from the site operating area.

(8) The owner or operator must cover or otherwise manage all the material on site to control wind dispersion of any particulate matter.

(9) The owner or operator must develop and maintain a source-separated organic material management plan. The plan must, at a minimum:

(a) include a waste analysis plan to characterize source-separated organic materials prior to acceptance at the facility;

(b) identify the area of the facility where source-separated organic materials will be delivered; and

(c) describe management methods to be employed when source-separated organic materials are delivered to the facility. The management methods must address reducing odor, vectors, such as flies and rodents, and nuisance conditions, such as litter, noise, ponding water, and erosion; minimizing liquids; and mixing source-separated organic materials to achieve the proper moisture content, carbon-to-nitrogen ratio (C:N ratio), porosity, and pH. Acceptable source-separated organic materials are defined in part 7035.0300, subpart 105a, and acceptable bulking agents include untreated wood waste, nonrecyclable paper, ground tree and shrub materials, and other similar materials approved by the commissioner.

(10) Compost must be produced by a process to further reduce pathogens (PFRP). The owner or operator must monitor and record the temperature and retention time for the material being composted each working day until PFRP is achieved, and weekly thereafter. Each time temperature is measured, it must be measured before turning the pile and after turning the pile. Acceptable methods of PFRP are described in units (a) to (c).

(a) The windrow method for reducing pathogens consists of an unconfined composting process involving periodic aeration and mixing. Construction of each windrow must include a minimum of 12 inches of porous materials at the base of the windrow that promotes aerobic conditions within the windrow. Blended source-separated organic materials may be placed on top of the porous material to a maximum height of 12 feet. Aerobic conditions must be maintained during the compost process. A temperature of 55 degrees Celsius must be maintained in the windrow for at least 15 days. The windrow must be turned at least once every three to five days.

(b) The static aerated windrow method for reducing pathogens consists of an unconfined composting process involving mechanical aeration of insulated compost piles. Windrow height must not exceed 12 feet. Aerobic conditions must be maintained during the compost process. The temperature of the compost pile must be maintained at 55 degrees Celsius for at least seven days.

(c) The enclosed vessel method for reducing pathogens consists of a confined compost process involving mechanical mixing of compost under controlled environmental conditions. The retention time in the vessel must be at least 24 hours, with the temperature maintained at 55 degrees Celsius. A stabilization period of at least seven days must follow the enclosed vessel retention period. Temperature in the compost pile must be maintained at least at 55 or more degrees Celsius for three days during the stabilization period.

(11) The owner or operator must comply with subpart 5, item J. For Class I compost as defined under subpart 6, the owner or operator may request removal of mercury (Hg) and polychlorinated biphenyls (PCB) sampling and testing requirements based on five years of sampling batch data. The data must demonstrate nondetect results for Hg and PCB.

(12) The owner or operator must develop and maintain an odor management plan detailing the best management practices (BMPs) to be used during normal operations to prevent odors. These BMPs must address how the oxygen levels and porosity will be managed to minimize odors. The plans must detail how the facility will handle odor complaints and the steps that would go beyond normal operations should the facility receive persistent complaints. At a minimum, the odor management plan must address BMPs to minimize odor generation in the mixing and tipping areas, active compost processing areas, and contact water and storm water ponding areas.

(13) The owner or operator must develop a personnel training program. The personnel training program must address the requirements of part 7035.2545, subparts 3 and 4, and the specific training needed to operate a source-separated organic material compost

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facility in compliance with this subpart and subparts 6 to 10. Personnel training for a source-separated organic material compost facility must include a training schedule that:

(a) provides an initial training session of 24 contact hours within 12 months of employment; and

(b) provides five contact hours of training on an annual basis.

A contact hour means a pertinent instructional or training session of 50 minutes. The commissioner shall prepare and make available to the operators and inspectors a list of accredited training courses and approved educational activities. The commissioner shall grant approval if the content includes topics such as the compost process, composting methods, facility operations, odor control, source-separated organic materials management, or other topics related to the best management practices of operating a compost facility.

(14) The owner or operator must submit an annual report according to subpart 5, item K. The annual report must be submitted on a form prescribed by the commissioner. For source-separated organic material compost facilities, the annual report must include the county of origin and volume of source-separated organic materials received.

(15) If for any reason the facility becomes inoperable, the owner or operator must notify the commissioner within 48 hours and implement the contingency action plan developed under part 7035.2615.

(16) If a geomembrane is used, the owner or operator must comply with part 7035.2855, subpart 4.

REPEALER. Minnesota Rules, part 7035.0300, subpart 7, is repealed.

Expedited Rules

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

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

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

Minnesota Department of Natural Resources (DNR)

Division of Ecological and Water Resources

Proposed Expedited Permanent Game and Fish Rules: Prohibited and Regulated Invasive Species

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Prohibited Invasive Species, *Minnesota Rules*, parts 6216.0250 and 6216.0260; Revisor's ID Number R-04118

Introduction. The Department of Natural Resources (DNR) intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until January 24, 2014.

Agency Contact Person. You must submit comments or questions on the rules to: Ann Pierce at Minnesota Department of Natural Resources, **phone:** (651) 259-5119, and **e-mail:** ann.pierce@state.mn.us.

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules adjust, add, or remove species on the prohibited and regulated invasive species lists. Compliance with *Minnesota Statutes*, chapter 84D, will pertain to any species added to these lists. The statutory authority to adopt the rules is *Minnesota Statutes*, section 84D.12. The statutory authority to adopt the rules under the expedited rulemaking process is *Minnesota Statutes*, section 84.027, subdivision 13a, item (2). A copy of the proposed expedited rules is published in the *State Register* and attached to this notice as mailed. The proposed expedited rules may also be viewed at:

<http://www.dnr.state.mn.us/input/rules/rulemaking.html>.

Comments. You have until 4:30 p.m. on Friday, January 24, 2014, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The DNR encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments on the legality of the proposed rules during this comment period.

Modifications. The DNR may modify the proposed expedited rules using either of two avenues: The DNR may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the DNR may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the *State Register*, the DNR will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the DNR must publish a copy of the changes in the *State Register*. If the proposed expedited rules affect you in any way, the DNR encourages you to participate in the rulemaking process.

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

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

Expedited Rules

Adoption and Review of Expedited Rules. The DNR may adopt the rules at the end of the comment period. The DNR will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the DNR submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the DNR to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 18 December 2013

Tom Landwehr, Commissioner
Department of Natural Resources

6216.0250 PROHIBITED INVASIVE SPECIES.

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

Subp. 3. **Fish.** The following fish are designated as prohibited invasive species:

- A. Amur sleeper (*Perccottus glenii*) Dybowski;
- A.B. bighead carp (*Hypophthalmichthys nobilis*) Richardson;
- B.C. black carp (*Mylopharyngodon piceus*) (Richardson) Peters;
- D. crucian carp (*Carassius carassius*) Linnaeus;
- E. Eurasian minnow (*Phoxinus phoxinus*) Linnaeus;
- F. European perch (*Perca fluviatilis*) Linnaeus;
- E.G. grass carp (*Ctenopharyngodon idella*) Valenciennes;
- H. largescale silver carp (*Hypophthalmichthys harmandi*) Sauvage;
- Ð.I. northern snakehead fish (*Channa argus*);
- J. Oriental weatherfish (*Misgurnus anguillicaudatus*) Cantor;
- K. Prussian carp (*Carassius gibelio*) Bloch;
- L. roach (*Rutilus rutilus*) Linnaeus;
- E. M. round goby (*Neogobius melanostomus*);
- F. N. rudd (*Scardinius erythrophthalmus*) Linnaeus;
- G. O. ruffe (*Gymnocephalus cernuus*) Linnaeus;
- H. P. sea lamprey (*Petromyzon marinus*) Linnaeus;
- F. Q. silver carp (*Hypophthalmichthys molitrix*) Valenciennes;
- R. stone moroko (*Pseudorasbora parva*) Temminck & Schlegels;
- J. S. tubenose goby (*Proterorhinus marmoratus*) Pallas;
- T. water hyacinth (*Eichhornia crassipes*) Solms;
- U. wels catfish (*Siluris glanis*) Linnaeus;

V. western mosquitofish (*Gambusia affinis*) Baird & Girard;

~~K. W.~~ white perch (*Morone americana*) Gmelin; ~~and~~

X. yabby (*Cherax destructor*) Clark; and

~~E. Y.~~ zander (*Stizostedion lucioperca*) Linnaeus.

Subp. 4. **Invertebrates.** The following invertebrates are designated as prohibited invasive species:

A. faucet snail (*Bithynia tentaculata*) Linnaeus;

~~A. B.~~ New Zealand mud snail (*Potamopyrgus antipodarum*) Gray; ~~and~~

C. quagga mussel (*Dreissena bugensis*) Andrusov;

D. red swamp crayfish (*Procambarus clarkii*) Girard; and

~~B. E.~~ zebra mussel (*Dreissena* spp.).

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

6216.0260 REGULATED INVASIVE SPECIES.

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

Subp. 4. **Invertebrates.** The following invertebrates are designated as regulated invasive species:

A. banded mystery snail (*Viviparus georgianus*) I. Lea;

~~A. B.~~ Chinese mystery snail, Japanese trap door snail (*Cipangopaludina* spp.) Hannibal;

~~B. C.~~ rusty crayfish (*Orconectes rusticus*) Girard; and

~~E. D.~~ spiny water flea waterflea (*Bythotrephes cederstroemi longimanus*) Schøedler Leydig.

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

Subp. 6. **Reptiles.** The following reptile is designated as a regulated invasive species: red-eared slider (*Trachemys scripta elegans*) Wied-Neuweid.

REPEALER. The expedited emergency amendments to *Minnesota Rules*, parts 6216.0250, subparts 3 and 4; and 6216.0260, subpart 4, published in the *State Register*, volume 37, page 328, September 4, 2012, are repealed.

Revenue Notices

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

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

Minnesota Department of Revenue

Revenue Notice # 13-08: Income and Corporate Franchise Tax - Federal Entity “Check the Box” Classifications - Revocation and Replacement of Revenue Notice # 98-08 and Revenue Notice # 97-03

Introduction

Revenue Notice #98-08, which superseded Revenue Notice #97-03, sets forth the Department’s position regarding federal check-the-box classifications, including when the Department could recognize a check-the-box election by a foreign eligible entity pursuant to *Minnesota Statutes*, section 290.17, subdivision 4(f). That statute was amended by 2013 *Minnesota Laws*, chapter 143, article 6, section 28. The amendment made the policy statement regarding foreign eligible entities in Revenue Notice #98-08 obsolete.

Department Position

Pursuant to *Treasury Regulations* §§ 301.7701-1 through 301.7701-3, the Internal Revenue Service provides an elective system of entity classification commonly known as check-the-box. For Minnesota individual income and corporate franchise tax purposes, the Department will follow elections made by eligible domestic and foreign entities pursuant to these federal regulations.

Revenue Notice #98-08 and Revenue Notice #97-03 are revoked. This revenue notice is effective for taxable years beginning after December 31, 2012, which is the effective date of the law change discussed above.

Publication Date: December 23, 2013

Susan VonMosch, Assistant Commissioner
for Tax Policy
Minnesota Department of Revenue

Official Notices

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

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

Minnesota Department of Human Services (DHS)

Health Care Administration

Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program and the MinnesotaCare Program

This notice is published pursuant to *Code of Federal Regulations*, title 42, part 447, section 205 (42 CFR § 447.205)

Effective January 1, 2014, payment rates for Intensive Residential Treatment Services (IRTS), Residential Crisis Stabilization (RCS) services provided by a licensed IRTS provider, and Assertive Community Treatment (ACT) services will be made based on the following criteria:

- Direct service costs, which include employee costs associated with the program's direct service staff, staff training and service-related transportation, and costs associated with contract staff.
- Other program costs include costs for program administration. The Department calculates other program costs by multiplying total direct service costs by a flat rate percentage. The current percentage for ACT providers is 41%. The current percentage for residential rehabilitation providers is 37%.
- Residential service providers may receive additional reimbursement related to physical plant costs related to treatment.

Comments and requests for information may be sent to Lynn Glancey by e-mail at lynn.glancey@state.mn.us or by phone at (651) 431-3690.

Minnesota Department of Human Services (DHS)

Health Care Administration

Request for Comments on the Spousal Deeming Section 1115 Medicaid Waiver Request

DHS is announcing a 30-day comment period on the Minnesota Spousal Deeming Section 1115 Medicaid waiver request.

The 2013 Minnesota Legislature required the Commissioner of Human Services to seek authority from the Centers for Medicare & Medicaid Services (CMS) to allow Minnesota to continue existing eligibility policy for people receiving services under the Brain Injury (BI) waiver, Community Alternative Care (CAC) waiver, Community Alternatives for Disabled Individuals (CADI) waiver and Developmental Disabilities (DD) waiver. This would allow Minnesota to continue the current practice of disregarding the income and assets of community spouses instead of implementing the anti-spousal impoverishment provisions under the ACA. DHS will submit a Section 1115 Medicaid waiver request to CMS to retain the current HCBS waiver eligibility criteria allowing spousal income and asset disregards. DHS will submit a Section 1115 Medicaid waiver request to CMS to retain the current HCBS waiver eligibility criteria allowing spousal income and asset disregards.

A copy of the waiver request can be found on the DHS web site at http://www.dhs.state.mn.us/dhs16_181026. To request a paper copy of the waiver request, please contact Quitina Cook at (651) 431-2191.

Official Notices

Written comments may be submitted to the following e-mail mailbox: *Section1115WaiverComments@state.mn.us* or by mail to the address below. DHS would like to provide copies of comments received in a format that is accessible for people with disabilities. Therefore, we request that comments be submitted in Microsoft Word format or incorporated within the email text. If you would also like to provide a signed copy of the comment letter, you may submit a second copy in Adobe PDF format or mail it to the address below.

Comments must be received by January 22, 2014.

James I. Golden, PhD
Medicaid Director
Minnesota Department of Human Services
P.O. Box 64998
St. Paul, Minnesota 55164

In addition to the opportunity to submit written comments during the 30 day public comment period, public hearings will be held to provide stakeholders and other interested persons the opportunity to comment on the waiver request. You may attend either hearing by phone or in person. If you would like to attend by phone, please send an email request to *Section1115WaiverComments@state.mn.us* to obtain the call-in information. If you would like to attend a hearing in person, the time and location for the two public hearings are provided below. If you plan to testify by phone or in person, please send an email to *Section1115WaiverComments@state.mn.us* indicating that you will testify.

Public Hearing #1

Date: Monday, January 6, 2014
Time: 9:00 a.m. – 12:00 p.m.
Location: Department of Human Services, Elmer L. Andersen Human Services Building,
Room 2380, 540 Cedar St. St. Paul, MN 55164

Public Hearing #2

Date: Tuesday, January 14, 2014
Time: 1:00 p.m. – 4:00 p.m.
Location: Department of Human Services, Room 6146, 444 Lafayette Rd., St. Paul, MN 55155

Minnesota State Board of Investment (MSBI) Notice to Institutional Investment Management Firms for Consideration to Potentially Manage a Portion of the Pension Assets and Other Accounts

The Minnesota State Board of Investment (MSBI) retains institutional investment management firms to manage a portion of the pension assets and other accounts under its control. Periodically, the MSBI will conduct a search for institutional investment management firms on an as needed basis. For additional information on the domestic stock, international stock, or domestic bond portfolio programs for the MSBI, firms are asked to write to the following address for additional information:

External Manager Program
Minnesota State Board of Investment
60 Empire Drive, Suite 355
St. Paul, MN 55103-3555
Telephone: (651) 296-3328
Fax: (651) 296-9572
E-mail: *minn.sbi@state.mn.us*

Please refer to this notice in your written request.

**Minnesota Department of Labor and Industry (DLI)
Labor Standards Unit****Notice of Correction to Commercial and Highway Heavy Construction Prevailing
Wage Rates**

Corrections have been made to the Commercial Construction Prevailing Wage Rates certified 11/18/13,

Labor Code 101, (Laborers) in Carlton County
Labor Code 102, (Laborers) in Carlton and Clay Counties
Labor Code 104, (Laborers) in Olmsted County
Labor Code 105, (Laborers) in Carlton and Olmsted Counties
Labor Code 106, (Laborers) in Carlton County
Labor Code 107, (Laborers) in Rice County
Labor Code 108, (Laborers) in Carlton County
Labor Code 109, (Laborers) in Carlton County
Labor Code 110, (Laborers) in Carlton County
Labor Code 111, (Laborers) in Carlton County
Labor Code 707, (Electrician) in Koochiching County
Labor Code 717, (Pipefitters-Steamfitters) in Itasca, Koochiching and St. Louis Counties
Labor Code 719, (Plumbers) in Itasca, Goodhue, Koochiching and St. Louis Counties
Labor Code 722, (Sprinkler Fitters) Anoka and Dakota Counties

Corrections have been made to the Highway Heavy Construction Prevailing Wage Rates certified 10/28/13,

Labor Code 205 (Pavement Marking or Marking Removal Equipment – Operator) in Regions 1, 5, 6, 8 and 9.
Labor Code 715, (Painters) in Regions 3, 5, 6, 7, and 8.

Copies with the corrected certified wage rates for these Regions may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.dli.mn.gov. Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that.

Make check or money order payable to the State of Minnesota.

Ken B. Peterson, Commissioner
Department of Labor and Industry

**Minnesota Pollution Control Agency
Remediation Division****Minnesota Department of Agriculture
Pesticide & Fertilizer Management Division****Notice of Proposed Update of the State Superfund Priority List (Superfund List)
(also known as the Permanent List of Priorities (PLP)) Among Releases or
Threatened Releases of Hazardous Substances or Pollutants or Contaminants**

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA), and Minnesota Department of Agriculture (MDA) are publishing for public comment proposed additions to and deletions from the State Superfund List which lists releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA or MDA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), *Minnesota Statutes* §§ 115B.01-115B.20.

Pursuant to *Minnesota Statutes* 115B.17, the MPCA is authorized to take any removal or remedial action which the MPCA deems
(Cite 38 SR 923) *Minnesota State Register*, Monday 23 December 2013 Page 923

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necessary to protect the public health, welfare or the environment whenever there is a release, or substantial threat of release, from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment, or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility.

Where the hazardous substance or pollutant or contaminant is agriculture chemical, as defined in *Minnesota Statutes* 18D.01, subd. 3, the Commissioner of Agriculture is authorized under MERLA to take any removal or remedial action deemed necessary with regard to such releases or threatened releases. (*Minnesota Statutes* 115B.17, 115B.20 and 18D.1051).

Minnesota Statutes 115B.17, subd. 13 required the MPCA to establish priority rules regarding releases or threatened releases of hazardous substances, and pollutants or contaminants. These rules, *Minnesota Rules*, chapter 7044, became effective on April 5, 1993.

Minnesota Statutes 115B.17, subd. 13 also require the MPCA to adopt the State Superfund List and to update the list annually according to the criteria set forth in the priority rules. Before any update of the State Superfund List is adopted by the MPCA, it must be published in the *State Register* and a 30-day public comment period must be provided. This notice is, therefore, published to inform the public that the MPCA and MDA propose to update the Superfund List and to solicit public comment on the proposed additions and deletions.

Pursuant to *Minnesota Statutes* § 115B.17 (2012) and *Minnesota Rules* 7044.0950 (2010), the MPCA and MDA are proposing the following changes to the Superfund List.

The MPCA is proposing to add the following eight sites (Sites) to the Superfund List (Hazard Ranking Score assigned pursuant to *Minnesota Rules* 7044.0350 follows the Site): Lakeland Groundwater Plume, Washington County (16); Clothing Care Cleaners, Rochester, Olmsted County (14); Hoover Dump, Dundas, Rice County (12); Merit Enterprises, Isle, Mille Lacs County (8); Bulinski Point, Ely, St. Louis County (5); Precision Plating, Minneapolis, Hennepin County (4); Ace Sign, Willmar, Kandiyohi County (3) and Boyer Lumber, Virginia, St. Louis County (1).

The MDA, as the lead state agency for agricultural chemical releases, is proposing to add the following Site to the Superfund List, with Hazard Ranking Score: Cedar Service, Incorporated – Bemidji, Beltrami County (17).

These MPCA and MDA sites are being proposed for addition to the State Superfund List as in each case, State Superfund resources will likely be necessary to complete appropriate response actions.

Each MPCA and MDA Site has been assigned to Response Action Classes C and D (see *Minnesota Rules* 7044.0450). The four response action classes are defined as follows: Class A - Declared Emergency; Class B - Response Actions Completed and Operation and Maintenance/Long-Term Monitoring Ongoing; Class C - Response Actions Necessary or in Progress or First Year Operation and Maintenance at a Site; and Class D - Remedial Investigations and Feasibility Studies Necessary or in Progress.

The MPCA is proposing to delete the following Site from the Superfund List: Bassett Creek/Irving Avenue Dump Site, Minneapolis, Hennepin County.

The Bassett Creek/Irving Avenue Dump Site is now the location of the City of Minneapolis auto impound lot, thus a majority of the Site is paved. Those areas of the impound lot that are unpaved do not have soil contamination above appropriate MPCA soil reference values for industrial uses. Soil gas sampling has shown that soil vapor does not pose a risk to on-site workers or the public. The City of Minneapolis developed an End Use Plan which requires the City notify the MPCA of any proposed changes in land use. A Minnesota Decision Document which recommended that no further actions were necessary at the Site was approved by the MPCA on October 17, 2013. Therefore, the MPCA has determined that all appropriate MERLA response actions have been completed at this Site and that the Site does not pose a threat to public health or welfare or the environment. Thus no further MERLA funded response actions will be necessary and deletion of this Site from the Superfund List is appropriate pursuant to *Minnesota Rules* 7044.0950.

The MDA is not proposing to delete a Site from the Superfund List at this time.

The MPCA and MDA invite members of the public to submit written comments on the proposed additions to and/or deletion from the State Superfund Priority List. All written comments with regard to these proposed changes to the Superfund List must be received no later than 4:30 p.m. on January 23, 2014.

Written comments regarding the proposed MPCA additions to or deletion from the Superfund List should be submitted to: Gary L. Krueger, Remediation and Redevelopment Section, Remediation Division, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

Written comments regarding the proposed MDA addition to the Superfund List should be directed to Greg Hanson, Incident Response Unit, Pesticide and Fertilizer Management Division, Minnesota Department of Agriculture, 625 Robert Street North, St. Paul, Minnesota 55155-2538.

All written comments received by the above deadline will be considered by the MPCA and MDA in establishing the updated State Superfund Priority List.

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

Dave Frederickson, Commissioner
Minnesota Department of Agriculture

Minnesota Department of Transportation (MnDOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of thirty (30) months, effective August 22, 2011 until February 22, 2014:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, MN

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective May 6, 2013 until May 6, 2016:

- Gary Francis Bauerly and his affiliates, Rice, MN
- Gary Bauerly, LLC and its affiliates, Rice, MN
- Watab Hauling Co. and its affiliates, Rice, MN

Minnesota Statute section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller’s or transfer’s debarment.

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.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Minnesota Department of Health (MDH) Notice of Intent to Enter into Sole Source Contract with Dulles Technology Partners Inc.

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (MDH) intends to enter into a sole source contract with Dulles Technology Partners Inc. for a software as a service grants management system that tracks incoming and outgoing grants, facilitates grantee monitoring including financial and progress reports, creates standard and custom reports, provides a central listing of all MDH grant opportunities and gives MDH the ability to implement additional grant programs in the system without additional vendor charges.

The anticipated budget for this contract is not to exceed \$200,000 and includes an enterprise license for unlimited users of WebGrants and MyWebGrants for MDH and its grantees and vendor implementation of ten unique grant program areas. Anticipated annual costs are not to exceed a total of \$20,000 for support (data storage, backups, network, patches (OS and Application), version upgrades (OS and Application), phone/email support) and managed hosting of all tiers (web server, application server, database server, client side software (if applicable)) of the WebGrants and MyWebGrants Application by Dulles Technology Partners Inc.

If you have questions please contact: Alyssa Haugen, MDH Grants Management Coordinator at alyssa.haugen@state.mn.us by Friday, December 27, 2013.

Minnesota Department of Human Services (DHS) Adult Mental Health Division Notice of Request for Proposals to Develop/Implement Supports or Services for Underserved Adults with Mental Health Needs

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to development or implement supports or services that will better meet the needs of those adults with mental illness who are often underserved based on, for example, gender, age, ethnicity, race, language, disability, mobility, housing or employment status, or location.

Work is proposed to start upon agreement of a contract between The Department of Human Services and the successful Responder and be completed by June 30, 2015. For more information, or to obtain a copy of the Request for Proposal, contact:

Faye K. Bernstein
Department of Human Services
Adult Mental Health Division
P.O. Box 64981
444 Lafayette Road North
St. Paul, MN 55164-0981
Phone: (651) 431-2230
Fax: (651) 431-7566
E-mail: Faye.Bernstein@state.mn.us

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

State Grants & Loans

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, January 24, 2014. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

http://www.dhs.state.mn.us/main/id_000102

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

Minnesota Department of Human Services (DHS) Transitions to Economic Stability Division Soliciting Proposals for– Planning and Development of Evidence-Based Home Visiting for MFIP Teen Parents

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals from counties interested in developing a collaborative between their Minnesota Family Investment (MFIP) program and local public health family home visiting program as a means to improve the capacity of MFIP teen parents (minors and 18/19 year olds) in poverty to achieve optimal health and development outcomes for their children, complete high school and improve maternal health. Home visiting programs must provide service using the Nurse Family Partnership and/or Healthy Families America models. **The project includes funding for a six month planning period, followed by a phased implementation.**

Work is proposed to start March 1, 2014. For more information, or to obtain a copy of the Request for Proposal, contact:

Joan Truhler
Department of Human Services
Transitions to Economic Stability Division
P.O. Box 64951
444 Lafayette Road North
St. Paul, MN 55155-0954
Phone: (651) 431-4046
Fax: (651) 431-7526
E-mail: *joan.m.truhler@state.mn.us*

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

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, January 24, 2014. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

http://www.dhs.state.mn.us/main/id_000102

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

State Contracts

In addition to the following listing of state contracts, readers are advised to check the Statewide Integrated Financial Tools (SWIFT) Supplier Portal at: <http://supplier.swift.state.mn.us> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be advertised in the Supplier Portal (see link above) or posted on the Department of Administration, Materials Management Division's (MMD) Web site at: <http://www.mmd.admin.state.mn.us/solicitations.htm>.

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 advertised in the SWIFT Supplier Portal or alternatively, in the *Minnesota State Register* if the procurement is not being conducted in the SWIFT system.

Minnesota Department of Administration (Admin) Real Estate and Construction Services Notice of Availability of Request for Qualifications (RFQ) for Construction Manager at Risk for Building 17 South Replacement, MVH-Minneapolis (Re-Solicitation)

NOTICE IS HEREBY GIVEN that the State of Minnesota Department of Administration, represented by Real Estate and Construction Services Division (RECS) and Minnesota Department of Veteran Affairs, is seeking Construction Manager at Risk services for the design, and construction for new Building 17 South, the demolition of existing Building 17 South, and the partial demolition of Building 18 at Minnesota Veterans Home (MVH) in Minneapolis.

A full Request for Qualifications is available on the Department of Administration's Virtual Plan Room at <http://www.ipdservices.com/clients/MMD/>

with the Project Name "CM@Risk for Building 17 South Replacement, MVH-Minneapolis" and may be downloaded for a fee of \$7.00. To be considered for selection and a contract, responses must be submitted by the date and time indicated in the RFQ.

A mandatory informational meeting is tentatively scheduled for Thursday, January 9, 2014 at 9:30 a.m. Central Time. Project questions will be taken by Talia Landucci Owen at talia.landucci-owen@state.mn.us. Questions regarding this RFQ must be received by Thursday, January 16, 2014 at 12:00 Noon C.T.

Responses must be received by the Real Estate and Construction Services, Department of Administration, 309 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, Attn.: Talia Landucci Owen, no later than Thursday, January 30, 2014 by 12:00 Noon C.T. Late responses will not be accepted.

The Department of Administration, Real Estate and Construction Services Division 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. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota State Colleges and Universities (MnSCU) Bemidji State University Notice of Request for Proposals for Development of Marketing & Advertising Plan for Online Program

NOTICE IS HEREBY GIVEN that Bemidji State University will receive sealed proposals for Development of Marketing & Advertising Plan for Online MBA Program. Specifications will be available December 23, 2013, at the following website: http://www.bemidjistate.edu/offices/procurement_logistics/rfps_bids/

Instructions for delivering proposals, as well as all other requirements and contact information, will be contained in the RFP to be posted at the above website.

Sealed proposals must be received by Belinda Lindell, Director of Procurement & Logistics, Bemidji State University & Northwest Technical College, Deputy 204, Box 8, 1500 Birchmont Drive NE, Bemidji, MN 56601, by 2:00 PM, Friday, January 17, 2014. Late proposals will not be considered.

Bemidji State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received. This Request for Proposal does not obligate the University to complete a proposed contract, and the University reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU) Northeast Higher Education District Request for Proposals for Grant Writing Services

NOTICE IS HEREBY GIVEN that proposals will be received by the Executive Assistant to the President, until 2:00 p.m., January 15, 2014 for the purpose of engaging in a contract with an experienced writer who will research federal, state, and philanthropic grant opportunities to write and submit winning grant proposals in accordance to the specifications on file at the Northeast Higher Education District, 1001 Chestnut West, Virginia, Minnesota, 55792.

Institution: Northeast Higher Education District
Name: Annette Koski
Title: Executive Assistant to the President

Mailing Address: 1001 Chestnut Street W
Virginia, MN 55792

Sealed proposals can be hand delivered to the administrative suite on the Virginia Campus of Mesabi Range Community & Technical Colleges 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 Executive Assistant to the President at the address or e-mail shown below. There is no plan for a pre-proposal conference at this time.

For further information contact:

Annette Koski
Title: Executive Assistant to the President
Address: 1001 Chestnut Street West, Virginia, MN 55792
Telephone: (218) 471-0016
Fax: (218) 471-0017
Email Address: akoski@nhed.edu

State Contracts

Minnesota State Colleges and Universities (MnSCU) System Office Request for Proposal for Change Management Leadership

The Minnesota State Colleges and Universities system office is requesting proposals to assist in change management leadership.

The Minnesota State Colleges and Universities has adopted “Charting the Future for a Prosperous Minnesota,” an ambitious agenda to maximize the system’s strengths, increase access and affordability, better serve students and remain an effective steward of resources (<http://www.mnscu.edu/chartingthefuture/index.html>).

The system office wishes to engage the services of one or more professional services organizations with significant expertise and experience in change management to work in collaboration as a long-term partner in the attainment of the following objectives:

1. Significant and lasting improvement in the system’s internal capacity for change management, innovation, and transformation.
2. Successful initiation and implementation of recommendations identified in Charting the Future.

Response requirements include an overview of recommended approach(es) for achieving the proposal objectives ; itemization and description of project components; a cost estimate for each of the major services. A copy of the RFP and any addendums can be downloaded at the following MnSCU website:

<http://finance.mnscu.edu/contracts-purchasing/purchasing/rfp-rfb-rfi/>

All proposals must be received **no later than 3:30 p.m. CT on Tuesday, January 7, 2014** at Minnesota State Colleges and Universities, System Office, 30 7th St. E., Suite 350, Receptionist Desk, St. Paul, MN 55101 (Attn: Laura King). Please note personnel other than Laura King are not allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

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

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

Minnesota State Colleges and Universities (MnSCU) System Office, Advancement Division Request for Proposal: Web Presence Design and Implementation

The Minnesota State Colleges and Universities (MnSCU) System Office is requesting proposals for the design and implementation of a new website (mnscu.edu).

MnSCU includes 24 two-year community and technical colleges and seven state universities operating on 54 campuses in 47 communities throughout the state. The goals of this project include leveraging web technology and current design principles to increase awareness of and familiarity with the system’s colleges and universities, position MnSCU campuses competitively in the marketplace, drive more traffic (visits by current and prospective students) to campus websites, and increase enrollment. The project is part of a long-term effort to improve the effectiveness and efficiency of the MnSCU web presence, advance awareness of and familiarity with MnSCU colleges and universities and positively impact enrollment and service delivery facilitated by MnSCU’s web presence.

The major services included in this project are Discovery, Project Plan Development, Information Architecture Development, Creative Visual Design, and Implementation. Major deliverables include a complete Information Architecture specification, visual layouts and wireframe specifications, a visual design for mobile platforms, tools for content migration, physical migration of existing content, a Quality Assurance review, a security audit, an accessibility audit, a security audit, and recommendations for improvement of college and program search tools.

Response requirements include an overview of recommended approach(es) for achieving objectives and goals; itemization and description of project components; and a cost estimate for each of the major services. Technical specifications and additional response requirements are available by visiting the website: www.advancement.mnscu.edu/rfp/webdesignRFP or by contacting:

Doug Anderson, Director, Communication and Media
Minnesota State Colleges and Universities
30 7th St. E., Suite 350
St. Paul, MN 55101-7804
Phone: (651) 201-1426
E-mail: doug.anderson@so.mnscu.edu

Sealed proposals must be received by 3:00 pm on Monday, January 13, 2014. MnSCU personnel other than Doug Anderson are not allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

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

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

Minnesota Judicial Branch State Court Administrator's Office Request for Proposal for Salary Structure Benchmark and Compensation Study

The Minnesota Judicial Branch (MJB) requests proposals from qualified vendors for a compensation study of its salary structure that provides current market data and analysis of relevant public and private sector comparisons for selected benchmark job classifications. Market data is to be gathered and analyzed to validate the Branch's internal pay relationships, to determine if MJB's current pay structure requires adjustment, and to develop multiple options and implementation models for addressing issues identified by the Branch and by the study.

Study includes comparison of pay ranges and compensation provided to employees in similar positions in Minnesota state government, local government agencies, other related public sector organizations, and the private sector. Emphasis is on local markets. Research should also include state and federal court system positions in comparable markets. The compensation study includes a particular focus on information technology and business analysis roles and provides job analysis, internal comparison and market pricing of additional selected job roles in these groups.

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

Interested parties must submit their proposal no later than 4:00 p.m. on Friday, January 17, 2014. The sealed proposal must be submitted in writing, with signed cover sheet, three (3) paper copies and one (1) electronic PDF copy either on disc or flash drive to:

Minnesota Judicial Center
25 Rev. Martin Luther King Jr., Blvd.
St. Paul, MN 55155
Attn: Andrea LePage

A complete copy of the Request for Proposal can be found on the Minnesota Judicial Branch's website (in the News & Announcements/Public Notices section) at: www.mncourts.gov

State Contracts

Minnesota Sports Facilities Authority

Advertisement for Proposals for the Metrodome Stadium Used Equipment Sale

1. **Proposals** - Submit sealed bids for Minnesota Sports Facilities Authority – Metrodome Stadium - Used Equipment Sale, Minneapolis, Minnesota, to Steven Maki, PE, Director of Facilities, MSFA, at the Minnesota stadium on or before 4:00 p.m., December 26, 2013.

2. **Work Includes** – Removal of certain stadium related equipment and disposal thereof. Items available for sale include:

Bid Item No. 1- Used Daktronics ProAd Video Ribbon Boards (two total)

Bid Item No. 2- Used Concessions Equipment

Bid Item No. 3- Used basketball riser system

3. **Examining Documents** – Documents will be available for review, at the office of the MSFA, 900 South 5th Street, Minneapolis, MN and on the website, MSFA.com after December 19, 2013.

4. **Obtaining Documents** - Proposers may obtain a copy of contract documents after December 19, 2013, from Steven C. Maki, P.E., Director of Facilities, at the MSFA office, 900 South 5th Street, Minneapolis, Minnesota 55415.

5. **Affirmative Action** - All proposers, applicants, prime contractors and prospective subcontractors will be subject to a pre-award compliance review to ensure the employment of minorities, women and disabled person.

The Minnesota Sports Facilities Authority reserves the right to reject any and all proposals and to waive any informalities in any proposals received without explanation.

Ted Mondale, CEO/Executive Director
Minnesota Sports Facilities Authority

Office of MN.IT Services

Innovation Program

Notice of Request for Information

The State of Minnesota Office of MN.IT Services (MN.IT) Innovation Program (hereafter referred to as the Innovation Program) is a new function within the State's enterprise IT agency. This new program is a direct result of the MN.IT Services Strategy and IT Cloud Programs tied to the Tactical Plan FY2013 - 2014.

A major activity of the Innovation Program has been about creating a first of its kind ideation campaign for the 2,100 agency IT employees to seek their input and ideas on how to deliver new value to Minnesota's businesses and citizens. 217 ideas were submitted by agency IT staff. Each idea went through a review process to produce 16 short project proposals, each with a defined opportunity to pursue.

While certain criteria were used to select these 16 project proposals, the expertise to implement each one is not readily available, nor is there a clear perspective on cost, complexity, and time to implement. The Innovation Program is in need of partners to research and collaborate on expanding these project proposals into more detailed project plans that reveal this critical missing information.

For this reason, the Innovation Program acknowledges the expertise and potential of the vendor community and seeks to obtain assistance in the form of a Request for Information (RFI). We hope this will create new partnerships and insight about how to execute these citizen-facing project proposals.

This partnership would involve development resources, business and IT specialists, mobile application and GIS experts, or any other resources at the disposal of the vendor to help define and shape these innovative project proposals into more detailed and tangible project plans to be funded and executed. Vendor's experience in accomplishing equivalent projects elsewhere are of value in assisting with establishing stable models for utilization and pragmatic "lesson's learned" to lend toward a smooth delivery.

This collaboration may be a co-partnering with several different agencies as the enterprise is anxious to provide better services to the public it serves. Where more than one agency is involved partnerships will be identified as the solutions take shape. For this reason MN.IT will manage these partnerships.

These project proposals would each have a set of partners to facilitate the creation of the solution.

This RFI does not obligate the state to award a contract or complete the projects. Furthermore, the state reserves the right to cancel this request if it is in the state's best interest.

The Request for Proposals can be requested via email from: Mindy Duvernet, at Mindy.Duvernet@state.mn.us

The deadline for this RFI is January 31, 2014 at 5 P.M. CST. Late responses will not be considered. **Late proposals will NOT be considered.** This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Department of 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 Kelly Arneson 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 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:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. - Mail Stop 680
St. Paul, MN 55155

State Contracts

Minnesota 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

Minnesota Zoo

Notice of Request for Proposals for Minnesota Zoo Rhinoceros Sculptures and Graphics

The Minnesota Zoo requests proposals for the design, fabrication, and installation of two life-size rhinoceros sculptures (one partial adult and one calf) and accompanying interpretive display materials. The Minnesota Zoo's conservation department has been working to save black rhinos in Namibia. This project should be highlighted in a fun, interactive way near the entrance to the Tropics Trail, in an area that contains interpretive messages about other Zoo conservation projects and green practices. The Zoo will provide content for interpretive graphics and interactive elements to be incorporated into the space.

Details are included in the complete Request for Proposals which is available by e-mailing Jessica Madole, Minnesota Zoo Project Manager at Jessica.madole@state.mn.us. The deadline for submitting a proposal is 3:00 PM., CST, January 20, 2014

This Request for Proposals does not obligate the State of Minnesota or the Minnesota Zoo to complete the work contemplated in this notice and the State reserves the right to cancel this solicitation. All expenses incurred in response to this notice are solely the responsibility of the responder.

Non-State Public 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.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>.

Dakota County

Notice of Request for Proposals to Provide Inmate Communication Systems / Services

Dakota County is seeking proposals from responsible contractors to provide inmate communication systems/services for the Dakota County Jail located in Hastings, MN, commencing March 1, 2014 through December 31, 2016, with option to extend for up to 2 additional one-year terms.

Proposals are due January 17, 2014 by 4 p.m. Attn: Cdr. John Grant (651/438-4700), Dakota County Jail, 1580 Hwy 55, Hastings, MN 55033.

Interested parties are encouraged to attend a walk through and meeting on January 10, 2014 at 9:00 a.m. at the Jail. Interested parties can view the entire RFP at the Dakota County website: www.co.dakota.mn.us, click "Doing Business" and the "Requests for Bid, Proposals & Information".

Metropolitan Airports Commission (MAC)

Flying Cloud & Anoka County-Blaine Airports

Notice of Call for Bids for 2014 Runway 10R-28L Grooving & 2014 Runway 09-27 Grooving

MAC Contract Nos.:
Bids Close At:

108-1-039 & 110-1-037
2:00 pm on Tuesday, January 14, 2014

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. Major items of work include saw-cut grooving of bituminous pavement.

Disadvantaged Business Enterprises (DBE): The goal of the MAC for the utilization of DBE on this project is 4%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Short Elliott Hendrickson, Inc.; at the Minnesota Builders Exchange; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from and make checks payable to: Northstar Imaging Services, Inc.; 1325 Eagandale Court, Suite 130, Eagan, MN, 55121; **phone:** (651) 686-0477. Deposit per set (non-refundable): \$50.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on December 16, 2013, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Minneapolis-Saint Paul International Airport

Notice of Call for Bids for Air Handling Unit Replacement 2014 (P4)

MAC Contract No.:

106-2-711

Bids Close At:

2:00 p.m., January 14, 2014

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project is to provide chilled water cooling to an existing air handling. Gas fired make-up air units and ductwork will be replaced. An existing air-handling unit and ductwork will be replaced. Existing ventilation units will be replaced. A condensing unit will be replaced and economizer ductwork added. Alternates may include roof drains and added ornamental steel channel.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 5%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota. reject any or all bids and to waive any minor irregularities, informalities or discrepancies.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Architectural Alliance, at the Minnesota Builders Exchange; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN, 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on December 16, 2013, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Solid Waste Management Coordinating Board (SWMCB)

Notice of Request for Qualifications (RFQ) for Business Collaborative Consulting Services

The Solid Waste Management Coordinating Board (SWMCB) is seeking Request for Qualifications from qualified firms or individuals interested in providing business collaborative consulting services to expand the SWMCB's work with its regional business community by providing: broader outreach across the SWMCB region engaging multiple businesses on waste reduction and recycling issues, convening cross-sector groups to advance regional conversations on waste reduction and recycling goals for businesses while introducing SWMCB and its individual member counties' resources to businesses. Complete specifications and details concerning submission requirements are included in the RFQ. The RFQ and any addenda can be downloaded at www.swmcb.org/rfps

Proposals must be received no later than 12:00 p.m. Central Standard Time (CST) on or before Monday, January 27, 2014. The SWMCB reserves the right to reject late proposals.

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