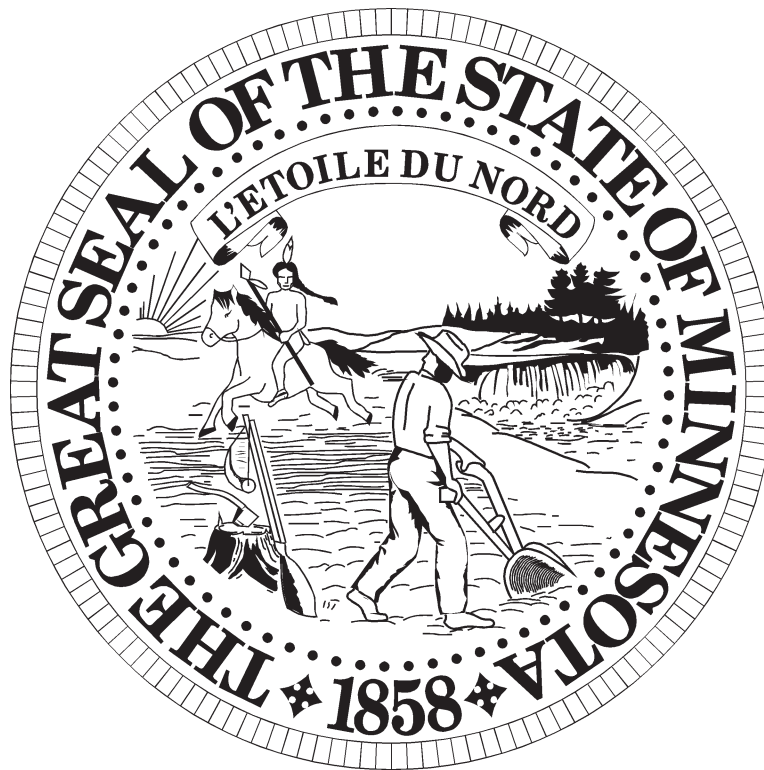


# Minnesota State Register

(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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  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 22 September 2014  
Volume 39, Number 12  
Pages 377 - 412**

# 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- Withdrawn Rules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. 39 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 13	Monday 29 September	Noon Tuesday 23 September	Noon Thursday 18 September
# 14	Monday 6 October	Noon Tuesday 30 September	Noon Thursday 25 September
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# Minnesota Rules: Amendments and Additions

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

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

### Proposed Permanent Rules Relating to Quarter Horse Registration

#### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

#### Proposed Amendments to Rules Governing Horse Racing, Minnesota Rules, 7895 Breeders' Fund

**Introduction.** The Minnesota Racing Commission 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. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until October 22, 2014.

**Agency Contact Person.** You must submit comments or questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is: Marlene Swanson at Minnesota Racing Commission, P. O. Box 630, Shakopee, MN 55379, **phone:** (952) 496-7950, **fax:** (952) 496-7954, and **e-mail:** [marlene.swanson@state.mn.us](mailto:marlene.swanson@state.mn.us). **TTY** users may call the Racing Commission at 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The Commission is considering rule amendments that affect the distribution of the monies that are deposited in the Minnesota Breeders Fund for the Quarter Horse breed. The statutory authority to adopt the rules is *Minnesota Statutes*, section 240.23, and section 240.18, subd. 4. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Wednesday, October 22, 2014, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the agency contact person must receive it by the due date. The Commission encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. 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 Commission hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on Wednesday, October 22, 2014. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency 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.

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# Proposed Rules

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

**Alternative Format.** 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.

**Modifications.** The Commission may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Commission encourages you to participate in the rulemaking process.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person. The statement of need and reasonableness may be viewed on our web site at [www.mrc.state.mn.us](http://www.mrc.state.mn.us).

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions about 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.

**Adoption and Review of Rules.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The agency will then 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 Commission submits the rules to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 6 September 2014

Thomas DiPasquale, Executive Director  
Minnesota Racing Commission

## 7895.0300 QUARTER HORSE BREEDERS' FUND.

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meanings given them unless another intention clearly appears:

A. "Artificial insemination" means the introduction of semen, either fresh, cooled, or frozen, into the vagina or uterus of the mare without sexual contact.

B. "Breeder" means the owner or lessee of the dam at the time of conception ~~in Minnesota~~.

C. "Broodmare" means either a recipient mare, or a mare in foal by natural cover or artificial insemination.

D. "Donor mare" means the genetic dam of the embryo, oocyte, or fertilized egg, but not the mare carrying the foal.

E. "Embryo" means an egg that has been fertilized by sperm and undergone one or more divisions.

Ɖ.F. "Embryo transfer" means the transfer of an embryo from a donor horse into the uterus of a recipient mare for the duration of the pregnancy.

E.G. "Fertilized egg" means intercytoplasmic sperm injection and conventional in vitro fertilization. The fertilized egg is generally transferred to the uterus of a recipient mare.

F.H. "Minnesota-bred" shall be defined in three different and distinct categories:

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- (1) "Minnesota-bred sired and foaled" means a horse that is:
  - (a) sired by a registered Minnesota-sire who stood his entire breeding season in Minnesota; and
  - (b) Minnesota-foaled.
- (2) "Minnesota-bred foaled" means a Minnesota-foaled horse.
- (3) "Minnesota-bred sired" means a Minnesota-sired horse.

G.I. "Minnesota-foaled" means a horse foaled in Minnesota, and registered with the Racing Commission.

H.J. "Minnesota-sire" means a stallion owned at least 50 percent by residents of Minnesota or leased entirely by Minnesota residents, and which has stood the entire breeding season, from January 31 through July 31, in Minnesota.

I.K. "Minnesota-sired" means a horse sired by a registered Minnesota-sire and registered with the commission. Horses can be sired by natural cover, artificial insemination, or by transfer of an embryo, oocyte, or fertilized egg.

J.L. "Natural cover" means natural breeding occurring between a mare and stallion.

M. "Recipient mare" means a mare carrying a foal by means of transfer of an embryo, oocyte, or fertilized egg from a donor mare. The recipient mare must be identified on a copy of the donor mare's original papers as required by the American Quarter Horse Association (AQHA) and registered with the Racing Commission.

K.N. "Oocyte" means an egg or female reproductive cells.

L.O. "Oocyte transfer" means the transfer of a retrieved, unfertilized egg(s) from a donor mare into a recipient mare and then the mare is bred.

Subp. 2. **Division of money.** The money available from the breeders' fund for the quarter horse category shall be divided as follows:

A. ~~45 80~~ percent shall be set aside and paid as breeders' awards to ~~breeders the owner of the broodmare at the time of foaling of Minnesota-bred sired and foaled, Minnesota-bred sired, and Minnesota-bred foaled horses only (Minnesota-bred foaled horses and Minnesota-bred sired horses are not eligible for breeders' awards); and~~

B. ~~45~~ percent shall be paid to supplement purses for ~~Minnesota-bred sired and foaled horses, Minnesota-bred foaled horses, and Minnesota-bred sired horses. The purse supplements shall be apportioned in accordance with the quality of the race as determined by the commission; and~~

C.B. ~~ten 20~~ percent shall be set aside and paid as stallion awards to the owners of the Minnesota-sire of Minnesota-bred sired and foaled horses and ~~Minnesota-bred sired horses~~ at the time of breeding.

Subp. 3. **Distribution of money.** The award money available from the quarter horse breeders' fund, ~~other than purse supplements,~~ shall be distributed as follows:

A. "Breeders' Awards" shall be paid to the ~~breeder~~ owner of the broodmare at the time of foaling of a Minnesota-bred sired and foaled horse, a Minnesota-bred foaled horse, or a Minnesota-bred sired horse as reflected on the American Quarter Horse Association (AQHA) certificate registered with the Minnesota Racing Commission, that earns money in any race. An award equal to 80 percent of the purse supplement paid in open company races to the owner of a Minnesota-bred sired and foaled horse will be paid to the owner of the broodmare at the time of foaling of the Minnesota-bred sired and foaled horse at the time Breeders' Awards are paid. This award will be paid from the Breeders' Award pool first and then the remaining money will be divided according to subpart 4.

B. "Stallion awards" shall be paid to the stallion owner or recorded lessee (at the time of breeding) of a Minnesota-bred sired and foaled horse or a Minnesota-bred sired horse that earns money in any race. An award equal to 20 percent of the purse supplement paid in open company races to the owner of a Minnesota-bred sired and foaled horse will be paid to the stallion owner of the Minnesota-bred sired and foaled horse at the time stallion awards are paid. This award will be paid from the stallion award pool first and then the remaining money will be divided according to subpart 4.



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Subp. 4. **Methods of payment.** The amount of money distributed by the commission for awards or purse supplements pursuant to subpart 3, other than the matching purse supplement awards described in subpart 3, shall be paid out for stakes or handicap races in the same percentage as the purse money in the race and shall be paid out in open overnight races and restricted overnight races to Minnesota-bred horses that finish fifth or better. However, the commission may, prior to the beginning of each race meet, establish the maximum amount of earnings per race for a single horse that may be used in calculation of the breeders' fund awards. (For example: if the maximum amount of earnings per race per horse is set at \$10,000, then in the event a horse earns any amount over \$10,000 in one race, the breeders' fund awards will be calculated based on \$10,000 earnings for that race.) The amount of money to be distributed shall be in accordance with subpart 5. Purse supplements earned shall not be included in determining breeders' or stallion awards.

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

Subp. 7. **Residual funds.** All unearned purse supplements shall be retained and carried forward to be included as net distributable funds in the succeeding quarter horse race meeting.

### 7895.0350 QUARTER HORSE REGISTRATION.

Subpart 1. **Broodmare registration, Minnesota-bred sired and foaled.** To be eligible to receive any breeders' award payments and to make a mare's foal eligible for restricted races, the following requirements must be met:

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

C. In the event that a broodmare is in foal to a Minnesota-bred sire by means of artificial insemination or transfer of an embryo, oocyte, or fertilized egg ~~both the donor mare(s) and the recipient mare(s) broodmare~~ must be in Minnesota prior to foaling. The recipient ~~mare(s) mare~~ must be identified on the registration form of the donor ~~mare(s) mare~~ that is submitted to the Racing Commission on or before January 31 of the year in which the recipient mare will foal. If there are multiple foals from each mare/stallion combination, only one of these foals from each breeding season may be registered as Minnesota-bred. The breeder retains the right to decide which foal is Minnesota-bred if this event occurs. The registration must be made according to subpart 3 or 4.

Subp. 1a. **Broodmare registration, Minnesota-bred foaled.** To make a mare's foal eligible for restricted races ~~(but not eligible for breeders' and~~ awards), the following requirements must be met:

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

C. ~~Both The donor mare and or the recipient mare must be in Minnesota on or before January 31 prior to foaling, except in case of the death of the donor mare prior to foaling.~~ The recipient mare must be identified on the registration form of the donor mare that is submitted to the Racing Commission on or before January 31 of the year in which the recipient mare will foal. If there are multiple foals from each mare/stallion combination, only one of these foals from each breeding season may be registered as Minnesota-bred. The breeder retains the right to decide which foal is Minnesota-bred registered if this event occurs. The registration must be made according to subpart 3 or 4. This rule will be retroactive to the 2013 foaling season and registrations.

Subp. 1b. **Broodmare registration, Minnesota-bred sired.** To make a mare's foal eligible for Minnesota-bred restricted races ~~(but not and~~ eligible for breeders' awards), the following requirements must be met:

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

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

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

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

## Minnesota Pollution Control Agency (MPCA) Adopted Permanent Rules Relating to Mercury Emissions

The rules proposed and published at *State Register*, Volume 38, Number 23, pages 756-777, December 02, 2013 (38 SR 756), are adopted with the following modifications:

### 7007.0502 MERCURY EMISSIONS REDUCTION PLANS.

Subp. 2. **Applicability.** The owners or operators of an existing mercury emission source must comply with this part. For the purposes of this part, "existing mercury emission source" means that the owners or operators have been issued an air emission permit by the agency as of the effective date of this part. For initial applicability, owners or operators must calculate emissions following methods in part 7019.3030 for the calendar year preceding the effective date of this part. If, after the effective date of this part, the actual mercury emissions from the existing mercury emission source are below the threshold of three pounds per year or more for three consecutive years, then the stationary source is no longer considered a mercury emission source; and is not subject to this part. The owner or operator must:

C. immediately resume compliance with applicable requirements for mercury emission sources if a physical or operational change causes the stationary source to again become a mercury emission source. Owners or operators must resubmit a mercury emissions reduction plan under subpart 3 within 12 months of again becoming a mercury emission source.

Subp. 3. **Mercury emissions reduction plan.** Owners or operators of an existing mercury emission source must prepare a mercury emissions reduction plan as described in this part unless the mercury emission source is:

C. a mercury emission source subject to a performance standard for mercury in parts part 7011.0561; for electric generating units; parts 7011.1201 to 7011.1285; and 7011.1350 to 7011.1370; for waste combustors or incinerators; and part 7011.7050; or 7011.7055 for boilers, except that units subject to part 7011.7050 or 7011.7055 must also comply with subpart 6, item C, subitem (2);

E. a mercury emission source that has an air emission permit with a mercury emissions limit or an enforceable agreement that is in effect with the commissioner and contains an enforceable schedule of mercury reductions and emissions limit or enforceable schedule of mercury reductions when the emissions limit or reductions are equal to or greater than the reductions those required in subpart 6. The emissions limit or enforceable schedule of mercury reductions may be in an air emission permit or an enforceable agreement that is in effect with the commissioner.

### Subp. 4. **Mercury emissions reduction plan; submittal deadlines.**

B. The owners or operators of an existing mercury emission source that is a ferrous mining or processing facility must submit a mercury emissions reduction plan by December 30, ~~2016~~ 2018, for approval and inclusion in a permit or other enforceable document.

Subp. 6. **Mercury control and work practices.** Unless the requirements of subpart 3 are met, the owners or operators of an existing mercury emission source that is in a source category listed in this subpart and required to submit a plan under subpart 4 must include in the plan the minimum mercury control requirements for source categories listed in this subpart.

A. For ferrous mining or processing:

(1) the plan must address the indurating furnace or kiln of a taconite processing facility or the rotary hearth furnace of a direct-

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reduced iron facility and must demonstrate that by January 1, 2025, mercury emissions from the indurating furnace or kiln or rotary hearth furnace do not exceed 28 percent of the ~~number of pounds of~~ mercury emitted in 2008 or 2010, whichever is greater. The commissioner shall determine the ~~pounds of~~ mercury emitted in 2008 and 2010. If the facility held a Minnesota Pollution Control Agency construction permit but was not operating in 2010 at less than 75 percent of full capacity, the operating furnace must not exceed 28 percent of the mercury potential to emit included in the permit authorizing construction; and

(2) the plan may accomplish reductions as:

(a) 28 percent of 2008 or 2010 emissions for each furnace;

(b) 28 percent of 2008 or 2010 emissions across all furnaces at a single stationary source; or

(c) 28 percent of 2008 or 2010 emissions across furnaces at multiple stationary sources. Owners of the stationary sources must enter into an enforceable agreement as provided by *Minnesota Statutes*, section 115.071, subdivision 1, to reduce mercury emissions between the stationary sources. If this option is selected, the reduction plan must include the enforceable agreement. Execution of an enforceable agreement under this part does not relieve the owner or operator of the obligation to obtain a permit or permit amendment if otherwise required under this chapter.

C. For the purposes of this item, “boiler,” “industrial boiler,” “commercial boiler,” and “institutional boiler” have the meanings given under Code of Federal Regulations, title 40, section 63.7575 or 63.11237, except that a waste heat boiler, process heater, electric generating unit as defined under part 7011.0561, subpart 2, and autoclave are excluded from the definition of boiler under this item. For industrial, commercial, and institutional (ICI) coal-fired boilers, the plan must demonstrate mercury emissions reductions of 70 percent from ~~2005 mercury emissions calculated for initial applicability at all each~~ ICI coal-fired ~~boilers that emit boiler with actual mercury emissions of five pounds per year or more. The commissioner shall determine the pounds of mercury emitted in 2005. For each ICI coal-fired boiler, within one year of the effective date of this part, the owner or operator must determine whether the reduction of 70 percent is met and must retain records of the determination on site for five years from the date the determination was made. Initial applicability is calculated using the method described in subpart 2.~~

(2) If ~~actual mercury emissions are five pounds per year or more and emission control is less than 70 percent, the exemptions in subitem (1) are not met,~~ the owner or operator must evaluate actual mercury emissions that will be achieved under the federal regulations incorporated under part 7011.7050 or 7011.7055 relative to the 70 percent reduction. If the emission limits, control equipment, or operating practices under the federal regulations do not achieve the 70 percent reduction, the owner or operator must ensure that by January 1, 2018, mercury emissions are reduced by at least 70 percent from ~~2005~~ the levels calculated for the initial applicability of this item.

D. For mercury emission sources with processes that individually emit three or more pounds of mercury per year and that are not otherwise identified in ~~this subpart items A to C~~, owners or operators must submit a plan to the commissioner that shows that air pollution control equipment, work practices, or the use of alternative fuels or raw materials has been optimized such that the actual, annual amount of mercury emitted is reduced by 70 percent or greater from the input of mercury to the process or processes emitting mercury.

Subp. 8. **Mercury emissions reduction plan implementation.** The owner or operator must implement the mercury emissions reduction plan as approved by the commissioner. The owners or operators must submit annual progress reports to the commissioner by ~~December 30~~ April 1 of each year starting with the year following plan ~~submission~~ approval until one full year after achievement of the reduction as described in the plan. The report must provide the status of facility modifications and actions taken in the preceding 12 months on each of the plan elements in subpart 5.

### **7011.0561 CONTROL OF MERCURY FROM ELECTRIC GENERATING UNITS.**

Subp. 3. **Exemption.** Beginning one year after the effective date of this part, the owners or operators of a coal-fired EGU ~~that are not subject to this part if the coal-fired EGU does not:~~

A. emit five pounds of mercury per year or more as demonstrated in subpart 9;

B. combust coal for more than ten percent of the average annual heat input during any three consecutive calendar years; or

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C. combust coal for more than 15 percent of the annual heat input during any calendar year ~~is not subject to this part.~~

Subp. 4. **Performance standards for mercury emissions.** Unless the commissioner establishes an alternative mercury emissions reduction under *Minnesota Statutes*, section 216B.687, subdivision 3, the owners or operators of coal-fired electric generating units that do not qualify for the exemption under subpart 3 must control mercury emissions as described in this subpart.

A. By January 1, 2018, owners or operators of a coal-fired EGU with a nameplate electricity generation capacity greater than 100 MW must:

(1) control mercury such that at least 90 percent of the mercury present in the fuel ~~when combusted~~ is captured and not emitted;  
or

B. By January 1, 2025, owners or operators of a coal-fired EGU that is not a supplemental unit as defined in *Minnesota Statutes*, sections 216B.682 to 216B.688, and with a nameplate capacity less than or equal to 100 MW must:

(1) control mercury such that at least 70 percent of the mercury present in the fuel ~~when combusted~~ is captured and not emitted;  
or

C. By January 1, 2018, owners or operators of a coal-fired EGU that is a supplemental unit as defined in *Minnesota Statutes*, sections 216B.682 to 216B.688, must:

(1) control mercury such that at least 70 percent of the mercury present in the fuel ~~when combusted~~ is captured and not emitted;  
or

Subp. 5. **Monitoring mercury emissions.** The owners or operators of a coal-fired EGU must monitor mercury emissions as described in this subpart.

B. If a coal-fired EGU with a generating capacity less than 250 MW does not use a CEMS or a sorbent trap monitoring system to monitor mercury, the owner or operator must conduct performance testing for mercury according to this item at least once every 12 months and must complete the test no more than 13 months after the previous test. The initial test must be conducted by the applicable compliance deadline in subpart 4. Owners or operators may conduct performance stack tests for mercury no less frequently than once every three years, but no longer than 37 months after the previous performance test; if: (i) the performance tests for at least the immediately preceding three consecutive years show mercury reduction is greater than or equal to 85 percent; or (ii) mercury emissions are at or below 1.2 pounds of mercury per Tbtu of heat input; and, in both cases, if there are no changes in the operation of the EGU or air pollution control equipment that could increase emissions; The owner or operator must resume annual performance stack tests if the test results show mercury reduction is less than 85 percent or mercury emissions are above 1.2 pounds of mercury per Tbtu of heat input. Subitems (1) to (3) apply to performance testing conducted under this item.

(1) Performance testing must be conducted using *Code of Federal Regulations*, title 40, part 60, Appendix A-8, Method 30B. The initial performance test must be conducted for 30 boiler operating days under all process operating conditions. Sorbent traps must be used no longer than ten boiler operating days. Subsequent performance tests may be ten boiler operating days long.

Subp. 6. **Monitoring provisions; CEMS for mercury.** This subpart applies to the measurement of mercury from a coal-fired EGU using a continuous emissions monitoring system (CEMS) for mercury. "CEMS for mercury" means the total equipment required to measure the total vapor phase mercury concentration, consisting of three major subsystems: sample acquisition, transport, and conditioning; mercury converter and analyzer; and a data acquisition and handling system.

C. Owners or operators must conduct routine quality assurance and control tests on a frequency as follows:

(2) single-level system integrity checks must be conducted weekly, meaning once every ~~168 operating hours~~ seven consecutive operating days for systems with mercury converters. This test is not required if daily calibrations are done with a National Institute of Standards and Technology-traceable source of oxidized mercury;

(5) a 720 ~~continuous~~ operating-hour grace period is allowed for relative accuracy test audits.

## Subp. 7. **Monitoring provisions; sorbent trap monitoring system.**

~~D. Owners or operators must conduct routine quality assurance and control tests on a frequency as follows:~~

~~(1) relative accuracy test audits are required annually, meaning once every four quality-assured operating quarters. This deadline may be extended for non-quality-assured operating quarters up to a maximum of eight quarters from the quarter of the previous test; and~~

~~(2) a 720 continuous-hour grace period is allowed for relative accuracy test audits.~~

~~E. Measurement or adjustment of continuous monitor mercury data for bias is not required.~~

~~FD. Monitoring systems that are used to measure stack gas volumetric flow rate, diluent gas concentration, or stack gas moisture content, either for routine operation of a sorbent trap monitoring system or to convert mercury concentration data to units of the applicable emission limit, must be certified according to the applicable provisions of *Code of Federal Regulations*, title 40, part 75.~~

~~GE. The owners or operators must determine the mercury concentration for each data collection period and assign this concentration value to each operating hour in the data collection period.~~

~~HF. The owners or operators must convert hourly emissions concentrations to 30 boiler operating day rolling average (lb/Tbtu) according to appropriate emission rate equations of *Code of Federal Regulations*, title 40, part 60, Appendix A-7, Method 19.~~

~~IG. Using fuel sampling data generated by the procedures in subpart 8, the owners or operators must demonstrate that the output from item HF meets the limits specified in subpart 4.~~

~~IH. The first 30 days of the monitoring period is the first period used to determine compliance with the mercury emissions concentration limit.~~

Subp. 8. **Procedures for determining mercury content of fuel.** The owner or operator shall prepare a fuel sampling and analysis plan and submit it to the commissioner 30 days prior to collecting the initial fuel sample. When the mercury content of fuel is needed to determine total mercury emission reductions, owners or operators of a coal-fired EGU must use the fuel sampling and measuring fuel content procedures in items A to E. The mercury content of fuel used for start-up, unit shutdown, or transient flame stability does not need to be measured. The owners or operators must:

Subp. 9. **Demonstrating applicability of mercury control requirements.** The owners or operators of a coal-fired EGU without a continuous monitor for mercury must conduct a 28 to 30 operating day performance test, ~~using Code of Federal Regulations, title 40, part 60, Appendix A-8, Method 30B,~~ to determine the mercury concentration mass emissions according to this subpart. The initial test must be completed within one year of the effective date of this part. The owner or operator must:

F. calculate the average mercury concentration, in micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), for the 28- to 30-day performance test, as the arithmetic average of all sorbent trap results. The owner or operator must calculate the average CO<sub>2</sub> or O<sub>2</sub> concentration for the test period. The owner or operator must use the average mercury concentration and diluents gas values to express the performance test results in units of pounds of mercury per trillion British thermal units (lb/Tbtu) and actual pounds of mercury emitted per year, using the expected fuel heat input over a one-year period. Alternatively, the owner or operator must calculate pounds of mercury emitted per year using the average mercury concentration, average stack gas flow rate, average stack gas moisture, and maximum operating hours per year;

## **7011.1215 APPLICABILITY OF STANDARDS OF PERFORMANCE FOR WASTE COMBUSTORS.**

Subp. 2c. **Commercial and industrial solid waste incinerators.** A person who constructs, modifies, or reconstructs a waste combustor such that it becomes a commercial or industrial solid waste incinerator is not subject to parts 7011.1225 to 7011.1285 ~~and but~~ shall comply with parts 7011.1360 to 7011.1370.

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## **7011.1292 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARD FOR NEW HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS.**

Subpart 1. **Incorporation by reference.** *Code of Federal Regulations*, title 40, part 60, subpart Ec, as amended, entitled “Standards of Performance for Hospital/Medical/Infectious Waste Incinerators ~~for Which Construction is Commenced After June 20, 1996~~” is incorporated by reference, except that decisions made by the administrator under *Code of Federal Regulations*, title 40, section 60.50c (i), are not delegated to the commissioner and must be made by the administrator.

## **7011.1340 EMISSION LIMITS EXCEEDANCE REQUIREMENTS.**

Subpart 1. **Applicability.** The owners or operators of an emissions unit subject to parts 7011.1291, 7011.1292, 7011.1293, 7011.1294, 7011.1350, 7011.1355, 7011.1360, and 7011.1370 must comply with this part.

Subp. 3. **Exceedance of continuously monitored emission limits.** If, after normal start-up, accurate and valid data results collected from continuous emission monitors exceed emission limits established in part 7011.1350, item B; 7011.1355, subpart 2; 7011.1365; or 7011.1370, subpart 1, or in the permit for the incinerator, the incinerator owner or operator must:

C. shut down the incinerator if the ~~incinerator~~ modification or repairs cannot be ~~returned to compliance~~ completed within 72 hours of the exceedance; and

## **7011.1355 STANDARDS OF PERFORMANCE FOR EXISTING SEWAGE SLUDGE ~~COMBUSTION FACILITIES~~ INCINERATOR UNITS; COMPLIANCE WITH CLEAN AIR ACT SECTION 129 STANDARDS.**

Subp. 2. **Incorporation by reference of federal performance standards emission guidelines and compliance times for existing sewage sludge incinerators.**

A. The following requirements from *Code of Federal Regulations*, title 40, part 60, subpart MMMM, Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units, are incorporated by reference, as amended:

(1) increments of progress: *Code of Federal Regulations*, title 40, sections 60.5085 to 60.5125. The deadlines for each increment of progress are found in Table 1 of *Code of Federal Regulations*, title 40, part 60, subpart MMMM, and are as follows:

(b) owners or operators of an affected unit must demonstrate compliance with the emission guidelines adopted under this part ~~within three years after the effective date of this part~~ by March 21, 2016;

(3) emission limits, emission standards, and operating limits and requirements: *Code of Federal Regulations*, title 40, sections 60.5165 to 60.518160.5180;

## **7011.1360 EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS COMPLIANCE REQUIREMENTS.**

Subpart 1. **Applicability.** Except as provided in items A to ~~H~~ K, the owners or operators of a commercial or industrial solid waste incineration unit as defined in *Code of Federal Regulations*, title 40, section 60.2875, that commenced construction on or before June 4, 2010, or modification or reconstruction on or before August 7, 2013, must comply with this part and part 7011.1365. The following units are not commercial and industrial solid waste incineration units:

A. pathological waste units, provided that the owner or operator complies with the notification and record keeping requirements of Code of Federal Regulations, title 40, section 60.2555;

B. units subject to *Code of Federal Regulations*, title 40, part 60, subparts Ea, Eb, Cb, AAAA, and BBBB, standards of performance for existing or new municipal waste combustors or a federal plan for ~~medical~~ municipal waste incinerators;

D. small power production units, if:

(3) the ~~commissioner~~ administrator approves a determination that the qualifying small power production facility is combusting

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homogeneous wastes, as defined in *Code of Federal Regulations*, title 40, section 60.2875. The owner or operator must maintain the records required under Code of Federal Regulations, title 40, section 60.2740(v). The request for a determination must include sufficient information to document that the unit meets the criteria of a qualifying small power production facility and that the waste material the unit is proposing to burn is homogeneous;

E. cogeneration facility units, if:

(3) the ~~commissioner~~ administrator approves a determination that the qualifying cogeneration facility is combusting homogeneous waste, as defined in *Code of Federal Regulations*, title 40, section 60.2875. The owner or operator must maintain the records required under Code of Federal Regulations, title 40, section 60.2740(v). The request for a determination must include sufficient information to document that the unit meets the criteria of a qualifying cogeneration facility and that the waste material the unit is proposing to burn is homogeneous;

F. hazardous waste incineration units that are required to obtain a permit under section 3005 of the Solid Waste Disposal Act, United States Code, title 42, section 6925;

G. material recovery units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters; and

H. air curtain incinerators, as defined under *Code of Federal Regulations*, title 40, section 60.2875, provided that the incinerators meet the requirements of Code of Federal Regulations, title 40, sections 60.2810 to 60.2870, and burn only 100 percent wood waste, 100 percent clean lumber, or 100 percent mixture of clean lumber, wood waste, or yard waste;

I. sewage treatment plants with incinerators subject to Code of Federal Regulations, title 40, part 61, subpart O;

J. sewage sludge incinerators subject to Code of Federal Regulations, title 40, part 60, subpart LLLL or MMMM; and

K. other solid waste incinerators subject to Code of Federal Regulations, title 40, part 60, subpart EEEE or FFFF.

Subp. 3. **Modifications.** If the owners or operators of a commercial or industrial solid waste incineration unit make changes after ~~September 21, 2011~~ June 4, 2010, that meet the definition of modification in *Code of Federal Regulations*, title 40, section 60.2875:

Subp. 4. **Physical or operational changes.** Physical or operational changes made by owners or operators to a commercial or industrial solid waste incineration unit for which construction commenced on or before June 4, 2010, or reconstruction or modification commenced on or before August 7, 2013, to comply with this part:

### **7011.1365 INCORPORATION BY REFERENCE OF STANDARDS OF PERFORMANCE EMISSION GUIDELINES AND COMPLIANCE TIMES FOR EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS.**

A. The following requirements from *Code of Federal Regulations*, title 40, subpart DDDD, sections 60.2575 to 60.2875, as amended, entitled “Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units ~~That Commenced Construction On or Before November 30, 1999~~” are incorporated by reference, as amended:

(4) emission limitations and operating limits: *Code of Federal Regulations*, title 40, sections 60.2670 to ~~60.2685~~ 60.2680;

### **7019.3000 EMISSION INVENTORY.**

Subp. 3. **Mercury emission sources.** Owners or operators of a mercury emission source as defined in part 7005.0100, subpart 23b, must submit an annual emission inventory report of the mercury emissions to the commissioner in a format specified by the commissioner. The report must be submitted on or before April 1 of the year following the year being reported. The initial report must cover the first full calendar year following the effective date of this part. Owners or operators of stationary sources that have air emissions of mercury but that are not mercury emission sources must report every three years.

# Adopted Rules

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## 7019.3030 METHOD OF CALCULATION.

A. The owner or operator of an emission reporting facility, except one issued an option C or D registration permit under part 7007.1125 or 7007.1130 or a capped permit under parts 7007.1140 to 7007.1148, shall calculate the facility's actual emissions using the methods listed in subitems (1) to (4). The methods are listed in a hierarchy of the most preferred method to the least preferred method. The most preferred method available shall be used. Where more than one method is listed in the subitem, they are considered to be equal in the hierarchy and any can be used:

(3) part 7019.3060 (VOC material balance), 7019.3065 (mercury material balance), 7019.3070 (SO<sub>2</sub> material balance), 7019.3080 (emission factor), or 7019.3090 (enforceable limitations), as applicable; or

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

## 7019.3065 MERCURY MATERIAL BALANCE.

~~If an owner or operator does not have either a continuous emission monitor to monitor the facility's mercury emissions or a physical location at which to conduct a mercury emissions performance test and if inputs and outputs of mercury are known. If the methods in parts 7019.3040 and 7019.3050 are unavailable to an emission reporting facility,~~ the owner or operator of a mercury emission source may calculate mercury air emissions using the material balance method described in this part. This method may be used in conjunction with or instead of emission factors and enforceable limitations methods described in parts 7019.3080 and 7019.3090, where applicable. A person using material balance to calculate mercury emissions must determine the total mercury air emissions (E) as follows:

$$E = (A - B - C) * (1 - CE)$$

Where:

A = the total amount of mercury entering the process. The amount of mercury used in this calculation must be the amount certified by the supplier, the maximum amount stated on a material safety data sheet, or the maximum amount determined by sample analysis using a reference method.

B = the sum of the amount of mercury incorporated into manufactured products. The owner or operator must submit an explanation of how this quantity was determined.

C = the sum of the amount of mercury leaving the process by a mechanism other than through controlled stack gases or in a product, as when material leaves the process as a waste, is recycled, or is approved for beneficial reuse. The mercury leaving the process by such a mechanism must be established by sample analysis using a reference method. If the actual mercury content of the mercury leaving the process is unknown, then C = 0.

CE = the overall efficiency, or the product of capture efficiency and control efficiency, of any air pollution control device used to capture or control mercury air emissions, expressed as a decimal fraction of 1.00. The overall efficiency must be based on efficiency factors, as defined in part 7005.0100, subpart 9b, or must be based on the overall efficiency verified by a performance test conducted according to parts 7017.2001 to 7017.2060.

## Office of the Secretary of State Adopted Permanent Rules Relating to Election-Related Safe at Home Program Provisions

The rules proposed and published at *State Register*, Volume 39, Number 2, pages 25-31, July 14, 2014 (39 SR 25), are adopted as proposed.



# Exempt Rules

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

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

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

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

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

## Board of Cosmetologist Examiners Adopted Exempt Permanent Rules Exempting Threading from Practice of Cosmetology

### ORDER ADOPTING RULES

**Minnesota Rules, 2105 and 2105; Revisor's ID Number 4263**

#### BACKGROUND INFORMATION

1. *Minnesota Session Laws 2014*, Chapter 169, Section 4 directed the board to amend its rules to exempt threading from the practice of cosmetology, provided a good cause exemption under Minnesota Statutes section 14.388, and specified that *Minnesota Statutes*, section 14.386 does not apply except as provided under *Minnesota Statutes*, section 14.388.

2. The Board of Cosmetologist Examiners has complied with all notice and procedural requirements in *Minnesota Statutes*, chapter 14, Minnesota Rules, chapter 1400, and other applicable law. The Board authorized proposing the rules at its meeting on July 21, 2014 and a quorum was present.

3. The Board received no written comments and submissions on the rules. The agency received no requests for notice of submission to the Office of Administrative Hearings.

4. The rules are needed and reasonable.

5. A copy of the Certificate of the Board of Cosmetologist Examiners Authorizing Resolution is attached. The undersigned was authorized to sign this order.

#### ORDER

The above-named rules, in the form published in the *State Register* on September 22, 2014, are adopted under my authority in Minnesota Statutes, section 155A.26.

Dated: 2 September 2014

Gina Stauss Fast, Executive Director  
Board of Cosmetologist Examiners

#### 2105.0010 DEFINITIONS.

[For text of subs 1 to 12, see M.R.]

Subp. 13. **Unregulated service.** "Unregulated service" means those services not defined as the practice of cosmetology under *Minnesota Statutes*, section 155A.23, subdivision 3, and which are exempt from regulation by the board, and includes ear piercing, body wrapping, permanent depilation, tattooing, artificial tanning of the skin; personal services incidental to performance in theatrical or musical productions or media appearances; any personal services performed incidental to mortuary practice; massage services; and hair braiding, hair braiding services, and hair braiders, as defined in subparts 10a to 10c; and threading as defined in *Minnesota Statutes*, section

# Exempt Rules

155A.23, subdivision 13. Ordinances by local units of government that prohibit hair braiding, hair braiding services, or hair braiders, as defined in subparts 10a to 10c, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.

## 2105.0100 UNREGULATED SERVICES.

All unregulated services not licensed as the practice of cosmetology identified in part 2105.0010, subpart 13, and offered within a salon or school clinic shall be clearly identified as “unregulated services” and listed on a sign conspicuously posted in the reception area. The sign shall contain lettering at least one inch high and shall state: “Unregulated services. The following services offered by (salon name) are not regulated by the state of Minnesota:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_”

## 2110.0010 DEFINITIONS.

[For text of subs 1 to 19, see M.R.]

Subp. 20. **Unregulated service.** “Unregulated service” means those services not defined as the practice of cosmetology under *Minnesota Statutes*, section 155A.23, subdivision 3, and which are exempt from regulation by the board, and includes ear piercing, body wrapping, permanent depilation, tattooing, artificial tanning of the skin; personal services incidental to performance in theatrical or musical productions or media appearances; any personal services performed incidental to mortuary practice; massage services; ~~and hair braiding, hair braiding services, and hair braiders, as defined in subparts 17a to 17c;~~ and threading as defined in *Minnesota Statutes*, section 155A.23, subdivision 13. Ordinances by local units of government that prohibit hair braiding, hair braiding services, or hair braiders, as defined in subparts 17a to 17c, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.

## 2110.0100 UNREGULATED SERVICES.

Subpart 1. **Disclosure.** All unregulated services not licensed as the practice of cosmetology identified in part 2110.0010, subpart 20, offered within a school clinic shall be clearly identified as “unregulated services” and listed on a sign conspicuously posted in the reception area. The sign shall contain lettering at least one inch high and shall state: “Unregulated services. The following services offered by (school name) are not regulated by the state of Minnesota:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_”

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

# Minnesota Pollution Control Agency (MPCA)

## Adopted Exempt Permanent Rules Relating to Fugitive Emissions and Determining Potential to Emit

### FINDINGS OF FACT AND ORDER ADOPTING RULES

*Minnesota Rules*, Chapter 7005.0100, s. 35a; Office of Administrative Hearings No. 9-2200-31745; Governor’s Tracking and Revisor’s No. RD 4236

### BACKGROUND INFORMATION

1. The terms used in state air pollution control rules administered by the Minnesota Pollution Control Agency (MPCA) are defined in *Minnesota Rules* 7005.0100 unless otherwise expressly provided in a specific rule.

2. A law enacted during the 2013 Regular Session of the Minnesota Legislature directed the MPCA to amend the definition of “Potential emissions, potential to emit” at *Minnesota Rules* 7005.0100, subp. 35a. The legislation specified the text that must be used to replace the existing definition, and it also authorized the MPCA to use the Good Cause Exempt Rulemaking Process (*Minnesota Statutes* 14.388, subd. 1, clause 3) to amend the definition.

## FINDINGS OF FACT

3. A law enacted during the 2013 Regular Session of the Minnesota Legislature directed the MPCA to amend the definition of “Potential emissions, potential to emit” at *Minnesota Rules* 7005.0100, subp. 35a. It also authorized the MPCA to use the good cause exempt rulemaking process for this purpose. Specifically, *Minnesota Session Law, 2013 Regular Session, Chapter 114, Section 107 (Session Law)*, enacted on May 23, 2013, states the following:

### Sec. 107. RULEMAKING; FUGITIVE EMISSIONS.

(a) The commissioner of the Pollution Control Agency shall amend *Minnesota Rules*, part 7005.0100, subpart 35a, to read: ““Potential emissions” or “potential to emit” means the maximum capacity while operating at the maximum hours of operation of an emissions unit, emission facility, or stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restriction on hours of operation or on the type or amount of material combusted, stored, or processed, must be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

Secondary emissions must not be counted in determining the potential to emit of an emissions unit, emission facility, or stationary source. Fugitive emissions shall not be counted when determining potential to emit, unless required under *Minnesota Rules*, part 7007.0200, subpart 2, item B, or applicable federal regulation.”

(b) The commissioner may use the good cause exemption under *Minnesota Statutes*, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and *Minnesota Statutes*, section 14.386, does not apply, except as provided under *Minnesota Statutes*, section 14.388.

4. The MPCA finds that it is required to amend the definition of “Potential emissions, potential to emit” as directed by the legislature. The MPCA amends the existing definition as follows:

### 7005.0100 DEFINITIONS.

[For text of subs. 1 to 35, see M.R.]

**Subp. 35a. Potential emissions, potential to emit.** “Potential emissions” or “potential to emit” means the maximum capacity while operating at the maximum hours of operation of an emissions unit, emission facility, or stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restriction on hours of operation or on the type or amount of material combusted, stored, or processed, must be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

Secondary emissions must not be counted in determining the potential to emit of an emissions unit, emission facility, or stationary source. Fugitive emissions shall not be counted when determining potential to emit, unless as required under part 7007.0200, subpart 2, item B, or applicable state rule or federal regulation states otherwise.

[For text of subs. 35b to 45, see M.R.]

5. The MPCA finds that this rule amendment shall be adopted using the good cause exemption process under *Minnesota Statutes* § 14.388. The legislature authorized the MPCA to use the exempt process. The process is appropriate because the MPCA is limiting the scope of this rulemaking to solely amending the rule as directed by the legislature in the Session Law quoted above, for which no interpretation of law is required (*Minnesota Statutes* § 14.388, subd. 1(3)). It is unnecessary, impracticable, and contrary to the public interest to adopt this amendment using the general rulemaking provisions of *Minnesota Statutes* Chapter 14.

6. The MPCA provided the notification required by *Minnesota Statutes* § 14.388, subd. 2. Specifically, the MPCA provided an electronic notice of its intent to amend the rule in accordance with section *Minnesota Statutes* § 16E.07, subd. 3, and provided notice by United States mail or GovDelivery (electronic mail) to persons who have registered their names with the MPCA under *Minnesota Statutes* § 14.14, subd. 1a. The notice, a copy of which is attached (Attachment A), was sent on July 24, 2014, in advance of the date the MPCA submitted the proposed rule to the Office of Administrative Hearings for review of its legality. The notice included the proposed rule amendment, an explanation of why the amendment meets the requirement of the good cause exemption in *Minnesota Statutes* § 14.388, subd. 1, and a statement that interested parties had five business days to submit comments to the Office of Administrative Hearings. The notice was also sent via GovDelivery on July 24, 2014, to potentially interested parties who are subscribed to receive the MPCA’s AirMail newsletter and bulletins, which inform the reader of timely regulatory, technical, and general air quality announcements. In addition, the notice was posted on the MPCA’s public notice Web page at the following location: <http://www.pca.state.mn.us/iryp3c9>.

# Exempt Rules

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7. On July 31, 2014, the MPCA submitted the proposed rule amendment and proposed Finding of Facts and Order Adopting Rules for review and approval to the Office of Administrative Hearings (OAH), as required by *Minnesota Rules* 1400.2400, subp. 2. On August 7, 2014, Administrative Law Judge George A. Beck issued his Order on Review of Rules in which both the rule amendment and proposed Order Adopting Rules were approved (Attachment B). The MPCA hereby adopts the findings and conclusions and incorporates Judge Beck's Order on Review of Rules, dated August 7, 2014, into this Order Adopting Rules.

8. The MPCA will also comply with the requirements of *Minnesota Statutes* § 14.386, paragraph (a), clauses (1) to (4), which set forth the procedure for adopting exempt rules, some of which cannot be completed until after this Order is executed. Specifically, the Revisor of Statutes approved the form of the rule on November 25, 2013, a copy of which is attached as Attachment C, and, as noted in Finding 7 above, the OAH approved the rule amendment as to its legality. The MPCA will submit this Order, once executed, to the OAH, which is then responsible for filing four copies of the rule and the Revisor's certificate with the Office of the Secretary of State. The MPCA will arrange with the *State Register* to publish the amended rule after the MPCA receives the Notice of Adoption from the Revisor's Office.

9. The MPCA has complied with all applicable notice and procedural requirements in *Minnesota Statutes* §§ 14.386, 14.388; and *Minnesota Rules*, chapter 1400, and other applicable law to the extent possible at this time. As stated in Finding 8 above, the MPCA will comply with the remaining notice and procedural requirements after this Order is executed.

10. The rules are necessary and reasonable.

## ORDER

**IT IS ORDERED** that the above-named rules, in the form certified by the Office of the Revisor of Statutes, file number RD4326, dated November 25, 2013, is adopted pursuant to the authority vested in me by *Minnesota Statutes* §§ 116.07 and 14.388.

Dated: 26 August 2014

John Linc Stine, Commissioner  
Minnesota Pollution Control Agency

## 7005.0100 DEFINITIONS.

[For text of subps 1 to 35, see M.R.]

Subp. 35a. **Potential emissions, potential to emit.** "Potential emissions" or "potential to emit" means the maximum capacity while operating at the maximum hours of operation of an emissions unit, emission facility, or stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restriction on hours of operation or on the type or amount of material combusted, stored, or processed, must be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

Secondary emissions must not be counted in determining the potential to emit of an emissions unit, emission facility, or stationary source. Fugitive emissions shall not be counted when determining potential to emit, unless ~~an~~ required under part 7007.0200, subpart 2, item B, or applicable ~~state rule~~ or federal regulation ~~states otherwise~~.

[For text of subps 35b to 45, see M.R.]

## Official Notices

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

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

### Minnesota Comprehensive Health Association (MCHA) Notice of Executive Committee Meeting 30 September 2014

Notice is hereby given that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Executive Committee will be held at 9:00 a.m. on Monday, September 30<sup>th</sup>, 2014

The meeting will be initiated at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN; it should be noted that some or all attendees will participate telephonically.

If anyone wishes to attend or participate in this meeting please contact MCHA's Executive Office (952) 593-9609 for additional information.

### Minnesota Department of Labor and Industry (DLI) REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Minnesota Residential Energy Code, Duct Insulation R-values, *Minnesota Rules*, part 1322.0403; Revisor's ID Number R-04294

**Subject of Rules.** The Minnesota Department of Labor and Industry requests comments on its possible amendment to rules governing insulation of three types of ducts: outdoor air intakes, exhaust ducts, and ducts within a cement slab or within the ground, and other amendments necessary to administer this code. The Department is considering rule amendments that will change three minimum insulation R-values and clarify language related to insulation. Some R-values currently in the Mechanical and Fuel Gas Code, *Minnesota Rules*, part 1346.0604, were recently moved to the Minnesota Residential Energy Code, part 1322.0403, subpart 1. The Notice of Adoption was published on August 18, 2014, in the *State Register*, 39 SR 232. You can see the Notice at

[www.comm.media.state.mn.us/bookstore/stateregister/39\\_07.pdf](http://www.comm.media.state.mn.us/bookstore/stateregister/39_07.pdf).

A copy of the adopted rule is available at [www.dli.mn.gov/PDF/docket/1303\\_1322rule.pdf](http://www.dli.mn.gov/PDF/docket/1303_1322rule.pdf). The adopted rule will be effective February 14, 2015. Three of the minimum R-values in the proposed rule are proposed to be changed.

**Persons Affected.** The amendment to the rules would likely affect insulation manufacturers, mechanical contractors, residential builders, building officials, building inspectors, building contractors, architects, engineers, installers, building owners and managers, homeowners and the general public.

**Statutory Authority.** *Minnesota Statutes*, section 326B.02, subdivision 5, authorizes the commissioner of the Department to "adopt, amend, suspend, and repeal rules relating to the commissioner's responsibilities under this chapter, except for rules for which the rulemaking authority is expressly transferred to the Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping Systems." This rulemaking has not been transferred to the Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping Systems.

*Minnesota Statutes*, section 326B.101, requires the commissioner of the Department to "administer and amend a state code of building construction which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs. The construction of buildings should be permitted at the least possible cost consistent with

# Official Notices

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recognized standards of health and safety.” This rulemaking is part of the state building code.

*Minnesota Statutes*, section 326B.106, subdivision 1, “the commissioner shall by rule and in consultation with the Construction Codes Advisory Council establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification.” This rulemaking sets standards regarding energy conservation.

*Minnesota Statutes*, section 326B.118 specifically provides that the commissioner, “in consultation with the Construction Codes Advisory Council, shall explore and review the availability and appropriateness of any model energy codes related to the construction of single one- and two-family residential buildings. In consultation with the council, the commissioner shall take steps to adopt the chosen code with all necessary and appropriate amendments.”

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Department does not plan to appoint an advisory committee to comment on the possible rules.

**Rules Drafts.** A draft of the possible rule amendments is currently available on the Departments’ rulemaking docket. See [www.dli.mn.gov/PDF/docket/1322docket.pdf](http://www.dli.mn.gov/PDF/docket/1322docket.pdf)

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Colleen Clayton, **e-mail:** [colleen.clayton@state.mn.us](mailto:colleen.clayton@state.mn.us) at the Department of Labor and Industry, phone: (651) 284-5867, 443 Lafayette Road, St. Paul, MN 55155-4341.

**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.

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

Dated: 16 September 2014

Ken B. Peterson, Commissioner  
Department of Labor and Industry

## Minnesota Pollution Control Agency (MPCA) ADVANCE NOTICE OF PROPOSED RULEMAKING AND REQUEST FOR COMMENTS on Possible Amendment to *Minnesota Rules*, Chapter 7037, Governing Land Treatment Practices for Petroleum Contaminated Soil, Revisor’s ID Number R-04079

**Subject of Rules.** The Agency is seeking input on plans to amend its existing *Minnesota Rules* (Rules), Chapter 7037, governing land treatment of petroleum contaminated soil. The Agency plans to update the 20-year-old Rules regulating this land treatment option to reflect accumulated program experience and current scientific data. This treatment option allows spreading and incorporating soils known to be contaminated with petroleum compounds into the uppermost soil layer at a specific rate on pre-approved treatment sites. This treatment method allows natural biological, physical and chemical processes to break down the petroleum compounds over time into harmless constituents. These Rules assure that the soils are treated under controlled conditions that do not endanger public health or the environment.

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## Official Notices

The Agency first promulgated Chapter 7037 in 1993. Since that time, the Agency has accumulated significant experience and knowledge with land treatment. The sampling protocols, methodologies, terminology, and references in the existing Rules are outdated.

Based on experience, the Agency proposes to change the standard for having achieved adequate treatment for petroleum contaminated soil, from 10 ppm to 100 ppm for the greatest concentration of either Gasoline Range Organics (GRO) or Diesel Range Organics (DRO). The goal is to safely reduce unnecessary costs to land treatment site owners, operators and regulated parties, and to safely reduce administrative burdens. The Agency also plans to clarify existing land treatment practices for small quantities (less than 10 cubic yards) of petroleum contaminated soil. Finally, the Agency proposes to reduce monitoring frequency from three times per year to two times per year. The Agency may also amend related Rules as needed to improve clarity and to accommodate the above changes.

The Agency has drafted preliminary Rules amendments based on the above discussion and is seeking informal comments before proposing the Rules for formal public comment. The Agency believes that these amendments are overdue, are not controversial, and are generally welcomed by most affected parties.

**Persons Affected.** These Rules amendments would likely affect land treatment site owners and operators, regulated parties, consultants and local communities. These potentially affected parties understand that existing Rules are outdated and generally support these amendments. Information about the suggested change was sent to about 700 interested parties registered through the Agency's GovDelivery email service; the Agency did not receive objections to this change. The Agency's proposed amendments are limited in scope and do not significantly change the intent of the Rules.

**Statutory Authority.** *Minnesota Statutes* § 14.06, REQUIRED RULES, says that each agency shall adopt Rules, in the form prescribed by the Revisor of Statutes, setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public. Also, § 116.07, POWERS AND DUTIES, authorizes the Agency to adopt Rules for the control of the collection, transportation, storage, processing and disposal of solid waste and sewage sludge for the prevention and abatement of water, air and land pollution, recognizing that no single standard of control is applicable to all areas of the state. The Agency proposes using these existing standing authorities and did not seek and was not provided authorities specific to this rulemaking.

**Public Comment.** Interested persons may submit written comments regarding the Agency's plan to revise the rules until the Agency publishes a Notice of Intent to Adopt Rules in the *State Register* (at least 60 days after the date of this notice). The Agency is also seeking advice on its preliminary draft of these Rules. In addition to this notice, the Agency will provide notice of the opportunity to provide comments through its GovDelivery email notification system (open to self-subscription by anyone who wishes to receive related notifications). If you represent a local government and believe that this Rule would require you to adopt or amend an ordinance, under *Minnesota Statutes* § 14.128, please provide information about your local ordinance. Also, please advise if you believe that amending this existing Rule would result in a negative economic impact to your interests and why. The Agency does not plan to appoint an advisory committee regarding these possible Rules.

**NOTE:** The Administrative Procedures Act requires the Agency to include in the formal rulemaking record only those comments received after Rules are published for public comment. If you submitted comments in response to this notice or during the development of these Rules and you want to ensure that those comments become part of the official record considered by the Administrative Law Judge in promulgating these Rules, you must resubmit the comments after the Rules are formally proposed.

**Rules Drafts.** The Agency plans to seek formal public comment when it publishes a Notice of Intent to Adopt Rules. Interested parties may register with GovDelivery at: <http://www.pca.state.mn.us/> in order to be notified when draft Rules are published for comment. You are welcome and encouraged to comment on any specific changes discussed herein. The Agency will make available a preliminary draft of Rules showing likely proposed amendments in electronic format as part of this public notice. A copy may be found under the Agency's Public Notice website for this notice here: [www.pca.state.mn.us/index.php/public-notices/list.html](http://www.pca.state.mn.us/index.php/public-notices/list.html). You may also request a copy from the listed Agency contact person.

**Agency Contact Person.** Written or oral comments or requests for more information should be directed to:

Nathan Brooks Cooley  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155

# Official Notices

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**Telephone:** 651-757-2290  
**Toll-free:** 1-800-657-3864  
**TTY:** (651) 282-5332  
**E-mail:** [nathan.cooley@state.mn.us](mailto:nathan.cooley@state.mn.us)

**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 listed above.

Dated: 5 June 2014

John Linc Stine Commissioner  
Minnesota Pollution Control Agency

## Minnesota Pollution Control Agency (MPCA) Watershed Division Notice of Availability of the Draft Rice Creek Watershed District Southwest Urban Lakes TMDL Report and Request for Comment

**Public Comment Period Begins:** September 22, 2014  
**Public Comment Period Ends:** October 21, 2014

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft Rice Creek Watershed District Southwest Urban Lakes Total Maximum Daily Load (TMDL) Report. The draft TMDL report is available for review at:

<http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html>.

Following the comment period, the MPCA will revise the draft TMDL report and submit it to the U.S. Environmental Protection Agency (EPA) for approval. Comments must be sent to MPCA contact person listed below by 4:30 p. m. on October 21, 2014.

A TMDL is a scientific study, conducted on waters designated as impaired, required by the federal Clean Water Act. A TMDL study calculates the maximum amount of a pollutant that a waterbody can receive and continue to meet water quality standards for designated beneficial uses. It is a process that identifies all the sources of the pollutant causing the impairment and allocates allowable loads among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

This TMDL study addresses seven nutrient (phosphorus) impaired lakes. Excess phosphorus in lakes leads to nuisance algae blooms which affect the desirability of water for swimming and other recreation.

The lakes addressed in the study are as follows: Island Lake, North Basin (62-0075-02), Island Lake, South Basin (62-0075-01), Little Lake Johanna (62-0058-00), Long Lake, South Basin (62-0067-00), Moore Lake, East (02-0075-01), Pike Lake (62-0069-00), and Lake Valentine (62-0071-00).

These waterbodies and the land area that drains to them are located in the southwest portion of the Rice Creek watershed in Ramsey County and Anoka County. The predominant source of phosphorus to the waterbodies from the watershed is urban stormwater runoff. In-lake sources of phosphorus (e.g., carp and sediment release) are also important contributors for some of the lakes. This report was largely based on a previous study completed by the Rice Creek Watershed District. Lake Management Action Plans for implementation projects have been completed by the district and these projects are ongoing.

**Preliminary Determination on the Draft TMDL Report:** The MPCA Commissioner has made a preliminary determination to submit this TMDL report to the EPA for final approval. A draft TMDL report is available for review at the MPCA office at the address listed below, and at the MPCA Web site: <http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html>

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



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

Written comments on the draft TMDL report must be sent to the MPCA contact person listed below and received by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Suggested changes will be considered before the final TMDL report is sent to the EPA for approval.

**Agency Contact Person:** Written comments and requests for more information should be directed to:

Chris Zadak  
Minnesota Pollution Control Agency  
Watershed Division - Watershed Section  
520 Lafayette Road North  
St. Paul, MN 55155-4194  
**Phone:** (651) 757-2837 (direct)  
**Minnesota Toll Free:** 1-800-657-3864  
**Fax:** (651) 297-8676  
**E-mail:** [chris.zadak@state.mn.us](mailto:chris.zadak@state.mn.us)  
**TTY** users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

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

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

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

**Petition for Contested Case Hearing:** You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that:

- (1) there is a material issue of fact in dispute concerning the draft TMDL report;
- (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and
- (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

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

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

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

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

# Official Notices

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

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

Dated: August 2014

## Minnesota Department of Transportation (Mn/DOT) Notice to Bidders: Suspensions/Debarments as of September 17, 2014

### NOTICE OF SUSPENSION

**NOTICE IS HEREBY GIVEN** that MnDOT has ordered that the following vendors be suspended effective July 8, 2014:

- Marlin Dahl, Granada, MN
- Dahl Trucking, Elmore, MN
- Elmore Truck and Trailer, Inc., Elmore, MN

### NOTICE OF DEBARMENT

**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

**NOTICE IS HEREBY GIVEN** that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective September 17, 2014 until September 17, 2017:

- Jeffrey Plzak and his affiliates, Loretto, MN
- Laurie Plzak and her affiliates, Loretto, MN
- Honda Electric Incorporated and its affiliates, Loretto, MN
- Jeffrey and Laurie Plzak doing business as Honda Electric Logistics, and its affiliates, Loretto, 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 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) Notice of Availability of Enterprise IT-Related Master Contract Program — SITE

The Minnesota Department of Administration, in conjunction with the Office of MN.IT Services, is requesting proposals from qualified and experienced IT vendors to provide IT-related services under a master contract program utilized by state agencies, local units of government, and cooperative purchasing venture (CPV) members.

The categories of service are:

- Analyst
- Architecture
- Business Continuity
- Database Administration/Development
- Desktop Application & Support
- Developer/Programmer
- E-Commerce
- Geographic Information Systems (GIS)
- Mainframe Computing
- Modeling
- Program/Project Management
- Quality Assurance
- Security
- Server Support & Development
- Systems Analyst
- Telecommunications
- Web Application Design & Development

This master contract program is currently accepting proposals and will remain open to new vendors for a minimum of two years.

For information about the SITE master contract program and how to respond to the RFP/Application, go to this **website**:

<http://mn.gov/buyit/14atm/main.html>

Proposals must be submitted according to the instructions provided in the Application Process link and in the SITE RFP link available on the website. If you have questions about the program, please refer to the program website. If you are still unable to find an answer, send an email to the SITE program administrator, Doug Heeschen, at **e-mail**: [doug.heeschen@state.mn.us](mailto:doug.heeschen@state.mn.us).

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

## Minnesota Department of Administration (Admin)

### Notice of Availability of Master Contract for Arbitrators, Mediators, and Facilitators

The Minnesota Department of Administration is requesting proposals from qualified and experienced individuals to serve as arbitrators, mediators, and facilitators within a master contract program to be utilized by state agencies, local units of government, and cooperative purchasing venture (CPV) members.

The master contract period is anticipated to begin in November 2014 and continue for two years, with an option to extend for up to three additional years.

To obtain a copy of this Request for Proposals, make your request by e-mail to Doug Heeschen at: [doug.heeschen@state.mn.us](mailto:doug.heeschen@state.mn.us). The RFP will be available through October 30, 2014. Only emailed requests will be accepted.

Proposals in response to this RFP must be submitted to:

Department of Administration  
Doug Heeschen, Materials Management Division  
Room 112 State Administration Building  
50 Sherburne Avenue  
Saint Paul, MN 55155

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:00 p.m. Central Time on October 30, 2014. **Late proposals will NOT be considered.** Fax or e-mailed proposals will **NOT** be considered.

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

## Minnesota State Colleges and Universities (MnSCU)

### Pine Technical and Community College

#### Notice of Request for Bids for Cisco Networking Supplies and Equipment

**NOTICES IS HEREBY GIVEN** that Pine Technical and Community College, in support of the U.S. Department of Labor Employment and Training Administration funded Rural Information Technology Alliance (RITA) Consortium, is seeking bids for CISCO Networking supplies and equipment. This equipment and supplies are to be used in conjunction with CISCO networking curriculum. The equipment and supplies must be certified CISCO equipment. The vendor must be a certified CISCO retailer in order to respond to this bid request. You may request an official bid form by email or submit a written bid. Shipping and freight must be a separate line item. The funding for this project is provided through the Trade Adjustment Assistance Community College and Career Training (TAACCCT) Grant Program Round #3 grantees. The needed supplies and equipment are as follows:

Description of Article or Service	Part number	Quantity
4-port 3rd Gen Multiflex trunk voice/WAN Int. card-T1/E1	VWIC3-4MFT-T1/E1	3
IP communications high-density digital voice NM with 2 T1/E1	NM-HDV2-T1/E1	1
Network Module Adapter for SM Slot on Cisco 2900 3900 ISR	SM-NM-ADPTR	1
16-channel high density voice and video DSP module	PVDM3-16	3
Cisco IP communicator 8.6.2.0	cipc-admin-fmr.8-6-2-0	3
2-port 3rd gen multiflex trunkvoice/WAN int.card-T1/E1	VWIC3-2MFT-T1/E1	3
Cisco catalyst 3560-24ps EMI-24 ports-10/100base-tx,2SFP	WS-C3560V2-24PS-E	3
PSTN 2-port HWIC module for analog phones and fax devices	VIC2-2FXO=	3
PSTN inward dial 2 port HWIC module for connection to POTS	VIC3-2FXS/DID	3

Catalyst 2960 24 10/100 +2 LAN Base Image	WS-C2960+24TC-L	13
SMARTNET 8X5XNBD Catalyst 2960 10/100 +2 1000BT LAN	con-snt-c29602tc	13
Linksys EA4500 Wireless Router-IEEE 802.11n Wireless device	EA4500	6
Console cable 67ft with USB Type A and Mini b cables	CAB-CONSOLE-USB	26
Console cable 6ft with RJ45 and DB9F cables	ACB-Console-RJ45	26
Cisco 2911w/3 GE4 EHWIC 2 DSP 1 SM 256MB CF 512MB DRAM	CISCO2911/K9	7
Cisco 2911 w/3GE4 EHWIC 2 DSP 1 SM 256MB CF 512 MB DRAM	CISCO2911-SEC/K9	6
SMARTNET 8x5xNBD Cisco 2911 w/3 GE4	CON-SNT-2911SEC	13
2-port Serial WAN Interface Card	HWIC-2T	16
ASA 5510 Appliance with SW 5FE 3DES/AES	ASA-5505-BUN-K9	3
SMARTNET 8x5xNBD ASA5510w/50 VPN Peers3	CON-SNT-AS5-BUNK9	3
SW CM 8.6 Appliance Not for resale	CM8.6-K9-NFR	1
Cisco Unified Presence 8.6 Appliance Software	SW-CUP 8.6-K9	1
Cisco UC Phone 7962 Spare	CP-7962G	8
128-channel high density voice and video DSP module	PVDM3-128=	2
Cisco/Linsys Wireless N USB Adapters	AE2500-NP	6
SMARTNET 8x5xNBD Catalyst 3560V2	CON-SNT-V224PSE	3
Cisco Unified Presence User License	CUP.6 User License	50
ESSENTIAL SW CISCO unified presence user license	CON-ESW-CUP86USR	50
UCSS for Cisco Unified Presence for 1 user for one year subscription	UCSS -U-CUP. 1-1	50

Questions can be addressed to Sally Welsh, RITA Grant Manager, at **e-mail: [welshs@pine.edu](mailto:welshs@pine.edu)**

Sealed bids must be submitted to: Sally Welsh, RITA Grant Manager, Pine Technical and Community College, 900 4th Street SE, Room 85, Pine City, MN 55063 by 3:00 pm CST September 29, 2014.

Pine Technical and Community College reserves the right to reject any or all bids or portion thereof, to waive technicalities in bids, and to delay final award for a period of 15 days. This request for bids does not obligate the State to complete the work or license 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 Sports Facilities Authority (MSFA) ADVERTISEMENT FOR PROPOSALS for Fan Recognition Program Commemorative Engraved Paver and Program Fulfillment

**1. Proposals** – Submit proposals for Minnesota Sports Facilities Authority – Fan Recognition Program Commemorative Engraved Paver and Program Fulfillment, Minneapolis, Minnesota, to Ted Mondale on or before 2:00 pm, on October 1, 2014.

**2. Work Includes** – Provide a engraved paver program that would include fulfillment, customer service, delivery and assistance in paver placement at new multipurpose stadium.

**3. Pre-Proposal Meeting** – Pre-proposal meeting will be held at 1:30 pm on September 17, 2014 at the 511 – 11<sup>th</sup> Avenue South, Suite 401, Minneapolis, Minnesota. It is recommended but not mandatory that proposers attend the meeting. Proposers may join by conference call. Please contact Amy Quaintance (612) 335-3314 for that number.

**4. Examining Documents** – Documents will be available for review, at the office of the MSFA, 511 – 11<sup>th</sup> Ave. South, Suite 401, Minneapolis, MN and on the website, MSFA.com.

**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.

# State Contracts

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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.

Ms Michele Helgen, Chair  
Minnesota Sports Facilities Authority

## Minnesota Sports Facilities Authority (MSFA) ADVERTISEMENT FOR PROPOSALS for Local Area Network (LAN) and IP Telephone System

1. **Proposals** – Submit proposals for Minnesota Sports Facilities Authority – Local Area Network (LAN) and IP Telephone System, Minneapolis, Minnesota, to Ted Mondale, MSFA, at the Minnesota stadium on or before 4:00 p.m., on October 7, 2014.

2. **Work Includes** – Provide local area network (LAN) and IP Telephone systems with associated infrastructure for new multipurpose stadium.

3. **Pre-Proposal Meeting** – Pre-proposal meeting will be held at 10 am on September 26, 2014 at the 1010 South 7<sup>th</sup> Street (lower level). It is recommended proposers attend the meeting. Post meeting any questions shall be provided in writing per the RFP by 4pm on September 30, 2014.

4. **Examining Documents** – Documents will be available for review, at the office of the MSFA, 511 – 11<sup>th</sup> Ave. South, Suite 401, Minneapolis, MN and on the website, MSFA.com after September 16, 2014

5. **Obtaining Documents** – Proposers may obtain a copy of contract documents after September 16, 2014, from the MSFA, at the MSFA office, 511 – 11<sup>th</sup> Ave. South, Suite 401, Minneapolis, Minnesota 55415 or on the website MSFA.com

6. **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.

Ms Michele Helgen, Chair  
Minnesota Sports Facilities Authority

## 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

## 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](http://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 Department of Transportation (MnDOT) Request for Proposals (RFP) for Solar Array Installation and Lease

In 2007, the Minnesota Legislature enacted *Minnesota Statutes* Ch. 216H, which requires a state plan to work toward the reduction of greenhouse gasses. MnDOT has authority under *Minnesota Statutes*, Sec. 161.433 to lease highway right of way owned in fee where the use of the property will not impair or interfere with the use and safety of the highway. This pilot project will explore opportunities and risks, including legislative barriers that may exist, of leveraging highway right of way assets for alternative uses, specifically solar panel technologies.

MnDOT requests responses for an entity to enter into a lease agreement for the installation of a solar array on right-of-way land where such use will not impair or interfere with the use and safety of the highway. The proposed solar installations must be one (1) megawatt or greater in size. The rental for the property used must be a market-based fair rental rate as required by State statute.

The goal of this project is to lease one or more sites for the purposes of: 1) demonstrating the feasibility of using MnDOT right of way for solar power generation; and 2) developing criteria for selecting and using right of way for the purpose of installing one (1) megawatt or greater solar arrays.

Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate MnDOT to complete the work contemplated in this notice, and MnDOT reserves the right to cancel this RFP. All expenses incurred in responding to this notice shall be borne by the responder.

The full RFP can be viewed on the Consultant Services Web Page at [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult) under the P/T Notices Section. If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may (Cite 39 SR 407)

# State Contracts

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contact:

Ryan Gaulke, Contract Administrator  
**E-mail:** [ryan.gaulke@state.mn.us](mailto:ryan.gaulke@state.mn.us)  
**Telephone:** (651) 366-3057

Note: THIS RFP WILL BE CONDUCTED IN TWO STAGES. STAGE I RESPONSES WILL BE DUE ON NOVEMBER 3, AT 2:00PM CENTRAL STANDARD TIME.

## Minnesota Zoo Request for Proposal for Heart of the Zoo Phase II—Owners Representative Services

The Minnesota Zoo has received funding to begin planning and full design for Heart of the Zoo Phase II (HOTZ II), the center piece of which will be the renovation of its Snow Monkey Exhibit. This project will expand on renovations completed during the 2008-2011 campaign for Heart of the Zoo Phase I (HOTZ I) construction.

The Minnesota Zoo seeks an Owners Representative to work closely with leadership and various stakeholders during design and construction to ensure all represented needs are met and to continue the tradition of excellence in award winning exhibit designs.

Phase II construction will make significant alterations to the existing exterior Snow Monkey exhibit and interior holding area, lower plaza, upper plaza, and major changes and additions to adjacent spaces along with modifications to existing facilities. In addition to these renovations the project will create a new walk through retail space, and re-purpose the existing retail space into a new interior Meerkat Exhibit and holding area.

The Minnesota Zoo's intent is to enter into separate Design and CM at-risk contracts that create a *team* to work together from the onset of planning and design. The Owners Representative will help facilitate the design and preconstruction process and help lead the *team*. During construction they will oversee the onsite progress and handle construction administration for the owner.

Selection of the design and construction team is at the sole discretion of the Minnesota Zoo.

The Minnesota Zoo is currently seeking funding for the complete construction of this project, work beyond design is funding dependent

Prospective responders who have any questions regarding this request for proposal, or to request the full RFP, may contact Via Email:

Derik Otten  
Project Manager  
E-mail: [derik.otten@state.mn.us](mailto:derik.otten@state.mn.us)

Other personnel are NOT AUTHORIZED to discuss this request for proposal with responders, before the proposal submission deadline. Contact regarding this RFP with any personnel not listed above could result in disqualification.



## 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/>.

### City of Woodbury

#### Notice of Request for Proposals for Consultant Services for Loan Application, Underwriting Review, Oversee Draw Process, and Reports

The City of Woodbury HRA is seeking responses to an RFP for consultant services. The consultant shall among other services, provide loan application and underwriting review, oversee draw processes, and provide reports and additional data as requested. Successful respondents shall demonstrate a history of similar experiences as well as knowledge of housing finance and federal housing requirements including Part V income determination.

Copies of the RFP are available via [www.ci.woodbury.mn.us](http://www.ci.woodbury.mn.us). Responses are due not later than 3:00 p.m. on October 7 to [kbatalden@ci.woodbury.mn.us](mailto:kbatalden@ci.woodbury.mn.us). Questions may be submitted to the same e-mail address or to (651) 414-3438.

### Metropolitan Airports Commission (MAC)

#### Minneapolis-Saint Paul International Airport

#### Notice of Call for Bids for Telecommunications Room Equipment Continuity 2014 (TREC) (P4)

MAC Contract No.:

106-2-704

Bids Close At:

2:00 p.m., October 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. The work consists of minor demolition, hollow metal doors and frames, interior finishes, and associated plumbing, heating, ventilation, electrical, and technology work for remodeling.

**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.

**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; 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 September 22, 2014, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids.)

# Non-State Public Bids, Contracts & Grants

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## Metropolitan Airports Commission (MAC)

### Minneapolis-Saint Paul International Airport

#### Notice of Call for Bids for Terminal 1-Lindbergh Structural Enhancements

MAC Contract No.:

106-2-745

Bids Close At:

2:00 p.m. October 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. The project includes minor demolition, concrete, structural steel, carpet patching, painting and electrical.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 10%.

**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 Architectural Alliance, at the Minnesota Builders Exchange; McGraw Hill Construction; 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 September 22, 2014, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids.)

## Metropolitan Airports Commission (MAC)

### Minneapolis-Saint Paul International Airport

#### Notice of Call for Bids for 2014 Terminal Curtainwall Repair

MAC Contract No.:

106-2-742

Bids Close At:

2:00 p.m. October 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 consists of removal and replacement of backer rod and sealant in the exterior metal panels on a portion of Concourse C.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 7%.

**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 Architectural Alliance, at the Minnesota Builders Exchange; McGraw Hill Construction; 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

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# Non-State Public Bids, Contracts & Grants

September 22, 2014, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids.)

## Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Request for Bids for 2014 Wayfinding Signage Improvements

MAC Contract No.:

106-2-748

Bids Close At:

2:00 p.m. October 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. The project includes stainless steel support stands for display and touch screen monitors, minor demolition, and electrical. Cutting and patching at floors, walls and ceilings associated with the modifications are included.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 6%.

**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 Architectural Alliance, at the Minnesota Builders Exchange; McGraw Hill Construction; 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 September 22, 2014, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids.)

## Metropolitan Airports Commission (MAC) Notice of Request for Qualifications Statements for Legislative Consultant Services

The Metropolitan Airports Commission (MAC) is requesting qualifications statements from individuals or firms interested in representing the Commission with respect to the provision of services described in the posted Request for Qualifications.

The Commission's Request for Qualifications for State Legislative Consultant Services (RFQ) is available to download on the Commission's website at: <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx>

Questions regarding this RFQ must be received by 4:00 p.m. on Friday, October 3, 2014. Qualifications statements must be received on or before 4:00 p.m. Friday, October 10, 2014.

The contact person for this RFQ is Gina Ballweber and she may be contacted at (612) 713-7493 or by **e-mail:** [gina.ballweber@mspmac.org](mailto:gina.ballweber@mspmac.org).

Dated: 22 September 2014



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