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Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 7			
46	Monday May 2	Monday May 9	Monday May 16
47	Monday May 9	Monday May 16	Monday May 23
48	Monday May 16	Monday May 23	Monday May 30
49	Monday May 23	Monday May 30	Monday June 6

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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NOTICE

How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

The **PROPOSED RULES** section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

ALL ADOPTED RULES and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in spring of 1984. In the **MCAR AMENDMENT AND ADDITIONS** listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the *1982 Reprint* due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the **MCAR AMENDMENTS AND ADDITIONS** list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
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EXECUTIVE ORDERS

Executive Order No. 83-21

Establishing an Inter-Agency Peat Task Force

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution of the State of Minnesota and applicable statutes, do hereby issue this Executive Order:

WHEREAS, the State of Minnesota contains six (6) million acres of peat; the largest peatland acreage in the lower forty-eight states; and

WHEREAS, options for the development of Peatlands include a multiplicity of uses; and

WHEREAS, there is a need for the coordination of resource and economic development among State agencies; and

WHEREAS, the development of a peat industry is needed to enhance the economic well-being of Minnesota; and

WHEREAS, the effective management of Minnesota's peatlands requires that environmental issues be addressed in development proposals; and

WHEREAS, it is desirable that the State assume a position of strong leadership in peat development issues;

EXECUTIVE ORDERS

NOW, THEREFORE, I ORDER:

The establishment of an inter-agency task force to determine priorities for peat research and development; and further, that this inter-agency task force implement and carry out peat related activities through the appropriate member agencies.

The members of said task force shall be the Commissioner of the Departments of Natural Resources, Agriculture, Commerce, and Energy, Planning and Development; the Directors of the Pollution Control Agency, the Iron Range Resources and Rehabilitation Board, and a representative of the Governor's Office.

In addition, the member commissioners may appoint technical advisory committees to provide the task force with information and support for task force decision-making.

Pursuant to Minnesota Statutes 1982, § 4.035, this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Minnesota Statutes 1982, Section 4.035.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 30th day of March, 1983.



PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
 2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
 3. of the manner in which persons shall request a hearing on the proposed rules;
- and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven 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 §§ 14.13-14.20 which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 14.29, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Minnesota Pollution Control Agency

Proposed Revision to 6 MCAR § 4.8034 Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment Projects

Notice of Hearing

Notice is hereby given that on Monday, June 13, 1983, a public hearing on proposed amendments to 6 MCAR § 4.8034 will commence at 9:30 a.m. in the Board Room of the Minnesota Pollution Control Agency at 1935 W. County Road B-2, Roseville, Minnesota, and continue on subsequent days, if necessary, at times and places determined during the hearing.

The hearing will be conducted by Hearing Examiner Phyllis Reha, Office of Administrative Hearings, 400 Summit Bank Building, 310 S. 4th Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7611.

6 MCAR § 4.8034 provides for the administration of federal grant funds and state grant and loan funds for the construction of municipal sewage treatment projects. The construction grants program enables municipalities to construct wastewater treatment facilities through a combination of federal, state and local funds.

Not enough funds are available to award a grant to all municipalities with a need for additional sewage treatment facilities, and 6 MCAR § 4.8034 establishes a point system for prioritizing all municipalities seeking grant funds. Municipalities with the highest number of priority points are awarded grants first. The proposed amendments to the rule would change the priority points awarded under the various criteria used for prioritizing projects. For example, less points would be awarded for population under the proposed amendments than are awarded under the existing rule, while greater importance will be placed on the kind of project to be undertaken.

Under the proposed amendments top priority will be given to the construction of sewage treatment plants; it is unlikely that collection sewers and support facilities like administrative buildings will receive funding. The proposed amendments also would create several categories, such as public health hazard and outstanding resource value waters, for which additional priority points are awarded and by which qualifying municipalities can improve their priority ranking.

The proposed amendments would also delete special provisions in the existing rule for funding innovative and alternative technology and for splitting the available grant funds between the metropolitan area and outstate areas. Under the proposed amendments funds would be awarded in direct order of priority, whether or not a project involved innovative or alternative technology and whether the municipality was in the metropolitan area or outstate.

Under the proposed amendments, grants for the development of facilities plans and for other initial steps in the construction process will no longer be available. Advances of allowance, however, will be possible for these early steps. Other proposed changes involve definitions, public participation, grant applications, and grant payments.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

A free copy of the proposed amendments is available by contacting Peggy Hicks, Division of Water Quality, Grants Section, Minnesota Pollution Control Agency, Roseville, Minnesota, telephone (612) 296-7254.

The agency's authority to promulgate this rule is found in Minn. Stat. §§ 116.16 and 115.03, subd. 1 (c) (1982).

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This statement of need and reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

At the hearing the agency will introduce its statement of need and reasonableness and its exhibits. The statement of need and reasonableness and the exhibits will constitute the agency's affirmative presentation in support of the proposed amendments. All interested or affected persons will then have an opportunity to participate by asking questions about the statement of need and reasonableness and by presenting oral and written comments about the proposed amendments. Comments are most helpful if the comments identify with particularity each provision of the proposed amendments that is supported or objected to and if the comments suggest specific alternative language to what is proposed and provide the reasons and data that support the proposed modifications.

Written comments may be submitted to the hearing examiner at any time up to five working days after the hearing ends, or for a longer period not to exceed twenty days after the hearing ends if ordered by the hearing examiner. Copies of the comments should also be submitted to the agency.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

This proceeding is governed by Minn. Stat. §§ 14.04-14.20 and 14.50 (1982) and by the rules of the Office of Administrative Hearings 9 MCAR §§ 2.101-2.113. Any person who has any questions about the procedure to be followed may contact the Hearing Examiner.

Please be advised that the proposed amendments are subject to change as a result of the rule hearing process. The agency urges those who are interested to any extent in the proposed amendments, including those who support the amendments as proposed and do not want to see changes made, to participate in the hearing and make their view known.

Please be further advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1979 Supp.) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

April 22, 1983

Sandra S. Gardebring
Executive Director

Rules as Proposed

6 MCAR § 4.8034 Rule for the administration of the Minnesota State Water Pollution Control Fund and federal grant funds allotted to Minnesota.

A. Purpose. ~~This rule is herein adopted and promulgated by the Minnesota Pollution Control Agency to implement the provisions of Minnesota Statutes chs. 115 and 116 (1976 and 1977 Supp.) and to comply with the Federal Water Pollution Control Act 33 U.S.C. Section 1251 et seq., and guidelines and regulations pursuant thereto, by the establishment of procedures relating to the federal construction grants and state construction grant and loan programs.~~

PROPOSED RULES

The promulgation of this rule, in association with the agency's enabling legislation, provides authority for the State of Minnesota, upon approval by the Regional Administrator of the United States Environmental Protection Agency, to certify applicants for Federal construction grants and subsequently, to the extent funds are available, provide state construction grants. The Minnesota Pollution Control Agency is the State agency designated by State law to administer this program. Except as specifically provided herein, this rule shall apply with equal force to state financial assistance and Federal grant funds. This rule provides for the administration of the federal construction grant program and the state construction grant and loan program for the construction of municipal disposal systems.

B. Definitions. For the purpose of this rule, the following terms have the meanings given them.

1. The terms "person," "sewage," "industrial wastes," "other wastes," "treatment works," "sewer system," "disposal system," "waters of the state," "pollution control fund," "municipality," "director," "agency," "pollution of water," "eligible cost," "wastewater," "wastewater treatment facility," as well as any other pertinent terms for which definitions are given in Minnesota Statutes, chapters 115 and 116 ~~shall~~ have the meanings ascribed to them therein.

~~The terms specified below shall have the meanings ascribed to them:~~

~~1.~~ 2. "Act" means the Federal Water Pollution Control Act, 33 USC United States Code, title 33, section 1251 et seq., as amended through December 31, 1982.

~~2.~~ 3. "EPA" means the United States Environmental Protection Agency.

~~3.~~ 4. "Administrator" means the Administrator of the United States Environmental Protection Agency.

~~4.~~ Regional Administrator means the EPA Regional Administrator for the region in which Minnesota is located ~~(new Region Five).~~

5. "Need" means a determination that a new or upgraded disposal system is currently required, or will be required within a five-year period to comply with State Water Pollution Control rules; provided, the situation does not exist primarily due to inadequate operation and maintenance or primarily due to negligence on the part of any person.

~~6.~~ "Category of Project" means the part of the disposal system the municipality intends to construct.

~~7.~~ "Type of project" means its "STEP":

~~a.~~ "Step 1" means the preparation of all necessary preliminary engineering studies for the project.

~~b.~~ 7. "Step 2" means the preparation of construction plans and specifications for the project.

~~8.~~ "Step 2+3" means the preparation of construction plans and specifications for and construction of the project.

~~e.~~ 9. "Step 3" means the construction of the project.

~~8.~~ "Project" means the scope of work for which grant assistance is awarded.

~~9.~~ "Metropolitan Area" means Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties.

~~10.~~ "Non-metropolitan Area" means all counties of the state not in the metropolitan area.

~~11.~~ "Secondary treatment plant" ~~shall have the meaning ascribed to it in Minnesota Rule WPC 14 or 15 or amendments thereto~~ includes plants designed to provide effective sedimentation, biochemical oxidation, and disinfection, or the equivalent, consistent with requirements of 6 MCAR §§ 4.8014 C.6. and 4.8015 C.6. Plants discharging to limited resource value waters (Class 7 waters) and assigned effluent limitations based on 6 MCAR §§ 4.8014 C.16.a. or C.16.b. or 4.8015 C.16.a. or C.16.b. are secondary treatment plants for the purpose of this rule.

~~12.~~ 11. "Tertiary treatment plant" means any level of treatment of higher quality than secondary treatment includes plants specifically designed to achieve effluent limitations based on 6 MCAR §§ 4.8014 C.6. or 4.8015 C.6. for phosphorus or toxic substances and plants designed to provide a level of treatment higher than that provided by a secondary treatment plant.

~~13.~~ 12. "Primary treatment plant" means any level of treatment of lesser quality than secondary treatment a plant designed to provide a level of treatment lower than that provided by a secondary treatment plant.

~~14.~~ "Scope of Project" means Step 1, Step 2, or Step 3 of disposal system construction or segments thereof.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.

PROPOSED RULES

~~15-~~ 13. "Planning loan" means a loan for Step 1 ~~and/or~~ or Step 2 projects.

~~16-~~ 14. "Construction loan" means a loan for a Step 3 project.

~~17-~~ "Resident Inspection" means that the consulting engineer or his agent shall be present on site, during the hours of construction for purposes of inspection. It does not mean the inspector has to be a resident of the community.

~~18-~~ 15. "Adequate errors and omissions insurance" means a policy of insurance which provides the minimum amount of coverage for the corresponding estimated project construction cost as determined from the following table, which is maintained for a minimum of two years after acceptance of the project by the grantee.

Estimated Project Construction Cost	Minimum Amount of Coverage
less than \$1,000,000	\$ 250,000
\$1,000,000 to \$2,999,999	\$ 500,000
\$3,000,000 to \$9,999,999	\$1,000,000
\$10,000,000 or over	\$2,000,000

If an engineer has more than one project, the policy must provide for the minimum coverage applicable to the highest estimated project construction cost. Requests for variances from the requirements of this section ~~shall be~~ are governed by section ~~E-9.1-~~ GG. of this rule.

~~19-~~ "Contract" means a contract between a municipality and an engineer or a contractor for the planning, design, or construction of a disposal system, or part thereof, which will be paid for, in all or in part, by state construction grant funds.

~~20-~~ "Grantee" means the grantee of a state construction grant.

16. "Infiltration" means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

17. "Inflow" means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

18. "Facilities plan" includes the information required by Code of Federal Regulations, title 40, section 35.2030, as amended through December 31, 1982, and other information as is necessary to determine whether the project is consistent with good engineering practice and capable of complying with applicable pollution control rules and standards.

19. "Plans and specifications" includes documents that contain the requirements under which a bidder submits a bid for performing the work and the contractual requirements and detailed requirements. The documents that comprise the plans and specifications must conform with generally accepted engineering practices, applicable state statutes and rules, and applicable requirements of Code of Federal Regulations, title 40, parts 33 and 35, as amended through December 31, 1982.

20. "NPDES/SDS permit" means a National Pollutant Discharge Elimination System and State Disposal System permit issued by the agency that authorizes under certain conditions the discharge of pollutants to waters of the state and subsurface disposal or on-land disposal and the operation of a disposal system.

21. "90 percent compliance" means compliance with an NPDES/SDS permit limitation or condition related to effluent quality at a frequency of at least 90 percent of the time during a one-year period computed on the basis of the time interval appropriate to the limitation or condition. Periods of noncompliance caused by inadequate operation and maintenance, negligence on the part of a person, or increased flow or loading to a treatment plant are not included in the percentage computation for the purposes of this definition.

22. A "major contributing industry" means an industrial user of a treatment facility that:

a. has a flow of 50,000 gallons or more per work day on the average;

b. has a flow greater than five percent of the total flow to the treatment works;

c. has a total organic load of greater than five percent of the total organic load to the treatment works;

d. has in its waste a toxic pollutant in toxic amounts as defined in standards issued by the U.S. Environmental Protection Agency under section 307(a) of the act; or

e. is found by the agency in connection with the issuance of an NPDES/SDS permit to the municipality, either singly or in combination with other contributing industries, to interfere with the treatment plant's ability to meet effluent limitations, interfere with digester operation or biological unit process operation, impact the area required for sludge disposal, or increase sizing of the facility by five percent.

23. A "treatment agreement" is an agreement between a municipality and a major contributing industry that includes the following:

a. the variations in daily flow and the monthly average and daily maximum quantity of compatible and incompatible pollutants to be discharged to the treatment facility;

b. the intended period of use of the treatment facility;

c. signatures by the major contributing industry and the owner of the treatment system accepting the wastewater;

d. a requirement that the quantities to be discharged to the treatment system will be in accordance with applicable standards and requirements; and

e. enforceability in a court of law by the municipality.

24. Other terms and abbreviations used herein which are not specifically defined by law shall be construed in conformance with the context and professional usage.

~~C. Severability. If any provision of this rule or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions of the rule or application of any other part of this rule which can be given effect without application of the invalid provision. To this end, the provisions of all sections, subsections, or subdivisions herein and the various applications thereof are declared to be severable.~~

~~D. Priority Types of programs. Minnesota Statutes, section 116.16 et seq. (1976) establishes a pollution control fund and authorizes grants and loans for the construction of municipal disposal systems. To the extent funds are available and requested, the agency shall disburse funds from the pollution control fund in the following order. Under this rule and Minnesota Statutes, section 116.16 et seq., the agency may disburse funds from the pollution control fund for the following:~~

~~1. grants for projects tendered a 75% federal grant under the act and, to the extent authorized by statute, grants for projects utilizing innovative or alternative wastewater treatment processes and techniques which have been tendered an 85% federal grant under the act;~~

~~2. grants to reduce or eliminate the local contribution of a municipality meeting the criteria set forth in 6 MCAR § 4.8034 E.9.b.(4). BB.2;~~

~~3. grants to municipalities which would qualify for a federal grant but which desire to initiate construction of the project without a federal grant;~~

~~4. loans for the construction of municipal disposal systems.~~

D. Summary of construction grants program.

1. Construction grant funds are available for Step 2+3 and Step 3 projects and advances of allowance for Step 2.

2. Construction grants are awarded to municipalities on a priority basis. Municipalities with the highest priorities as determined by a point system are awarded construction grants first.

3. Priorities are determined by awarding points for various disposal system projects based on (a) the waters affected; (b) the population affected; (c) the type of project proposed; and (d) extra points for qualifying projects.

4. The agency develops and maintains a municipal needs list that ranks in order of priority all municipalities for which a need exists.

5. The agency prepares a municipal project list that lists in order of priority from the municipal needs list, the

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municipalities that are eligible to apply for construction grants for their projects from funds allotted to the state for the current fiscal year.

6. A municipality on the municipal project list must apply for a construction grant before a grant will be awarded.

E. Construction grant program.

1. Summary of construction grants program.

a. The construction grants program generally consists of three steps:

(1) Step 1: preparation of all necessary preliminary engineering studies;

(2) Step 2: preparation of construction plans and specifications; and

(3) Step 3: construction of the disposal system or part thereof.

b. Grants may be awarded for a Step 1, Step 2, or Step 3 project or, as authorized by the act, for a project which combines steps.

c. The scope of the project is initially defined by the applicant but may be revised by the agency or by EPA.

d. Grants are awarded to municipalities on a priority basis. Priority is determined as follows:

(1) The director shall develop a municipal discharge inventory which lists in priority order, pursuant to 6 MCAR Section 4.8034 E.2.c., all municipalities which maintain a discharge of effluent, including those municipalities which utilize land application or individual sewage treatment systems. This inventory includes municipalities which have adequate disposal systems as well as those which have a need for a new or upgraded disposal system.

(2) The agency shall develop a municipal needs list from the municipal discharge inventory. The municipal needs list shall rank in priority order, pursuant to 6 MCAR Section 4.8034 E.3.b.(2) all municipalities or projects for which a need exists.

(3) A municipal project list shall be developed by the agency from the municipal needs list. The municipal project list shall list in priority order, pursuant to 6 MCAR Section 4.8034 E.4.b., all projects which will be funded during the current fiscal year. The municipal project list shall also list any nonproject uses of the state's allotment of federal construction grant funds.

e. Public participation shall be sought by the agency prior to the adoption of the municipal needs list and the municipal project list, pursuant to 6 MCAR Section 4.8034 E.7.

f. Each applicant must apply to the agency for each proposed grant in the manner set forth in 6 MCAR Section 4.8034 E.7.

g. The agency shall certify applications which have been determined to be complete for a grant of federal funds from EPA.

h. Funds shall be disbursed to a municipality in the manner set forth in 6 MCAR Section 4.8034 E.9.e.

2. Municipal discharge inventory.

a. The director shall develop and maintain a municipal discharge inventory listing all those municipalities which maintain a discharge of effluent, including those which utilize land application or individual sewage treatment systems.

b. The municipal discharge inventory shall include those municipalities which have adequate disposal systems as well as those which have a need for a new or upgraded disposal system.

c. Each municipality shall be awarded points pursuant to the criteria set forth in 6 MCAR Section 4.8034 E.2.d. below. The municipalities shall be listed on the municipal discharge inventory in descending order according to the number of points awarded to each.

d. Criteria.

(1) Extent and nature of pollution. Priority points shall be awarded as set forth below from a determination of the highest single beneficial water use seriously affected, or if no pollution problem currently exists, from a determination of the highest single beneficial water use to be preserved.

	Water Use	Point Rating
Class 1	Domestic water supply:	
	A. Direct consumption (groundwater)	70
	B. Consumption after only disinfection by chlorination	65

	C. Consumption after moderate water treatment process	60
	D. Consumption after very complete water treatment process	55
Class 2	Fisheries and recreation waters:	
	A. Propagation and maintenance of cold water fishery and all recreation uses	60
	B. Propagation and maintenance of mixed fishery and all recreational uses	50
	C. Propagation and maintenance of rough fishery and non-contact recreational uses	40
Class 3	Industrial consumption, except food processing and related uses:	
	A. Direct use without chemical treatment	40
	B. Use with moderate treatment	30
	C. Use for cooling and material transport	20
Class 4	Agriculture and wildlife:	
	A. Irrigation and agricultural crops of all kinds	35
	B. Watering of livestock and wildlife	30
Class 5	Commercial navigation and waste disposal	10

(2) Population affected. Priority points shall be assigned for each type of project based on the population of the municipality, or population of the municipalities served by such project as determined by the most recent reliable census, as follows:

	Point Rating
(a) Municipal population under 250	2
(b) Municipal population from 251-500	4
(c) Municipal population from 501-750	6
(d) Municipal population from 751-1000	8
(e) Municipal population from 1001-1500	10
(f) Municipal population from 1501-3000	12
(g) Municipal population from 3001-5000	14
(h) Municipal population from 5001-10,000	16
(i) Municipal population from 10,001-20,000	20
(j) Municipal population from 20,001-50,000	25
(k) Municipal population from 50,001 to 450,000	35
(l) Municipal population in excess of 450,000	50

(3) List of segments. Pursuant to section 303(e) of the act and guidelines and regulations thereto relating to the state continuing planning process, all waters of the state shall be divided into segments and each segment classified as either water quality or effluent limited. The director shall annually develop a list of segments, and after giving consideration to:

- (a) severity of pollution problems;
- (b) population;
- (c) need for preservation of high quality waters; and
- (d) national priorities as determined by the administrator; priority points will be established in accordance with criteria approved by the agency and the EPA.

The segment ranked number one shall be awarded priority rating equal to the total number (N) of segments with any subsequent segment receiving a priority rating of N + 1 minus the numerical ranking of the segment. Priority points shall be accordingly awarded to a municipality for the type of project located in a segment.

3. Municipal needs list.

- a. The agency shall develop, and update whenever necessary, a municipal needs list listing all municipalities for which a need exists or which desire to construct eligible projects which do not meet the enforceable requirements of the act.
- b. Each municipality shall be awarded points in the following manner:

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(1) Points awarded pursuant to 6 MCAR Section 4.8034 E.2.d. in the development of the municipal discharge inventory; and;

(2) Points awarded pursuant to the criteria set forth in 6 MCAR Section 4.8034 E.3.c. below. The municipalities or projects shall be ranked on the municipal needs list according to the number of points awarded to each.

e. Criteria:

(1) Category of project. Priority points shall be allocated on the basis of the single highest disposal system or part thereof, improvement to prevent, control, and abate the source of pollution as follows:

	Point Rating
(a) Provision of tertiary treatment. For the purpose of this regulation, treatment works which provide for the regulated discharge of effluents in lieu of tertiary treatment shall be construed to provide tertiary treatment.	160
(b) Provision of secondary treatment	150
(c) Provision of a new sewer system or portion thereof for a municipality, in existence on October 18, 1972 with sufficient existing or planned capacity to adequately treat such collected sewage or industrial waste.	10
(d) Provision by a municipality of storm water disposal system, including sewer systems to separate existing combined sanitary and storm sewers or treatment works.	10
(e) A municipality having only primary treatment.	20
(f) A municipality or an area part of an area wide study having a sewer system with no treatment including septic tanks overflowing to a sewer system.	30
(g) Subsections (a), or (b), whichever is applicable, shall also include treatment works and/or any portion of sewer system improvements deemed necessary by the director to insure the integrity and performance of a disposal system.	
(h) An intercepter sewer which eliminates any existing treatment works or which, in accordance with an approved basin plan, eliminates the need for construction of new treatment works shall be considered equivalent to tertiary or secondary treatment and allocated the appropriate priority points pursuant to subsections (a) or (b), whichever is applicable.	
(i) In the case of a sanitary sewer system being tributary to sewerage facilities which are on the municipal project list for funding but which the EPA will not fund until an infiltration/inflow analysis, and where required, a sewer system evaluation survey has been performed, this sewer system project shall be awarded by the director an equal number of priority points as the project on the municipal project list.	

(2) Financial aspects. Priority points shall be awarded by summing up the applicable rating points for the project from Tables 1, 2, and 3 relative to per capita project cost, the ratio of municipal bonded debt to adjusted assessed values of municipalities and per capita buying income.

TABLE I
Per Capita Cost of Project

Per Capita Cost (\$)	Point Rating
0-280	1
281-400	3
401-600	5
601-800	7
801-1000	9
1001-1300	11
1301-1600	13
over 1600	15

TABLE II
Ratio of Municipal Bonded Debt to
Adjusted Assessed Values of Municipalities

Ratio x 100	Point rating
0-3	3
4-9	5
10-15	7

16-21	9
22-27	11
28-33	13
over-33	15

TABLE III
Per Capita Buying Income

Percent of Average	Point Rating
0-50	15
51-60	13
61-70	11
71-80	9
81-90	7
91-100	5
101-110	3
over-110	1

(3) Ten additional points will be awarded to an application which includes planned participation in a sanitary district and/or other multimunicipal disposal system.

d. If a municipality or project is not included on the municipal needs list, the municipality may petition the agency for inclusion on the list. The municipality must document its need in the following manner:

(1) Sewered communities: submission of data regarding: concentration of pollutants in existing discharge, volume of discharge; and waters of the state presently or potentially impacted by the discharge;

(2) Unsewered communities: submission of data regarding: type of soil in unsewered area; depth to seasonally high water table; size of all lots in the area; and age and type of existing system.

Following submission of this data, the director will review the material and determine if a need has been shown. If so, the municipality will be added to the municipal needs list, in the manner set forth above. If not, the municipality will be notified of the reasons for the decision of the director.

e. If in the determination of the order of priority on the municipality needs list, two or more municipalities have the same total number of priority points, the municipality in accordance with 6 MCAR Section 4.8034 E.2.d.(1) that has the highest single beneficial water use seriously affected or to be preserved shall be ranked higher. If two or more municipalities have the same total number of priority points and the same highest single beneficial water use seriously affected or to be preserved, the municipalities shall be ranked based on population as determined by the most recent federal census in descending order below the municipality with the largest population.

4. Municipal project list.

a. The agency shall prepare a municipal project list each fiscal year which shall list in order of priority those projects for which federal grant funds will be requested from current allotments. The municipal project list shall also list any nonproject uses of the state's allotment of federal construction grant funds, including but not limited to training grants and costs of administration.

b. Projects with the highest priority on the municipal needs list will be placed on the municipal project list in the following manner:

(1) Funds shall be allocated between the metropolitan area and the non-metropolitan area in approximately the same ratio which the population of sewered municipalities of the metropolitan area bears to the sewered population of the non-metropolitan area.

(2) Funds will be set aside for such classifications of projects and in such amounts as is required by the act. Such classifications presently include:

(a) Treatment works utilizing innovative or alternative wastewater treatment processes and techniques for which an 85% federal grant may be tendered;

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(b) Alternatives to conventional sewage treatment works for municipalities having a population of three thousand five hundred or less or for the highly dispersed sections of larger municipalities, as defined by the administrator; and

(c) Construction of publicly owned treatment works for major sewer system rehabilitation, new collector sewers and appurtenances, new interceptors and appurtenances, and, correction of combined sewer overflows, if such projects are on the municipal project list for that year and are otherwise eligible for funding in that fiscal year.

These classifications are presently required by sections 205 and 216 of the act. 6 MCAR Section 4.8034 E.4.b. (2) shall, therefore, be read in conjunction with the terms as defined in the act and U.S. EPA regulations.

(3) The agency shall provide for an adequate mixture of Step 1, 2, and 3 projects so as to permit funding to proceed in an orderly fashion and to fully utilize all allocated funds.

(4) Federal grant funds allocated to non-metropolitan area projects and for which there are not sufficient certifiable non-metropolitan projects by the end of the fiscal year for which those funds were allotted shall be reallocated by the agency to the metropolitan area. Any such federal grant funds which are reallocated to the metropolitan area shall be recoverable in total for allocation to non-metropolitan projects in later fiscal years in annual amounts deemed reasonable by the director. Grant funds allocated to the metropolitan area which are unused are subject to similar provisions for reallocation to and recovery from non-metropolitan projects.

e. A reserve project list shall be developed by the agency for the purpose of utilizing grant monies forfeited by any municipality pursuant to 6 MCAR Section 4.8034 E.8.b. and E.8.c.

d. The municipal project list may be modified, in accordance with EPA regulations, to give higher priority to Step 2 or combined Step 2 and 3 projects utilizing innovative or alternative wastewater treatment processes and techniques to the extent necessary to comply with the set asides required by the act.

5. Project eligibility.

a. Projects which are not eligible for federal grants shall not be eligible for state grant funds except as provided in section E.9.b.

b. A project is not eligible for a grant if the construction has been initiated prior to the award of the grant, except as provided in 6 MCAR Section 4.8034 E.9.b.

c. Items are not grant eligible unless the director determines that they are necessary to the cost effective functioning of an otherwise grant eligible disposal system.

6. Adjustments.

a. Notwithstanding any other provision in this rule including, but not limited to, 6 MCAR Section 4.8034 E.2.d., E.3.c. and E.6.a., to the contrary, the director may, as necessary to establish criteria for determining priority for applications for federal and state construction grants under the act, and regulations and guidelines of the EPA promulgated pursuant thereto, and Minnesota Statutes chs. 115 and 116, establish such criteria for determining priority upon a basis other than that provided herein, to the extent required to comply with the act, and guidelines and regulations thereto or resulting therefrom.

7. Public participation. Prior to the adoption of the municipal needs list and the municipal project list by the agency, public participation shall be sought in the following manner:

a. Notice of the agency board meeting at which the municipal needs list and the municipal project list will be adopted shall be given to all affected municipalities at least 30 days prior to such meeting.

b. A free copy of the proposed municipal needs list and the proposed municipal project list will be mailed to any interested person upon request.

c. Prior to the agency board meeting, public informational meetings will be conducted at such locations as the director deems appropriate. Notice of such meetings shall be given to all affected municipalities.

d. All interested persons shall have the opportunity to present oral or written statements to the board in regard to the proposed municipal needs list or the proposed municipal project list if a request is submitted to the board. Such request should be submitted fourteen days prior to the meeting to facilitate agenda preparation and must be submitted at least three days prior to meeting. If such request is made during the board meeting, interested persons may be afforded the opportunity to participate within such limits of time and manner as the board may establish under the circumstances.

8. Applications.

a. Unless otherwise specified by the director, the state construction grant application form shall be the federal construction grant application form of the EPA.

b. Within 90 days for a Step 1, 150 days for a Step 2, and 150 days for a Step 3 after notification in writing from the director, a municipality shall file a completed construction grant application or submit such information as the director determines to be necessary to complete a previously submitted application. The director may extend the date of filing or submission of any information subject to the municipality providing adequate justification therefor. Failure to comply with this schedule may cause forfeiture of grant monies for the step grant involved and the municipality may be required to complete the work for that step without grant monies.

e. A specific schedule for completing the particular step of the project will be contained in each grant offer tendered. The municipality's National Pollutant Discharge Elimination System (NPDES) permit may be modified, pursuant to agency rule, to include such schedule. Failure to comply with this schedule may cause forfeiture of grant monies for the step grant involved and the municipality may be required to complete the work for that step without grant monies. Prior to the forfeiture of grant monies or the required completion of work without grant monies pursuant to 6 MCAR Section 4.8034 E.8.b. or e., the municipality shall have the right to a hearing, if it so requests.

d. The construction grant application for a Step 1 project shall include the following attachments and such other attachments as EPA may require:

(1) Resolution of governing body of the municipality authorizing the filing of the application and designating the municipal official authorized to sign the application;

(2) If more than one municipality is involved, resolutions from the governing body of all municipalities agreeing to cost sharing and agreeing to proceed to Steps 2 and 3 if cost effective;

(3) Proposed sub-agreements, or an explanation of the intended method of awarding sub-agreements for substantial portions of the project work;

(4) Statement by the consulting engineer indicating the effluent limitations for which the disposal system is being designed;

(5) A resolution by the governing body of the municipality to the effect that the sewage collection system will, at the appropriate time, be constructed concurrently with the sewage treatment works; and

(6) A resolution by the governing body of the municipality as to the methods for financing the construction of the collection system; and

(7) Documentation by the engineer(s) that they carry adequate errors and omissions insurance.

e. The construction grant application form for a Step 2 project shall include the following attachments and such other attachments as EPA may require:

(1) Any of the items listed in 6 MCAR Section 4.8034 E.8.d. which were not previously submitted or which require updating;

(2) Resolution of the governing body of the municipality authorizing the application and designating the municipal official authorized to sign the application;

(3) If more than one municipality is involved, resolutions from the governing bodies of all municipalities agreeing to cost sharing and agreeing to proceed to Step 3 when so instructed by the agency;

(4) A design summary based on the plans and specifications to be submitted when the plans and specifications are complete; and

(5) Documentation by the engineer(s) that they carry adequate errors and omissions insurance.

f. The construction grant application form for a Step 3 project shall be supported by the following attachments and such other attachments as EPA may require:

(1) Any of the items listed in 6 MCAR Section 4.8034 E.8.d. or E.8.e. which were not submitted or which require updating;

(2) Resolution of the governing body of the municipality authorizing the application and designating the municipal official authorized to sign the application;

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(3) If any items are deleted from project eligibility after initial submittal of the plans and specifications, the cost of such items must be set out;

(4) Signature and registration number of the consulting engineer accompanying the following certification statement:

The treatment works described in this grant application have been designed with full knowledge of the effluent limitations required by the Minnesota Pollution Control Agency as set forth in NPDES Permit No. _____ dated _____. It is my judgment and carefully considered opinion that these treatment works are capable of consistently producing the required effluent quality, provided that the facility is operated in conformance with the approved operation and maintenance manual and that the volume and characteristics of raw wastewater are within the limits of "Design Data" stated on page _____ of the plans or as follows:

(5) Executed engineering contract, including, unless otherwise approved by the director, full-time qualified resident inspection by the consulting engineer or his agent during construction. After project initiation, reports are to be submitted outlining type of construction inspected and time; and

(6) Documentation by the engineer(s) that they carry adequate errors and omissions insurance.

g. All construction grant application forms and attachments shall be submitted in triplicate to the agency at the address specified by the director. Unless adequately justified in writing, failure to submit all the necessary documents by the date specified shall constitute grounds for rejection of the application. Substantial deficiencies in the application and/or supporting documents or failure to conform with applicable requirements such as those set forth in the current agency water pollution control program plan or the applicable basin, regional, or area water quality management plan also shall be grounds for rejection. Any application shall be rejected at the discretion of the agency if it does not include an engineering report acceptable to the director, or does not include an adequate commitment for support of operation and maintenance of the project or is not consistent with applicable statutes, or does not contribute to the overall objective of the effective water quality management.

9. Administration.

a. Certification. Accepted applications of municipalities on the municipal project list shall be certified to the EPA for a grant. Such certification shall in any fiscal year be withheld or withdrawn by the director if the project is not or cannot be implemented according to an acceptable schedule or otherwise poses a substantial likelihood of causing a loss of federal funds to the state.

b. Tender of grant.

(1) After the EPA has determined the eligibility of the application and tendered a federal grant, the agency shall make a similar grant offer to the municipality in an amount not less than that required by federal law and regulation as a condition for the grant of federal funds or in an amount not less than that allowed by state statutes where not required by federal law.

(2) In the case of a project for which the applicant has solicited and received contracts which exceed the costs estimated in the application, the director may, after consideration of available federal funds and in accordance with EPA regulations, recommend a grant increase. A reasonable amount shall be reserved by the agency from each allotment of funds for such increases.

(3) The agency may tender a grant of state funds to a municipality that would otherwise qualify for a federal grant but desires to initiate construction of a project without a federal grant.

(4) The agency may tender a grant of state funds to a municipality for what would otherwise be the local share of the cost if:

(a) The municipality is unable to finance the local share and attain a minimal point rating of 40 under the criteria of 6 MCAR Section 4.8034 E.3.c.(2); and,

(b) Application is made prior to the initiation of construction; and,

(c) The prevention, control, and abatement of water pollution and the public health of the state require the construction of the project.

e. Change orders. Any proposed changes in the contract which result in cost increases greater than that of the base contract plus contingencies as stated in the project summary or other proposed changes regardless of cost which substantially alter the type of treatment process, or its efficiency, versatility or reliability, shall be submitted to the director for prior approval, except where the work is agreed by the director to be of an emergency nature. Change orders not requiring prior approval of the director shall be submitted within one month after the date on which the change is ordered by the applicant, its engineer or other authorized agent for review and approval.

d. Reimbursement grants. If a project is eligible for a federal reimbursement grant, the agency may provide a state grant or grant increase for such project.

e. Payment of grant funds.

(1) Step 1 grants. The agency shall pay 50% of the grant when an adequate facilities plan has been received by the director. The balance shall be paid upon agency and EPA approval of the facilities plan.

(2) Step 2 grants. The agency shall pay 50% of the grant when adequate plans and specifications have been received by the director. The balance shall be paid upon agency and EPA approval of the plans and specifications.

(3) Step 3 grants.

(a) Installment payments may be requested from the agency when twenty-five (25 percent fifty (50) percent and seventy-five (75) percent of the eligible construction, as measured by its cost, has been completed, or in accordance with a schedule and conditions agreed upon between the grantee, EPA and the director. The director shall authorize such proportional installment payment upon notification from the EPA that a federal installment has been authorized in a given amount.

(b) Installment payments at the fifty (50) percent level shall not be made until the applicant has in its employ for the operation of the project treatment works, a waste water treatment works operator having a valid state certificate or one who is capable of obtaining such a certificate for operation of the designated class of treatment works within a reasonable period of time. State installment payments at the seventy-five (75) percent level, and beyond the seventy-five (75) percent level, shall be based on an assessment of the applicant's development of and progress towards completion of an acceptable manual for operation and maintenance of the disposal system and the establishment of adequate pretreatment requirements and facilities. Final payment shall not be made until final inspection of the project by the agency.

(c) The proportional installment payment to be made by the agency shall not be in excess of the overall federal state project cost ratio as authorized by the agency and director.

f. Retained payment. The agency may withhold Step 3 grant payments in the following circumstances:

(1) If the director determines that a project does not substantially conform to approved plans and specifications and/or there has been a major breach of a condition in the grant agreement, the agency may withhold all unpaid funds and may request EPA to do likewise.

(2) If the director determines that a project does not conform to approved plans and specifications, but such nonconformity is not substantial, and/or there has been a minor breach of a condition in the grant agreement, the agency may withhold up to 10% of unpaid funds and may request EPA to do likewise.

(3) If the director determines that a project has any other deficiency, the agency may withhold up to 10% of the unpaid funds.

(4) If funds are withheld pursuant to (1), (2) or (3) above and the condition causing such action has been corrected to the satisfaction of the director, then all retained funds shall be released to the municipality, unless otherwise agreed to by the director and the municipality.

g. Funds recovery. In addition to any other remedies, the agency may seek to recover any or all funds tendered or disbursed for a project which is improperly designed, improperly constructed, or improperly operated and maintained.

h. Contract assignment. The grantee shall retain the right to assign its contract with a contractor or engineer, and any or all rights pursuant thereto, to the agency.

i. Contract beneficiary. The contract between the engineer or contractor and the grantee shall provide that the agency is a third party beneficiary to their contract.

j. Cost of administration. The agency may use federal funds from the state's allotment, in such amount as authorized by the act, for administration of the construction grants program.

k. Procedural rules and appeals. All requests for hearing, appeals, and other procedural matters not specifically provided for herein shall be governed by the agency rules of procedure, the rules of the Office of Hearing Examiners and other applicable law.

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I. Variances. Any person may apply for a variance from any requirement of these rules. Such variance shall be applied for and acted upon by the agency in accordance with Minnesota Statutes, section 116.07, subd. 5, and other applicable statutes and rules.

E. Municipal needs list.

1. The director shall develop and maintain a municipal needs list of municipalities that have a need for a new or upgraded disposal system.

2. A municipality on the municipal needs list shall be awarded points under the criteria established in this rule. The municipalities shall be listed on the municipal needs list in descending order according to the number of points awarded to each.

3. A municipality may petition the agency for inclusion on the municipal needs list. A municipality petitioning the agency for inclusion on the list shall submit the following information:

a. If the municipality is sewered, the municipality shall submit data regarding concentration of pollutants in existing discharge; volume of discharge; and waters of the state presently or potentially impacted by the discharge.

b. If the municipality is unsewered, the municipality shall submit data regarding type of soil in unsewered area; depth to seasonal high water table; size of all lots in the area; and age and type of existing system.

4. The director shall review each petition and add to the municipal needs list each municipality for which a need has been found to exist. If the director determines that a need does not exist, the municipality shall not be added to the list and the director shall notify the municipality of the reasons for the determination.

5. Upon approval of a facilities plan, the agency may determine that the municipality does not have a need and remove the municipality and the project from the municipal needs list.

F. Priority points for waters affected.

1. A municipality shall be awarded priority points based on the water use of the receiving water of the discharge according to the following:

	<u>Water Use*</u>	<u>Point Rating</u>
<u>Class 1</u>	<u>Domestic consumption:</u>	
	<u>Class 1A waters</u>	<u>70</u>
	<u>Class 1B waters</u>	<u>65</u>
	<u>Class 1C waters</u>	<u>60</u>
	<u>Class 1D waters</u>	<u>55</u>
<u>Class 2</u>	<u>Fisheries and recreation:</u>	
	<u>Class 2A waters</u>	<u>60</u>
	<u>Class 2B waters</u>	<u>50</u>
	<u>Class 2C waters</u>	<u>40</u>
<u>Class 7</u>	<u>Limited Resource Value Waters</u>	<u>35</u>

* The water uses are more specifically defined in 6 MCAR §§ 4.8014 B, and D, and 4.8015 B, and D, and the water use of a specific water of the state is the water use established by 6 MCAR § 4.8024 or 4.8025.

2. If a municipality discharges to a receiving water with more than one designated water use, the municipality shall be awarded the points for the designated water use with the greatest number of points.

3. If a municipal discharge has an adverse impact on a downstream water with a designated water use receiving more points than the receiving water, the municipality shall be awarded the priority points for the downstream water.

G. Priority points for population served. A municipality shall be awarded priority points based on the population of the municipality served by the project. The priority points for population served are five times the logarithm to the base 10 (\log_{10}) of the population determined by the latest official census. The table below gives examples of the priority points assigned for various populations:

<u>Population</u>	<u>Log ($_{10}$)</u>	<u>Priority Points Assigned</u>
<u>100</u>	<u>2</u>	<u>10.0</u>
<u>1,000</u>	<u>3</u>	<u>15.0</u>

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<u>10,000</u>	<u>4</u>	<u>20.0</u>
<u>100,000</u>	<u>5</u>	<u>25.0</u>
<u>1,000,000</u>	<u>6</u>	<u>30.0</u>

H. Priority points for type of project.

1. A municipality shall be awarded priority points based on the type of project to be constructed according to the following:

<u>Type of Project</u>	<u>Priority Points</u>
<u>Tertiary Treatment Plants:</u>	
<u>a. New tertiary treatment plant</u>	160
<u>b. Major addition to existing tertiary treatment plant</u>	160
<u>c. Dechlorination facilities</u>	120
<u>d. Ancillary addition to existing tertiary treatment plant</u>	80
<u>Secondary Treatment Plants:</u>	
<u>e. New secondary treatment plant</u>	150
<u>f. Major addition to existing secondary treatment plant</u>	150
<u>g. Dechlorination facilities</u>	110
<u>h. Ancillary addition to existing secondary treatment plant</u>	75
<u>Collection Systems or Collector Sewers:</u>	
<u>i. Collection system or collector sewer</u>	10
<u>j. Improvement of collection system or collector sewer reliability</u>	10
<u>Combined Sewer Overflow:</u>	
<u>k. Control of combined sewer overflow</u>	150
<u>Previously Funded Projects:</u>	
<u>l. Additions to previously funded projects</u>	10
<u>m. Modification and replacement of innovative or alternative projects</u>	10

2. Description of project types.

a. New plant. A new tertiary treatment plant is a plant designed to meet tertiary treatment standards and constructed after July 1, 1983. A new secondary treatment plant is a plant designed to meet secondary treatment standards and constructed after July 1, 1983. Land application systems and stabilization ponds that are proposed as an alternative to tertiary and secondary treatment plants that discharge to waters of the state are considered tertiary treatment and secondary treatment for purposes of project priority. Whether a land application system or stabilization pond is a tertiary or secondary treatment system is determined as based on the effluent limitations applicable to discharges to the receiving water. Subsurface disposal systems, including septic tanks, designed to treat an average daily flow of not more than 1,000 gallons and the drainfield portion and one central septic tank at the drainfield site for subsurface disposal systems designed to treat an average daily flow in excess of 1,000 gallons are considered secondary treatment for purposes of project priority.

b. Major addition. A major addition to an existing tertiary or secondary treatment plant is an addition that improves effluent quality in order that a municipality achieving less than 90 percent compliance may achieve compliance with applicable NPDES/SDS permit conditions. A major addition also includes major interceptor sewers and sewer system rehabilitation projects.

c. Major interceptor sewer. A major interceptor sewer is a sewer, including related lift stations, that intercepts wastewater from the final point in a collector sewer of a municipality and accomplishes one of the following:

- (1) transports the wastewater directly to a wastewater treatment facility;
- (2) transports the wastewater directly to another major interceptor sewer; or
- (3) transports the wastewater directly to the collector sewer of another municipality.

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A sewer is a collector sewer and not a major interceptor sewer if the average design flow of the sewer increases by more than ten percent from wastewater connections to the sewer between its origin and its termination or if it has physical connections closer to each other than 1,000 feet. Infiltration and inflow directly to the sewer and flow from other major interceptor sewers is not included in determining whether the flow has increased by more than ten percent.

d. Sewer system rehabilitation. A sewer system rehabilitation project is a project that repairs or replaces an existing collector or interceptor sewer in order to eliminate bypasses caused by insufficient hydraulic capacity in existing separate sanitary sewers by transporting infiltration and inflow and includes flow equalization systems, relief sewers, and relief capacity sewers.

e. Flow equalization system. A flow equalization system is a containment system such as a pond, basin, or tank designed to temporarily hold wet weather flow until the flow can be transported to the wastewater treatment plant.

f. Relief sewer. A relief sewer is a sewer primarily designed to eliminate bypassing caused by insufficient hydraulic capacity in separate sewer systems by transporting infiltration or inflow to adequately sized sewers or a wastewater treatment facility for proper treatment. A sewer is a relief capacity sewer and not a relief sewer if its design flow includes more than five percent wastewater or if it has physical connections closer to each other than 1,000 feet. Storm sewer separation is not a relief sewer.

g. Relief capacity sewer. A relief capacity sewer is a new sewer designed to handle the normal flow of wastewater and to eliminate bypasses caused by insufficient hydraulic capacity in existing sewers by transporting infiltration and inflow to adequately sized sewers or to a wastewater treatment plant. A relief capacity sewer must be designed to provide future capacity for a minimum of 40 years.

h. Collection system or collector sewer. A collection system or collector sewer is a sanitary sewer, including innovative and alternative sewers carrying raw or partially treated wastewater and providing collection system reliability such as alternative power or dual pumps, that is not a major interceptor sewer, a relief sewer, or relief capacity sewer. For treatment works including subsurface disposal systems designed to treat an average daily flow in excess of 1,000 gallons, a collection system includes devices such as grinder pumps and septic tanks that will partly treat the wastewater, as well as septic tank effluent pumps and small diameter sewers that will pump and convey the partially treated waste.

i. Dechlorination facilities. Dechlorination facilities are facilities that remove chlorine from the effluent.

j. Ancillary addition. An ancillary addition to an existing tertiary or secondary treatment plant is an addition that is not a major addition and is not dechlorination facilities such as administrative support facilities and sludge handling capability to comply with State Disposal System permit conditions controlling sludge application to land or sludge disposal.

k. Addition to previously funded project. An addition to a previously funded project is a project that will bring an existing disposal system that has been funded by a construction grant into compliance with the municipality's existing NPDES/SDS permit without a change in the conditions of the NPDES/SDS permit.

l. Modification and replacement of innovative or alternative projects. A modification or replacement of an innovative or alternative project is a project to modify or replace a project that was funded with increased grant funding in accordance with Code of Federal Regulations, title 40, section 35.2032, as amended through December 31, 1982.

3. Special restrictions for sewer system projects.

a. Sewer system rehabilitation. A sewer system rehabilitation project is not eligible for priority points under section H.1.b. or H.1.f. unless the municipality has not obtained a construction grant since at least February 11, 1974, the municipality's existing treatment plant is hydraulically overloaded, and sewer system rehabilitation is justified by an infiltration/inflow analysis and sewer system evaluation survey that complies with the requirements of Code of Federal Regulations, title 40, section 35.2120, as amended through December 31, 1982.

b. Relief capacity sewer.

(1) A relief capacity sewer is not eligible for priority points under section H.1.b. or H.1.f. unless the municipality has not obtained a construction grant since at least February 11, 1974, and a relief capacity sewer is justified by an infiltration/inflow analysis and sewer system evaluation survey that complies with the requirements of Code of Federal Regulations, title 40, section 35.2120, as amended through December 31, 1982.

(2) A relief capacity sewer that qualifies as a major interceptor sewer is considered a major addition to a treatment plant and the municipality proposing the project shall be awarded the priority points under section H.1.b. or H.1.f. for the entire cost of the project.

(3) A relief capacity sewer that is not a major interceptor sewer must be divided into two components: (a) the portion of the sewer for domestic, commercial, and industrial wastewater and normal infiltration and inflow and generally accepted peaking factors; and (b) the portion of the sewer necessary to convey excess infiltration and inflow. Component (b) is considered a major addition to a treatment plant and awarded the priority points under section H.1.b. or H.1.f. and component (a) is considered a collector and awarded the priority points under section H.1.i.

(4) That percentage of total sewer flow at design condition that is attributable to component (b), multiplied by the cost of the relief capacity sewer, is fundable as a major addition. That percentage of total sewer flow at design condition that is attributable to component (a), multiplied by the cost of the relief capacity sewer, is fundable as a collector sewer.

c. Collection systems or collector sewers. A municipality proposing to undertake a sewer system rehabilitation project or to construct a relief capacity sewer that does not meet the criteria specified in a. and b. must be listed as a separate project on the municipal needs list and awarded the priority points credited to a collection system or collector sewer under section H.1.i. or H.1.j.

d. Combined sewer overflow. A project for the control of combined sewer overflow is not eligible for priority points under section H.1.k. unless the project is necessary to meet requirements of the municipality's NPDES permit and the act. In addition, after October 1, 1984, combined sewer overflow projects are eligible for funding and for priority points under section H.1.k. only if the governor, by July 1 prior to the federal fiscal year in which funding is sought, has set aside a portion of the state's allotment for correction of combined sewer overflows. This set aside must not exceed 20 percent of the state's allotment for each fiscal year. In no event after October 1, 1984, may funding for combined sewer overflow projects exceed the amount set aside by the governor for these projects.

4. Temporary improvements. If a municipality makes improvements to its existing disposal system that are temporary in nature for the purpose of maximizing effluent quality or keeping its system operational while the municipality is awaiting a grant, the municipality shall receive the same priority points for its project as it would have received without the temporary improvements.

1. Extra points. In addition to the priority points a municipality is entitled to for its project, the following extra points shall also be awarded to a qualifying municipality:

1. Existing public health hazard. A municipality that proposes a project that will eliminate an existing public health hazard assessed by the Minnesota Department of Health in a health advisory or commissioner's order shall be awarded 40 extra points. A municipality requesting the award of 40 extra points under this provision shall submit the following information to the agency and to the Minnesota Department of Health:

a. information on geologic and soil conditions including soil types, permeabilities, and presence or absence of confining units;

b. groundwater flow patterns in the area of the facility or proposed facility;

c. an assessment of the extent and magnitude of the contaminant plume;

d. an identification of water users and assessment of the amount of water appropriations in the area of the facility or proposed facility;

e. flow rates and flow patterns of surface waters;

f. information on well construction for wells in the area of the facility or proposed facility, particularly wells that have been or will be impacted;

g. a description of the facility's construction, operation, and performance if there is an existing facility, with an explanation of why the facility is creating a public health hazard;

h. an identification and assessment of the suspected route of human exposure and the population exposed; and

i. a description of how the proposed improvements will mitigate or eliminate the public health hazard.

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2. Existing level of treatment. A qualifying municipality shall be awarded extra points under one of the provisions below for its existing level of treatment.

a. No treatment. A municipality that presently has a central collection system serving 50 percent or more of the population but provides no treatment prior to discharge shall be awarded 40 extra points.

b. Failing septic system. A municipality with an existing septic system where more than 50 percent of the existing septic systems discharge raw or partially treated sewage to the ground surface or surface waters shall be awarded 30 extra points.

c. Primary treatment. A municipality whose present facilities are designed for only primary treatment shall be awarded 20 extra points.

d. Combined sewer overflow. A municipality that discharges untreated sewage as a result of combined sewer overflows shall be awarded 20 extra points.

3. Watershed pollution abatement plan. A municipality that proposes a project that is an integral part of a watershed pollution abatement plan shall be awarded 15 extra points. A watershed pollution abatement plan is a plan prepared by a watershed district and approved by the Minnesota Water Resources Board and includes the following:

a. specific point source and nonpoint source pollution abatement strategy; and

b. statewide water quality management plan goals and objectives, including the best management practices.

A municipality is not entitled to 15 extra points under this provision unless the watershed district has adopted specific rules to implement the watershed abatement plan and the plan has been updated in the last ten years. If a project is part of several watershed districts, all of the watershed districts must have satisfied the above criteria in order for the municipality to receive the extra points.

4. Outstanding resource value waters. A municipality that discharges to or adversely affects an outstanding resource value water shall be awarded ten extra points. An outstanding resource value water is Lake Superior, any water in the Boundary Waters Canoe Area Wilderness or Voyageurs National Park, and all federal and state designated wild, scenic, or recreational river segments.

5. Game fish lakes. A municipality proposing to undertake a project that will result in the elimination of a discharge to a game fish lake or that will adversely affect a game fish lake shall be awarded ten extra points. A game fish lake is a lake managed for propagation of game fish species and used for fisheries and recreation. There may be occasional but not regular winter kill in a game fish lake.

6. Sanitary district. An applicant who includes planned participation in a sanitary district or other multi-municipal disposal system as part of the project shall be awarded ten extra points.

J. Total points. The total points to be awarded a municipality for placement on the municipal needs list is the sum of the priority points awarded under one of the provisions of section F., the priority points awarded under section G., the priority points awarded under one of the provisions of section H., and extra points awarded under one or more of the provisions of section I.

K. Resolution of equal point ratings. If in the determination of the order of priority on the municipal needs list, two or more municipalities have the same total number of points, the municipality with the highest priority points under section F. for water use is ranked higher. If two or more municipalities have the same total number of points and the same priority points under section F. for water use, the municipalities are ranked based on population under section G.

L. Municipal project list.

1. The agency shall adopt a municipal project list each fiscal year which shall list in order of priority projects for which federal grant funds will be requested from current allotments. The municipal project list shall also list any nonproject uses of the state's allotment of federal construction grant funds, including but not limited to, training grants and costs of administration.

2. A municipality that requests project placement on the municipal project list shall submit to the agency by July 1 prior to the beginning of the fiscal year for which the municipal project list is prepared, an approvable facilities plan if the grant sought is a Step 2+3 grant and approvable plans and specifications if the grant sought is a Step 3 grant. No municipality may be listed on the municipal project list unless the municipality has submitted the necessary facilities plan and specifications.

3. The agency shall prepare a proposed municipal project list of municipalities on the municipal needs list that have submitted approvable facilities plans and specifications in conventional order of priority until the cost of the proposed projects reaches the full allotment of federal construction grant funds available for the fiscal year. In preparing the list, the agency shall consider the percentage of the cost of the projects that will be paid for by a federal construction grant, as determined by requirements of the act and decisions of the governor under the act to uniformly reduce the federal share of grant assistance.

M. Reserve project list.

1. A reserve project list shall be developed by the agency concurrent with the adoption of the municipal project list.
2. The reserve project list shall contain a list of municipalities whose projects are eligible for funding from grants made available when a municipality's application for a grant is rejected pursuant to 6 MCAR § 4.8034 R.
3. Municipalities shall be listed on the reserve project list in the same order of priority as municipalities were listed on the municipal project list.

N. Project eligibility.

1. Steps eligible. Federal grants shall be awarded only for Step 2+3 and Step 3 projects.
2. Initiation of construction. A municipality is not eligible for a federal grant if construction on the project has been initiated prior to the award of the grant.
3. Cost-effectiveness. A project is not eligible for a grant unless the agency determines that the project is a cost-effective means of handling the municipality's wastewater. The agency shall not award a grant to pay for those portions of a project that are not cost-effective.

O. Adjustments in the municipal project list. Notwithstanding any other provision in this rule, the director may establish criteria for determining priority for applications for federal and state construction grants upon a basis other than that provided in this rule if the criteria complies with the act, EPA regulations and guidelines, and Minnesota Statutes, chapters 115 and 116.

P. Public participation.

1. The agency shall prepare a proposed municipal needs list and a proposed municipal project list and make them available to the public at least 45 days before adoption. The agency shall mail a free copy of the proposed lists to an interested person upon request.
2. The agency shall conduct public informational meetings about the proposed lists at locations deemed appropriate by the agency. The agency shall give ten days notice of meetings to all affected municipalities. A person shall be permitted to present oral and written comments about the proposed lists at the meetings.
3. The agency shall give affected municipalities at least 45 days notice of the agency board meeting at which the proposed municipal needs list and proposed municipal project list will be acted upon.
4. Interested persons may present oral or written statements to the board at the board meeting if a request to do so is submitted to the agency at least three days before the meeting. The agency may place reasonable restrictions upon the time and manner in which comments are submitted. If a request to present oral or written statements is made at the board meeting, the agency may allow participation in a manner established by the chairperson.

Q. Grant applications.

1. No municipality may be eligible for a construction grant unless a completed grant application has been submitted to the agency.
2. A municipality on the final municipal project list shall submit a completed construction grant application to the agency within 90 days after the date on which the agency adopts the fiscal year's municipal project list. The application shall be on EPA's form 5700-32, as provided by the agency.

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3. The agency shall notify in writing each municipality on the municipal project list of its placement on the list. No municipality shall submit a construction grant application unless the municipality has been notified by the agency that it is on the municipal project list.

4. A municipality that applies for a Step 2+3 grant shall, in addition to submitting the completed application form, submit the following information for agency review and approval:

a. A resolution of the governing body of the municipality that authorizes the filing of the application and that designates the municipal official authorized to sign the application and grant documents;

b. Updated cost estimates for Step 3 project work in a format provided by the agency;

c. A resolution by the governing body of the municipality resolving that the sewage collection system will, at the appropriate time, be constructed concurrently with the sewage treatment works;

d. The municipality's proposal for funding the cost of a collection system if the collection system is not part of the project to be funded and the municipality does not already have a collection system;

e. An engineer's certificate of adequate errors and omissions insurance;

f. Amendments to the facilities plan;

g. A treatment agreement for each major contributing industry to be used in determining the design basis of the new or upgraded system;

h. A certification from the municipality that the municipality shall:

(1) prohibit unpolluted water connections to the municipality's sanitary sewer system; and

(2) inspect new connections to the sanitary sewer system throughout the municipality's jurisdiction to ensure that the connections are air-tight and water-tight and conform to the Minnesota Plumbing Code, the rules of the department of health, MHD 120-134, and to 7 MCAR § 1.135;

If more than one municipality is involved in the grant application, the resolutions required in a.-h. must be submitted for each municipality involved in the project. In addition, the municipalities shall submit an unexecuted intermunicipal agreement that sets forth the terms and conditions of joint treatment and the cost-sharing methodology.

i. An opinion from the municipality's attorney that the municipality has the legal authority to construct, assess, operate, maintain, and replace the wastewater treatment facilities;

j. Other documents that are required by EPA regulation or other requirements of the act.

5. A municipality that applies for a Step 3 grant shall, in addition to submitting the completed application form, submit the following information for agency review and approval:

a. Addendums to the plans and specifications for the treatment works or other project to be funded.

b. A sewer service charge system comprised of a user charge system and a system for raising funds to cover the municipality's costs of construction and to retire the municipality's debt costs attributable to the wastewater treatment works to be constructed.

(1) The user charge system must ensure the sufficient generation of revenue to offset the annual costs of operation, maintenance, and replacement (O, M, and R) of the treatment works and must charge each user class a fee proportional to the contribution of each user class to the total wastewater loading.

(2) The user class includes residential, commercial, industrial, institutional, and governmental classes.

(3) The system for raising funds to cover the municipality's costs of construction and to retire the municipality's debt costs need not be proportionally assessed against each user class, but the manner in which the charge will be distributed must be described.

c. Documentation of how the public has been informed of the proposed sewer service charge system.

d. A sewer use ordinance to control discharges to the disposal system throughout the jurisdiction of the municipality.

- e. A preliminary plan of operation of the treatment works.
- f. Costs for developing an operation and maintenance manual and a procedure for startup of the treatment works.
- g. A wage rate determination information sheet, as provided by the agency.
- h. A signature and registration number of the consulting engineer accompanying the following certification statement:

The treatment works described in this grant application have been designed with full knowledge of the effluent limitations required by the Minnesota Pollution Control Agency as set forth in NPDES Permit No. dated It is my judgement and carefully considered opinion that these treatment works are capable of consistently producing the required effluent quality, provided that the facility is operated in conformance with the approved operation and maintenance manual and that the volume and characteristics of raw wastewater are within the limits of "Design Data" stated on page of the plans as follows:

i. A proposed engineering contract that provides for the consulting engineer or the engineer's agent to be present onsite during the hours of construction for purposes of inspection, although the inspector does not have to be a resident of the municipality, and to submit written reports to the agency on request describing the type of construction inspected and the time involved in inspection after construction commences.

j. An engineer's certificate of adequate errors and omissions insurance.

k. A treatment agreement with each major contributing industry to be used in determining the design basis of the new or upgraded system.

l. A cost breakdown for all project work to be funded by the grant, including separation of eligible and ineligible items, in a format provided by the agency.

m. Documentation of the municipality's source of funding to cover the cost of a collection system if the collection system is not part of the project to be funded and the municipality does not already have a collection system.

n. If more than one municipality is involved in the grant application, an executed intermunicipal agreement that sets forth the terms and conditions of joint treatment and the cost sharing methodology.

o. Assurance that the municipality has, or will have within 90 days after authorization to bid, full rights to all necessary land to allow construction and operation of the facilities during the useful life of the facilities.

p. Other documents that are required by EPA regulation or other requirements of the act.

6. A municipality that has received a Step 2+3 grant shall submit the same information required of a Step 3 grant applicant before the municipality may receive authorization to seek bids for construction of the project.

7. Construction grant application forms and attachments must be submitted in triplicate to the agency.

R. Rejection of grant applications.

1. Grounds. A municipality's grant application for a project on the municipal project list may be rejected by the agency for the following reasons:

a. failure to submit the necessary documentation required by this rule within the time allowed, unless the municipality was delayed for reasons beyond its control;

b. failure to develop the necessary user charge system and other fundraising systems or to develop the necessary ordinances or to enter into the necessary contracts and agreements or to do any of the other acts specified in the grant applications requirements to establish that the municipality has the capability to construct, operate, and maintain the disposal system in a manner that will comply with all applicable water pollution control requirements; or

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c. a determination by the agency that the municipality cannot implement the project in a timely fashion to avoid the loss of federal grant funds to the state for that fiscal year.

2. Effect of rejection. Whenever a grant application is rejected, the agency shall remove the municipality from the municipal project list.

S. Approval of grant applications. The agency shall approve grant applications that are not rejected for one or more of the reasons specified in section R.

The director shall certify to the EPA each approved grant application.

T. Tender of grant. The state may not tender a grant until the EPA has determined the eligibility of the municipality for which a grant application has been certified to EPA.

After the EPA has determined the eligibility of the application and tendered a federal grant, the agency shall make a similar grant offer to the municipality in an amount not less than that required by federal law and regulation as a condition for the grant of federal funds or in an amount not less than that allowed by state statutes where not required by federal law.

U. Construction without grants.

1. A municipality that elects to develop a facilities plan for a project without a federal or state grant shall:

a. notify the agency in writing of its proposed project scope prior to initiation of work on the facilities plan; and

b. obtain written approval from the agency prior to proceeding to the development of plans and specifications that the project conforms with applicable technical, administrative, and public participation requirements.

2. A municipality that elects to develop plans and specifications for a project without a federal or state grant shall notify the agency in writing of its intention to develop plans and specifications for its project. The agency shall review the scope of the proposed project and changes from the previously approved facilities plan and advise the municipality whether the project complies with applicable technical, administrative, and public participation requirements.

V. Advances of allowance.

1. The agency shall reserve a reasonable portion of its annual allotment for advances to municipalities for Step 2 work. The amount reserved shall not exceed ten percent of the state allotment for a fiscal year.

2. A municipality on the municipal needs list with a population in the service area of less than 3,500 people is eligible to apply for an advance of allowance. The application shall be submitted by July 1 prior to the beginning of the federal fiscal year for which the municipal project list will be prepared.

3. A municipality applying for an advance of allowance shall submit the following information to the agency:

a. council resolution requesting the advance;

b. certification that funds are not available from other sources;

c. estimate of construction costs of the project with supporting documentation;

d. per capita income;

e. municipal bonded debt;

f. adjusted assessed value of the municipality; and

g. council resolution certifying that the municipality cannot afford to do the work with its own resources.

4. The amount to be allowed as an advance of allowance shall be that amount determined by EPA.

5. A municipality is entitled to an advance of allowance on one occasion only.

6. A municipality that receives an advance of allowance shall have its Step 3 construction grant reduced by an amount equal to the advance of allowance.

7. A municipality that receives an advance of allowance but does not subsequently receive a Step 3 grant for the project shall reimburse the state the amount of the advance.

8. If more municipalities apply for an advance of allowance than can be awarded from the amount reserved for that purpose, the money available must be awarded to the qualifying municipalities in order of their placement on the municipal needs list.

W. Grant amendments.

1. The agency shall reserve a reasonable amount of its allotment to pay for grant increases that become necessary during the fiscal year.

2. The agency may approve a grant increase when a municipality has solicited contracts that exceed the cost estimated in the application. The agency shall approve the grant amendment if funds are available and the cost overruns are eligible and reasonable.

3. A municipality that seeks a grant amendment shall submit the following information to the agency:

a. a written request for the amendment signed by an official of the municipality;

b. a complete cost breakdown and scope of work;

c. a cost breakdown of engineering fees on EPA form 5700-41, as provided by the agency;

d. an unexecuted amended engineering contract indicating changes in the cost, the scope of work, and the budget period that must be made in the contract; and

e. a budget period extension request signed by an official of the municipality if the budget period must be extended.

X. The director shall give a prior approval for a proposed change in the contract if the change:

1. results in a cost increase greater than the base contract plus contingencies as stated in the project summary; or

2. substantially alters the type, efficiency, versatility, or reliability of the treatment process.

Prior approval of a proposed change is not required if the director agrees the change is of an emergency nature.

Change orders that do not require prior approval shall be submitted within one month after the date on which the change is ordered by the applicant, its engineer, or other authorized agent for review and approval.

Y. Payment of state grant funds.

1. Step 2 grants and the Step 2 portion of Step 2+3 grants.

a. The agency shall pay 50 percent of a Step 2 state grant when adequate plans and specifications have been received by the director. The balance of the Step 2 portion must be paid when the agency and the EPA approve of the plans and specifications and after final payment of the Step 2 portion has been paid by the EPA.

b. The agency shall pay for eligible land costs during the Step 2 portion of a Step 2+3 grant when the municipality submits proof of purchase of the land. The agency shall pay for only that portion of the land costs that are necessary to the operation of the treatment works and are eligible for payment.

2. Step 3 grants and the Step 3 portion of Step 2+3 grants.

a. A municipality may request periodic payments of a Step 3 state grant up to 50 percent of the total grant. The request for payment shall be submitted to the agency in writing. With each payment request the municipality shall submit a summary of all architectural and engineering costs expended to date in the format required in submitting the original grant application.

b. The agency shall make a final grant payment for the remaining 50 percent of the grant after the agency has completed a final inspection of the treatment works and the municipality has:

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- (1) submitted to the agency a request for the payment;
- (2) hired a wastewater treatment works operator having a valid state certificate;
- (3) adopted a sewer use ordinance that will control wastewater discharges to the municipality's wastewater treatment system;
- (4) adopted a user charge system that will generate revenue to offset the annual costs of operation, maintenance, and equipment replacement;
- (5) submitted a certification by the contractor that the project was built according to the plans and specifications;
- (6) submitted a copy of the as-built specifications;
- (7) certified that the municipality is complying with the operation and maintenance manual for the treatment works that was approved by the agency;
- (8) complied with the municipality's NPDES/SDS permit for the treatment works;
- (9) put the treatment plant into operation and is operating the treatment plant efficiently;
- (10) received final payment of the federal grant;
- (11) submitted a revised operation and maintenance manual; and
- (12) submitted a start-up report.

Z. Retained payments. The agency may withhold Step 3 grant payments and may request the EPA to withhold grant payments if the director determines that a project does not substantially conform to approved plans and specifications, or there has been a major breach of a condition in the grant agreement, or the municipality has failed to comply with the applicable requirements in 6 MCAR § 4.8034 Y. If funds are withheld pursuant to this rule, and the condition causing the withholding has been corrected, then all retained funds shall be released to the municipality, unless otherwise agreed to by the director and the municipality.

AA. Recovery of funds. In addition to any other remedies, the agency may seek to recover funds tendered or disbursed for a project that is improperly designed, improperly constructed, or improperly operated and maintained.

BB. State grants.

1. The agency may tender a grant of state funds to a municipality that would otherwise qualify for a federal grant but desires to initiate construction of a project without a federal grant if enough funds are in the pollution control fund to cover state matching grants for those projects on the municipal projects list for which federal grants are available.

2. The agency may tender a grant of state funds to a municipality for what would otherwise be the local share of the cost if:

a. the municipality has applied for a state grant to cover the local share by July 1 of the fiscal year for which the grant is requested;

b. the municipality is unable to finance the local share and attain a minimal point rating of 40 under the criteria of 6 MCAR § 4.8034 EE.3.;

c. application is made prior to the initiation of construction; and

d. the public health of the state and the prevention, control, and abatement of water pollution require the construction of the project.

CC. Contract assignment. A municipality that enters into a contract with a contractor or engineer for the planning, design, or construction of a part of or an entire disposal system, to be paid for in whole or in part by state construction grant funds, may assign its rights under the contract to the agency.

DD. Contract beneficiary. A municipality that enters into a contract with a contractor or engineer for the planning, designing, or construction of a part of or an entire disposal system, to be paid for in whole or in part by state construction grant funds, shall provide in the contract that the agency is a third-party beneficiary to the contract.

~~F. EE.~~ Construction loan program.

1. Application.

a. The application form shall be of the type set forth below:

MINNESOTA POLLUTION CONTROL AGENCY

Division of Water Quality

Application for Disposal System Planning
and/or Construction Loan

To be filled in by
the State

Date Received _____

Project Number _____

Loan Request _____

Legal Name of Applicant _____

Address, Zip Code _____

Hereby Makes Application to the Pollution Control Agency of the State of Minnesota for a Loan of Funds for the Planning and/or Construction of:

Financial Aspects:

Estimated Project Cost \$ _____

State Loan Funds _____

Local Funds _____

Other Funds _____

Project Schedule:

Project Starting Date _____

Time to Complete Project _____

Name and Title of Official _____

Signature of Official _____

Date _____

b. The planning loan application form shall be supported by the following attachments:

(1) resolution of the governing body authorizing the filing of the application and designating the municipal official authorized to sign the application;

(2) resolution of the governing body of the municipality obligating the municipality to repay the loan to the state treasurer in annual installments including both principal and interest, each in an amount sufficient to pay the amount due within five (5) years from user charges, taxes, special assessments, or other funds available to it;

(3) resolution of the governing body of the municipality obligating the municipality to establish rates and charges or the execution of contracts sufficient to produce the revenues pledged if required by the agency;

(4) proposed method of loan payment; and

(5) proposed contracts for engineering, legal, planning, and other consulting services.

c. The construction loan application form shall be supported by:

(1) The attachments of ~~6 MCAR Section 4.8034 F.1.b.(1), (3) and (4) of this section b. (1), (3), and (4) and the items of 6 MCAR § 4.8034 E.8.f. Q.5. The director for just cause may waive or defer the submission of any items required pursuant to 6 MCAR § 4.8034 E.8.f. Q.5. if such~~ the items are EPA requirements.

(2) Resolution of the governing body of the municipality obligating the municipality to repay the loan to the state treasurer in annual installments including both principal and interest, each in an amount sufficient to pay the principal amount within ~~twenty (20) year or lesser~~ a shorter time interval if the amount of the annual payment will not justify the administrative expenses of processing the payment, from user charges, taxes, special assessments, or other funds available to it.

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PROPOSED RULES

d. The loan application form and attachments shall be submitted in duplicate to the agency at the address specified by the director. Substantial deficiencies in the application and supporting documents or failure to conform with applicable requirements such as those set forth in the current agency water pollution control program plan or the applicable basin, regional, or area water quality management plan shall be grounds for rejection. ~~Any~~ A construction loan application shall be rejected at the discretion of the agency if it does not include an engineering report acceptable to the director, ~~or does not~~ include an adequate commitment for support of operation and maintenance of the project, ~~or does not~~ conform to the intent of the applicable statutes, ~~or does not~~ contribute to the overall objectives of effective water quality management, or is not considered to be in the best interests of the state.

e. Applications must be restricted to ~~those~~ projects or portions ~~thereof~~ of projects for which service contracts or construction contracts can be awarded by June 1, except in cases of advance approval by the director, of the state fiscal year in which the loan is applied for.

2. Administration.

a. The allocation of state funds shall be established in accordance with 6 MCAR Section 4.8034 ~~E.4.b.(1) F., G., H., and I.~~ and priority rating points assignable to loan applications shall be established in accordance with section ~~F.3. EE.3.~~ Funds allocable to loans shall be determined each fiscal year by the agency on the basis of total availability and demand for grants listed in 6 MCAR Section 4.8034 ~~D.1., 2., and 3.~~

b. ~~Those~~ Planning applications which receive a priority rating sufficiently high in relation to available funds shall be tendered a state planning loan. Within ~~sixty (60)~~ days after the acceptance of the offer and award of contracts, for engineering, legal, and other consulting services the state payment shall be made.

c. ~~Those~~ Construction loan applications which receive a priority rating sufficiently high in relation to available funds shall be tendered a state construction loan. Within ~~thirty (30)~~ days after acceptance of the offer and award of the construction contract for the project, the state payment shall be made.

d. Principal and interest, each in an amount sufficient to pay the principal amount within the loan period, shall be paid in equal annual installments to the state treasurer. Interest shall be calculated on the declining balance at the average annual interest rate on state bonds of issue from the proceeds of which the loan was made.

e. Priority ratings shall be established each fiscal year for ~~those~~ loan applications filed on or before the ~~end~~ beginning of the state fiscal year. Applications postmarked or hand delivered after that day shall be rejected.

3. Criteria for determining loan priority.

a. ~~The loan funds set aside in any fiscal year shall be allocated in the ratio of twenty-five (25) percent for planning and seventy-five (75) percent for construction.~~

~~b.~~ The determination of the order of priority for planning loan applications shall ~~be in accordance~~ comply with:

(1) the criteria set forth in 6 MCAR Section 4.8034 ~~E.2.d., E.3.e. and F.3.b.~~ (2) F., G., H., and I.

(2) ~~Technological feasibility.~~ Priority points shall be assigned based on the completion of the planning studies as set forth below:

	Point rating
(a) Sewer system evaluation which shall demonstrate to the satisfaction of the director and regional administrator that each sewer system discharging into such treatment works is not subject to excessive infiltration/inflow, through an infiltration/inflow analyses and, where appropriate and authorized by the regional administrator, a sewer system evaluation survey.	50
(b) Report on Wastewater disposal concepts.	40
(c) Regionalization evaluations.	30
(d) Other planning activities including assimilation studies.	20

Rating points shall be awarded to a municipality by summing up the applicable rating points for the project from tables 1, 2, and 3 relative to per capita project cost, the ratio of municipal bonded debt to adjusted assessed values of municipalities, and per capita buying income.

TABLE 1

Per Capita Cost of Project

<u>Per Capita Cost (\$)</u>	<u>Point Rating</u>
0-280	1
281-400	3
401-600	5

<u>601-800</u>	<u>7</u>
<u>801-1000</u>	<u>9</u>
<u>1001-1300</u>	<u>11</u>
<u>1301-1600</u>	<u>13</u>
<u>over 1600</u>	<u>15</u>

TABLE 2
Ratio of Municipal Bonded Debt to
Adjusted Assessed Values of Municipalities

<u>Ratio × 100</u>	<u>Point Rating</u>
<u>0-3</u>	<u>3</u>
<u>4-9</u>	<u>5</u>
<u>10-15</u>	<u>7</u>
<u>16-21</u>	<u>9</u>
<u>22-27</u>	<u>11</u>
<u>28-33</u>	<u>13</u>
<u>over 33</u>	<u>15</u>

TABLE 3
Per Capita Buying Income

<u>Percent of Average</u>	<u>Point Rating</u>
<u>0-50</u>	<u>15</u>
<u>51-60</u>	<u>13</u>
<u>61-70</u>	<u>11</u>
<u>71-80</u>	<u>9</u>
<u>81-90</u>	<u>7</u>
<u>91-100</u>	<u>5</u>
<u>101-110</u>	<u>3</u>
<u>over 110</u>	<u>1</u>

e. b. Construction loans. The determination of the order of priority for construction loan applications shall be in accordance with 6 MCAR § 4.8034 E-2.d. and E-3.e. F., G., H., and I.

FF. Procedural rules and appeals. A request for a hearing, an appeal, or other procedural matter not specifically provided for in this rule is governed by the agency rules of procedure, the rules of the Office of Administrative Hearings, and other applicable laws.

GG. Variances. A person may apply for a variance from any requirement of these rules. The variance shall be applied for and acted upon by the agency in accordance with Minnesota Statutes, section 116.07, subdivision 5, and other applicable statutes and rules.

Department of Public Welfare
Support Services Division

Proposed Adoption of Rule Governing Reimbursement for Cost of Care of Patients of a State Hospital

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Department of Public Welfare proposes to adopt the above-entitled rule without a public hearing. The commissioner has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 to 14.28.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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Persons interested in this rule shall have 30 days to submit comment on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, the public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provision of Minnesota Statutes section 14.13 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Luanne Laurents
Reimbursement Division
Department of Public Welfare
Space Center Building
444 Lafayette Road
St. Paul, MN 55101

Authority for the adoption of this rule is contained in Minnesota Statutes Section 246.51, subdivision 2 (1982). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Luanne Laurents, Reimbursement Division, Department of Public Welfare, Space Center Building, 444 Lafayette Road, St. Paul, MN 55101, upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to Luanne Laurents, Reimbursement Division, Department of Public Welfare, Space Center Building, 444 Lafayette Road, St. Paul, MN 55101.

The proposed amendments are considered to be noncontroversial in nature because they incorporate the 1982 amendments to Minnesota Statutes sections 246.50, subdivisions 5 and 6; 246.51 and 246.511. In carrying out the responsibility of determining the ability of patients and responsible relatives to pay the cost of care at a Minnesota state hospital, the commissioner must adhere to statutory provisions. Since this rule specifies the procedures and standards by which such determinations are to be made, it is necessary that the 1982 amendments affecting these determinations be incorporated in the rule.

The implementation of the proposed amendments will not result in any increase in the expenditure of state or local funds. 12 MCAR § 2.027 is administered by the Department of Public Welfare and the costs of administration are already included in the department's budget.

Copies of this notice and the proposed rule are available and may be obtained by contacting Luanne Laurents (612/296-2140).

April 25, 1983

Leonard W. Levine
Commissioner of Public Welfare

Rule as Proposed

12 MCAR § 2.027 Reimbursement for cost of care of patients in a state hospital.

A. [Unchanged.]

B. Definitions. For purposes of 12 MCAR § 2.027, the following terms have the meanings given them.

1.-8. [Unchanged.]

9. Inpatient. "Inpatient" or "resident patient" means a person who occupies a bed in ~~the~~ a state hospital for the purpose of observation, care, diagnosis, or treatment.

10-11. [Unchanged.]

12. Outpatient. "Outpatient" or "day care patient" means a person who makes use of ~~the~~ diagnostic, therapeutic, counseling, or other services of ~~the~~ in a state hospital facility or through state hospital personnel but does not occupy a ~~regular~~ hospital bed; ~~as set forth in Minnesota Statutes, section 246.50, subdivision 5~~ overnight.

13.-19. [Unchanged.]

20. Responsible relative. "Responsible relative" means the spouse, the parents of minor children, and in the case of the mentally ill or chemically dependent, the adult children of a patient, in that order of liability for cost of care.

21. [Unchanged.]

C. Determination procedure.

1.-2. [Unchanged.]

3. Financial interview. When a person is interviewed, the department shall:

a. Inform the person that he or she may choose an individual to assist in the determination process and any other contact with the department by authorizing such assistance in writing;

b. Provide the person with an informational pamphlet on cost of care and review with the person how the department determines the charges for the patient's cost of care;

c. Inform the person that financial information obtained from the person will not be released without the person's written consent except pursuant to *Minnesota Statutes*, sections 15.1611 to 15.1699;

d. Inform the person of county, state, and federal financial programs which may assist in paying the cost of care and meeting personal and family needs; ~~and~~

e. ~~Request the person to complete and sign a financial information form provided by the department and to provide verification of financial information~~ Inform the person of the legal obligation to provide sufficient information, required documents, and proof necessary to determine ability to pay and of the consequences of the failure to do so;

f. Provide the person the following forms which the department uses to investigate the person's financial resources: the financial information form, the insurance claim and assignment of insurance benefits form, and the form or forms consenting to the release of information necessary to obtain or verify information about the person's resources; and

g. Request the person to complete and sign the forms provided by the department and to provide verification of financial information.

4.-9. [Unchanged.]

D. [Unchanged.]

E. Net income; patient.

1.-3. [Unchanged.]

4. Deductions from gross income to arrive at net income. The following items shall be deducted from the patient's monthly gross income:

a.-j. [Unchanged.]

k. A personal needs and clothing allowance of the inpatient in the amount determined in accordance with Minnesota Statutes, section 256B.35 for persons receiving public assistance grants. In addition, a special personal allowance drawn solely from earnings from any productive employment under an individual plan of rehabilitation or work therapy shall be given to all patients in state hospitals. The special personal allowance shall not exceed \$50 per month. This amount shall be adjusted in accordance with the limit established by the department pursuant to Minnesota Statutes, section 256B.36 for persons receiving public assistance grants;

l.-n. [Unchanged.]

F. Property; patient. Property shall be available to pay for the cost of the patient's care to the extent owned by the patient, subject to the exclusions in 1.-6.

1. [Unchanged.]

2. Personal property. The value of the following personal property shall be excluded from consideration as a resource:

a. [Unchanged.]

b. Up to \$2,000 in cash or liquid assets, for a single patient and up to \$4,000 in cash or liquid assets for a married couple. These amounts shall be adjusted in accordance with the limits established by the legislature under Minnesota Statutes, section 256B.06;

e. ~~Up to \$4,000 in cash or liquid assets, for a married couple;~~

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d.-l. [Reletter as c.-k.]

~~m.~~ l. Life insurance owned by the patient up to a cash surrender value of \$1,500. This amount shall be adjusted in accordance with the limit established by the legislature under Minnesota Statutes, section 256B.07;

n. [Reletter as m.]

~~o.~~ n. Burial expenses, including a burial lot and a prepaid burial account up to \$750 plus \$200 accrued interest. These amounts shall be adjusted in accordance with the limits established by the legislature under Minnesota Statutes, section 256B.07.

3.-6. [Unchanged.]

G. Ability to pay; responsible relative.

1.-3. [Unchanged.]

4. Liability of responsible relatives. When the sum of the benefits described in 3. and the patient's other resources pay less than the full cost of care, the ability of each responsible relative to pay shall be determined in the statutory order of liability for cost of care. When two or more responsible relatives have the same order of liability for cost of care, a determination shall be made for each one except that a joint determination shall be made for parents who reside in the same household. This provision applies to parents of a minor child and to the adult children of a mentally ill or chemically dependent patient.

5. Limitations on relative's ability to pay. The ability of a responsible relative to pay shall be determined from the annual gross earnings of the responsible relative subject to the limitations in a.-e.

a. A responsible relative who verifies annual gross earnings of less than \$11,000 shall be determined not able to pay the cost of care.

b. No responsible relative who is a resident of Minnesota shall be ordered to pay more than ten percent of the cost of care for each patient except that the responsible relative who has failed to provide the information, documents, and proofs which are necessary to determine ability to pay as required by C.3.f. and g. may be ordered to pay the full per capita cost of care until such time as they are provided.

c. The department ~~shall~~ may require full payment of the full per capita cost of care for a ~~child if the child's parents both live outside Minnesota~~ patient whose parents or parent, spouse, guardian, or conservator do not reside in Minnesota and are financially able to pay as determined by ~~C.7.~~ the department.

d. Only the annual gross earnings of the spouse of a patient shall be used to determine the spouse's ability to pay.

e. When a responsible relative is married to a person who is not a responsible relative, only the annual gross earnings of the responsible relative shall be used to determine the responsible relative's ability to pay.

f. The department may accept from the responsible relatives voluntary payments in excess of ten percent.

6. Determination of relative's ability to pay.

a. A responsible relative who provides the department a copy of the income tax return filed in the current year the information, documents, and proofs necessary to determine ability to pay as provided in C.3.f. and g. shall have his or her ability to pay determined from the table in Exhibit 12 MCAR § 2.027 G.7. For purposes of this table, household size consists of the responsible relative and the responsible relative's dependents living in the responsible relative's household, other than the patient.

b. A responsible relative who chooses not to provide the department a copy of the income tax return filed in the current year shall be assumed to have an income in excess of \$11,000 and to be able to pay the statutory limit of ten percent of the cost of care. The relative shall be requested to sign an agreement to pay the balance of the patient's cost of care up to the ten percent limit the information, documents, and proofs necessary to determine ability to pay as provided in C.3.f. and g. may be determined liable for the full per capita cost of care.

7. Exhibit 12 MCAR § 2.027 G.7. shall be used to determine a relative's ability to pay, as described in 6. when there is a change in the per capita cost of care, the department shall revise Exhibit 12 MCAR § 2.027 G.7. Adjustments shall be made according to the following formula: at each level of annual gross earnings, daily payments equal to ten percent of the per diem for the previous year shall be adjusted to equal either the daily payment at the next lower level of earnings plus 25 percent, or ten percent of the per diem for the current year, whichever is less; successive levels of earnings shall be added to Exhibit 12 MCAR § 2.027 G.7. if needed to incorporate daily payments up to ten percent of the per diem for the current year; the daily payment of a responsible relative whose earnings are above these levels shall be at ten percent of the current per diem.

Exhibit 12 MCAR § 2.027 G.7. [Unchanged.]

When the annual gross earnings exceed the amount shown in Exhibit 12 MCAR § 2.027 C.7., the daily payment shall be at the statutory limitation of ten percent of the per diem.

8.-9. [Unchanged.]

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 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 strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Board of Chiropractic Examiners

Adopted Rules Governing Fees for Licensure and License Renewal

The Board of Chiropractic Examiners adopts the following fee increases in accordance with the provisions of Minnesota Statutes, §§ 14.14, subd. 1, 16A.128, 214.06 (1982). All fee increases in the rules have been approved by the Commissioner of Finance.

Rules as Adopted

7 MCAR § 2.004 License application fee.

Applications for licensure must be accompanied by a fee of \$75.

7 MCAR § 2.005 Individual annual license renewal.

A. Fee.

~~1-~~ Thirty ~~(30)~~ or more days before January 1 each year, the state board of chiropractic examiners (~~hereinafter~~², hereafter board²), shall mail to the last address on file with the board a license renewal fee notice to each person (~~hereinafter~~², hereafter licensee²), licensed to practice chiropractic within this state.

~~2-~~ The license of each licensee shall expire at midnight on December 31 each year. Subject to the terms of ~~7 MCAR Section 2.005 B.~~, the board shall renew the license upon receipt from the licensee of a license renewal fee of ~~\$50.00~~⁷⁵, plus any applicable penalty fee as set forth in 3. ~~below~~. Each licensee shall submit the license renewal fee to the board no later than January 1 of the year for which the license renewal is requested.

~~3-~~ A licensee shall submit to the board, in addition to the license renewal fee, a penalty fee of ~~\$5.00~~ per month for each month or portion ~~thereof~~ of a month for which the license renewal fee is in arrears, ~~such~~ the penalty not to exceed ~~\$50.00~~.

B. [Unchanged.]

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ADOPTED RULES

Department of Employee Relations

Adopted Rules Governing the State Personnel System (2 MCAR §§ 2.308, 2.331, 2.332, 2.333, and 2.371)

The rules proposed and published at *State Register*, Volume 7, Number 20, pages 744-746, November 15, 1982 (7 S.R. 744) are adopted with the following modifications:

Rules as Adopted

2 MCAR § 2.332 Qualified handicapped examination.

A. Criteria for offering. The commissioner may offer applicants whose handicaps are so severe that they cannot be accommodated in the competitive examination process a qualified handicapped examination in accordance with Minnesota Statutes, section 43A.10, subdivision 8. A qualified handicapped examination shall consist of an on-the-job trial work experience of up to 700 hours. The commissioner ~~may~~ shall approve a qualified handicapped examination ~~after determining whether~~ if she determines that not all of the standard examination requirements need to be met for some positions in the class and whether the job duties or procedures can be altered so that the applicant could perform the essential duties of a position in the class.

C. Completion or termination of examination. A qualified handicapped examination may be successfully completed at any time during the 700 hours of work experience if the appointing authority notifies the commissioner that the candidate can satisfactorily perform the essential duties of the position and is eligible for probationary appointment in accordance with Minnesota Statutes, section 43A.13, subdivision 6. A qualified handicapped examination may be terminated at any point during the 700 hours of work experience, except for the first 30 scheduled work days from the date of the start of the examination, if the appointing authority notifies the commissioner that the candidate cannot satisfactorily perform the essential duties of the position. A candidate terminated from a qualified handicapped examination ~~may~~ shall be authorized to seek placement in other positions in the class if the commissioner decides that the candidate's inability to perform was limited to duties essential to the specific position in which he or she was placed but which are not essential for other positions in the class.

2 MCAR § 2.371 Unclassified appointments.

Appointing authorities may make appointments to unclassified positions authorized in accordance with statute. Unclassified appointments do not require public notice. Unless otherwise specified in a statute, an appointing authority may appoint to an unclassified position any person he or she considers qualified, ~~but~~. For persons appointed to positions for which compensation is established under Minnesota Statutes, section 43A.18 subdivisions, 1, 2, and 3, the appointing authority shall submit the person's resume to the commissioner. No employee ~~may~~ shall serve in positions authorized under 2 MCAR § 2.308 performing the same function in the same agency for more than three years in total.

Department of Revenue Income Tax Division

Adopted Repeal of Numerous Income Tax Rules of the Department of Revenue

The rules proposed for repeal and published at *State Register*, Volume 7, Number 33, pages 1172-1173, February 14, 1983 (7 S.R. 1172) are repealed as proposed.

SUPREME COURT

Decisions Filed Friday, April 29, 1983

Compiled by Wayne Tschimperle, Clerk

C5-82-533 Norbert Guggenberger v. Cold Spring Granite Co., Relator. Workers' Compensation Court of Appeals.

Respondent's claim was barred by Minn. Stat. § 176.66, subd. 3 (1971), since he suffered no disablement within three years of his last exposure to silica dust.

Reversed. Amdahl, C. J. Dissenting, Scott, Todd, Yetka, and Wahl, JJ.

C0-82-553 David Lewis Willems v. Commissioner of Public Safety, Appellant. Lake of the Woods County.

A party who exercised the right to a trial under Minn. Stat. § 169.123 (1982) was, nevertheless, entitled to a new trial under Minn. Stat. § 171.19 (1980). Under the current statute, Minn. Stat. § 171.19 (1982), such a party is no longer entitled to the second action.

Principles of collateral estoppel are applicable in a subsequent section 171.19 proceeding as to findings of the county court in a section 169.123 proceeding.

Reversed. Yetka, J.

C8-82-543 Pine River State Bank, Appellant, v. Richard E. Mettelle, Sr. Cass County.

Portions of an employer's personnel handbook, adopted after employment begins, may become part of the employee's contract of employment if the requirements for formation of a unilateral contract are met.

Where an employment contract is for an indefinite duration, such indefiniteness by itself does not preclude job security provisions in an employee handbook from becoming part of the employment contract. Considerations other than continued service by the employee is not necessary for the enforceability of such provisions.

Procedural restraints on termination of employees contained in the appellant bank's Employee Handbook were contractually binding on the bank, and respondent employee was wrongfully terminated contrary to the handbook provisions.

Trial court evidentiary rulings were not prejudicial error requiring a new trial.

Affirmed. Simonett, J. Took no part, Coyne, J.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Administration Information Services Bureau

Notice of Availability of Contract for Back-Up Programming Services

The Information Services Bureau (ISB), Department of Administration, for the State of Minnesota is requesting a proposal from qualified firms to provide back-up programming services to be used by the Bureau on an as-needed basis. This may involve programming in COBOL, BAL, BASIC, or FORTRAN IV programming languages, with emphasis on COBOL, and BAL. This may also involve coding for the report generators ASI-ST and DYLAKORE. These services may also include designing and coding the linkages to the TOTAL data base manager, and designing and coding for the interface to the on-line monitor CICS. This work may be on projects for any of forty-one (41) State agencies. Proposals for part of this work will be considered (i.e., responders are not required to commit to the entire \$750,000.00). However; the Bureau will not consider proposals for increments of less than \$250,000.00.

The Bureau reserves the right to contract this work out to several responders, or to award the entire amount to one responder. The total amount expended for this activity will not exceed \$750,000.00 for fiscal year 1984 (i.e., July 1, 1983 through June 30, 1984).

The full text of the Request for Proposal is available on request. Inquiries and responses must be directed to:

STATE CONTRACTS

Norbert A. Bohn, Director
Application Services Division
Information Services Bureau
658 Cedar Street, Centennial Office Bldg.
St. Paul, MN 55155
(612) 296-6326

Responses must be received no later than 4:00 p.m. on May 18th, 1983.

Department of Administration Information Services Bureau

Notice of Availability of Contract for Back-Up Systems Analysis

The Information Services Bureau (ISB), Department of Administration, for the State of Minnesota, is requesting a proposal from qualified firms to provide back-up systems analysis services to be used by the Bureau on an as-needed basis. This will involve basic systems analysis using the PRIDE systems development methodology. This may involve back up assistance to a staff analyst of the Bureau on a specific phase of a project, or taking responsibility for specific phases of a project—this work to be assigned at the discretion of the Bureau. This work may be on projects for any of forty-one (41) State agencies. The total amount expended for this activity will not exceed \$150,000.00 for fiscal year 1984, (i.e., July 1, 1983 through June 30, 1984).

The full text of the Request for Proposal is available on request. Inquiries and responses must be directed to:

Norbert A. Bohn, Director
Application Services Division
Information Services Bureau
658 Cedar Street, Centennial Office Bldg.
St. Paul, MN 55155
(612) 296-6326

Responses must be received no later than 4:00 p.m. on May 18th, 1983.

Department of Corrections Health Care Unit

Notice of Request for Proposals for Professional/Technical Services Contracts in Health Care

Notice is hereby given that the Minnesota Department of Corrections is seeking the following services for the period July 1, 1983 through June 30, 1985. These services are to be performed at the indicated state correctional institutions.

1. Services of a Pharmacist for the Minnesota Correctional Facility-Stillwater on a full time basis and the Minnesota Correctional Facility-Shakopee approximately 12 hours/week to supervise the total pharmacy program. The estimated amount of the contract will not exceed \$84,818.00.

2. Services of a Radiologist approximately 32 hours per month to provide full radiological services to Minnesota Correctional Facility-Stillwater, Oak Park Heights and Lino Lakes. The estimated amount of the contract will not exceed \$76,554.72.

3. Services of a Registered Dietitian approximately 99 hours per month to provide the total consultant dietitian services at the Minnesota Correctional Facilities-Stillwater and Lino Lakes and Oak Park Heights. The estimated amount of the contract will not exceed \$40,951.00.

4. Services of a Physical Therapist approximately 34 hours a month to provide physical therapy services at Minnesota Correctional Facility-Stillwater. The estimated amount of the contract will not exceed \$8,929.24.

5. Services of a Psychiatrist approximately 44 hours per month to provide psychiatric consultations at the Minnesota Correctional Facility-Stillwater and the inpatient Mental Health Unit at Minnesota Correctional Facility-Oak Park Heights. The estimated amount of the contract will not exceed \$71,848.00.

6. Services of a Psychiatrist approximately 20 hours per month to provide psychiatric consultation services to the Minnesota Department of Corrections' Mental Health Unit located at the Minnesota Correctional Facility-Oak Park Heights. The estimated amount of the contract will not exceed \$25,423.20.

7. Services of an Optometrist approximately 8 hours a month to provide optometry services at Minnesota Correctional Facility-Oak Park Heights. The estimated amount of the contract will not exceed \$12,500.

8. Services of a Physical Therapist approximately 13 hours a month to provide physical therapy services at Minnesota Correctional Facility-Oak Park Heights. The estimated amount of the contract will not exceed \$9,642.00.

9. Services of a Psychiatrist approximately 8 hours a month to provide psychiatric services at Minnesota Correctional Facility-Oak Park Heights. The estimated amount of the contract will not exceed \$19,475.04.

Direct inquiries to:

Howard L. Johnson
Health Care Administrator
Department of Corrections
430 Metro Square
St. Paul, MN 55101

Proposals for the above listed contracts must be submitted no later than May 30, 1983.

Department of Corrections Minnesota Correctional Facility-Lino Lakes

Notice of Request for Proposals for Professional/Technical Services Contract in Clinical Psychology

In order to comply with state law, the Minnesota Correctional Facility-Lino Lakes hereby publishes its intention to maintain a contract with a certified clinical psychologist for the period from July 1, 1983 to June 30, 1985. The contractor will provide the following services:

—Develop psychological evaluations on adult male inmates as requested by program teams and Department of Corrections administrative personnel. Also will advise program staff concerning the treatment needs of residents. Consulting sessions to consist of two five hour visits per week with a limit of 90 visits per year.

—Desired qualifications include a doctorate in clinical psychology with at least five years of experience in an adult correctional institution.

—Proposals for the above contract to be submitted by May 31, 1983, to W. J. McGrath, Business Manager, Minnesota Correctional Facility-Lino Lakes, 7525 Fourth Avenue, Lino Lakes, Minnesota 55014. The estimated amount of the contract will not exceed \$16,700.00.

Department of Corrections Minnesota Correctional Facility-Oak Park Heights

Notice of Request for Proposals for Provision of Food Services

Notice is hereby given that the Minnesota Correctional Facility-Oak Park Heights is requesting proposals for the professional management of our Food Service activity for the period of July 1, 1983 through June 30, 1985. The estimated cost will not exceed \$331,600 for the two years, \$161,800 for the first year and \$169,800 in the second year. This proposal shall include all civilian personnel to operate the service. The proposals must be submitted by 4:30 p.m., June 10, 1983 to:

Don Cooper, Associate Warden of Administration
Minnesota Correctional Facility-Oak Park Heights
Box 10
Stillwater, Minnesota 55082

Please contact Mr. Cooper at (612) 779-1461 if interested.

Notice of Request for Proposals for Pharmacy Services

Notice is hereby given that the Minnesota Correctional Facility-Oak Park Heights is requesting proposals for pharmacy services on a full time basis for the period July 1, 1983 through June 30, 1985. The estimated amount of the contract will not exceed \$57,600. Proposals must be submitted by 4:30 p.m., June 3, 1983 to:

STATE CONTRACTS

Ken Carlson, Director of Health Services
Minnesota Correctional Facility-Oak Park Heights
Box 10
Stillwater, Minnesota 55082

Please contact Mr. Carlson at (612) 779-1436 if interested.

State Designer Selection Board Request for Proposals

To Architects and Engineers Registered in Minnesota:

The State Designer Selection Board has been requested to select designers for two projects for the Iron Range Resources Rehabilitation Board. Design firms who wish to be considered for these projects should submit proposals on or before 4:00 p.m., June 1, 1983, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.
2. All data must be on 8½" × 11" sheets, soft bound.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.
4. The proposal should consist of the following information in the order indicated below:
 - a) Number and name of project.
 - b) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc.
 - c) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If the applicant chooses to list projects which are relevant in type, scale, or character to the project at hand, the person's role in the project must be identified.
 - d) A commitment to enter the work promptly and to assign the people listed in "C" above and to supply other necessary staff.
 - e) A list of design projects in process or completed in the three (3) years prior to the date of this request for agencies or institutions of the State of Minnesota, including the University of Minnesota, by the firm(s) listed in "b" together with the approximate fees associated with each project.
 - f) A section of not more than fourteen (14) faces containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5. In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that your firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

6. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

- a) Enclose a self-address stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded.

b) Enclosed a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

7. PROJECT 1-83

Outdoor Amphitheater
Iron Range Interpretative Center
Chisholm, Minnesota

A. Description of the Project:

1. General: Design a new amphitheatre with permanent stage, sound, and lighting overlooking the Glen Mine. Seating for 1600-2000 people will be formed by the elevation of the open pit adjacent to the Ethnic Arts Center. It will require the design of a new entrance to the existing Ethnic Arts Center from the north side to accommodate large numbers of people. Supportive functions will consist of restrooms, dressing rooms, storage, receiving and other backstage functions. Some type of tensile cover is recommended for a large section of the seating and performance stage.

2. Location: Adjacent to the south side of the Ethnic Arts Center of the Iron Range Interpretative Center, Chisholm, Minnesota.

3. Topographic Survey: Owner will provide.

4. Soil Tests: Tests were made in the 1970's and will be made available. If additional tests are necessary owner will pay costs.

5. Estimated Project Construction Cost: \$1,300,000.00.

B. WORK TO BE PERFORMED BY THE ARCHITECT/ENGINEER: The work includes the design of alterations to the existing Ethnic Arts Center including a new entrance and exit from the present parking area, the preparations of planning documents for a revised trail system, located near the site of the proposed amphitheatre, schematics and working drawings for the amphitheatre, specifications and allied documents to include bidding documents for the same, bid opening; the handling of contract documents, the general supervision of the construction work for the owner, preparation of change orders, review and approval of shop drawings and payment request, assistance in final acceptance of the work.

C. Architects/Engineers fee for the work: The State of Minnesota shall establish a 7% percentage fee of the construction cost of the work.

8. Project 2-83

Energy and Science Center
Iron Range Interpretative Center (IRIC)
Chisholm, Minnesota

A. Description of the project:

1. General: Design a new science and energy center, through which the IRIC will actively participate in several emerging fields of science and technology. This center will increase scientific literacy among a broad range of visitors, will serve as a skills awareness of skills training or retraining in the field of computers. The recommended space will be used to house exhibits for computers, bio-technology, and physics. The energy section of the building will serve a two-fold purpose. Energy as a means for utility and a means for visitor activity. Peat, water, wind, and solar energy are examples. The building will be a multi-level structure with connecting passageways to the existing IRIC and Ethnic Arts Center. Space will also be provided to house the present Geology Hall exhibit. Support functions will include a storage and receiving area for the complex.

2. Location: On the west side of the Ethnic Arts Center of the Iron Range Interpretative Center, Chisholm, Minnesota.

3. Topographic Survey: Owner will provide.

4. Soil Tests: Tests were made in the 1970's and will be made available. If additional tests are necessary, owner will pay costs.

5. Estimated Project Construction Cost: \$4,000,000.00.

B. Work to be performed by the Architect/Engineer: Design the facility and a means to conduct energy into existing utility systems in part of all of the buildings on the complex. The design shall include plans for the entire Science and Energy Center even though the energy section might be the only part constructed in the first phase. Preparations of all schematic and working drawings will be performed, including specifications and allied documents to include bidding documents for same, prepare

STATE CONTRACTS

estimates, bid opening, the handling of contract documents, the general supervision of the construction work for the owner, preparations of change orders, review and approval of shop drawings and payment requests, assistance in final acceptance of the work.

The design phase will include coordination with exhibit designer specialists designated by the owner.

C. Architect/Engineers Fee for the work: The State of Minnesota shall establish a 6% percentage fee of the construction cost of the work.

Any questions concerning these projects may be referred to Gary Lamppa, Commissioner, Iron Range Resources and Rehabilitation Board, Eveleth, Minnesota (218) 744-2993.

Roger D. Clemence, Vice-Chairman
State Designer Selection Board

Department of Education Special Services Division

Notice of Request for Printing Services for FY84

The Assessment Section requires printing services in line with the conduct of the statewide testing in major subject matter areas. The following services are required: 1) developing and printing 7,500 language test booklets for grade 6 (32 pages), 7,500 language test booklets for grade 9 (40 pages), and 7,500 language test booklets for grade 11 (44 pages); 2) developing and printing 1,000 each of four (8 pages) writing test booklets for grade 6, 1,000 each of six (8 pages) writing test booklets for grade 9, and 1,000 each of six (8 pages) writing test booklets for grade 11; 3) developing and printing 4,000 (20 pages) computer literacy test booklets; 4) developing and printing 100,000 common answer sheets; and 5) developing and printing 4,000 computer header sheets.

It is anticipated that the total cost of this activity will be approximately \$18,000. For additional information contact:

Dr. William B. McMillan, Director
Assessment Section
Room 730, Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Formal bids will be processed through the State Department of Administration and should be received no later than July 8, 1983.

Department of Transportation

Notice of Request for Proposals for Counseling Services

The Minnesota Department of Transportation is accepting proposals for a professional psychologist to provide professional counseling service to employees. The contractor will conduct training courses for supervisors and managers in the appropriate techniques used in motivating recalcitrant employees as well as providing guidance to employees who may be suffering emotional trauma associated with potential layoffs or career changes necessitated by reduced program activity.

The contractor must possess:

1. A doctorate in Psychology.
2. A license as a professional psychologist.
3. 4 years experience in the practice of Clinical Psychology.
4. Experience as a professional counselor with an employer of 1,000 or more employees ranging from managers and professionals to trade persons, technicians, and clerks.
5. Experience as a Chemical Dependency Counselor.
6. Familiarity with State government regulations and operations.
7. Knowledge of and ability to conduct management training and development courses.

A contract for the requested services will commence July 1, 1983 and terminate on June 30, 1984. The compensation limit during the contract period is \$33,000.00 with payment not to exceed \$33.00 per hour. Payments will be made monthly for the hours listed on the monthly report. Services are to be rendered by the individual or persons possessing the doctorate in Psychology. Services are to be provided to Mn/DOT employees at least 3 days in each work week.

Qualified professionals should submit their resumes and work plan proposals not later than May 25, 1983.

Roger W. Durbahn
Assistant Personnel Director
Minnesota Department of Transportation
315 Transportation Building
Saint Paul, Minnesota 55155

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

**Department of Agriculture
Grain Inspection Division
Minnesota Board of Grain Standards****Notice of Public Meeting**

A meeting of the Minnesota Board of Grain Standards will be held on June 15, 1983 at 1:00 p.m. in the Minneapolis Grain Exchange Building, Room 100, 400 South Fourth Street, Minneapolis, Minnesota 55415.

Under authority granted by Minnesota Statutes, section 17B.07, the board will consider standards for confectionary sunflower seed. The standards will include: three numerical grades and sample grade; establishment of a minimum test weight for each numerical grade; setting a maximum limit for moisture, heat damage, insect damage, and total damage; establishment of a minimum sizing requirement for each numerical grade; definition of dockage in confectionary sunflower seed; and establishment of procedures for making the various determinations in the grading of confectionary sunflower seed.

For additional information, contact Ed Moline, 316 Grain Exchange Building, Minneapolis, Minnesota 55415, (612) 341-7190.

**Department of Commerce
Banking Division****Bulletin No. 2773: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of May 1983**

Notice is hereby given that pursuant to Section 47.20, Subd. 4a, Minnesota Statutes 1982, the maximum lawful rate of interest for conventional home mortgages for the month of May 1983 is thirteen and three-quarters (13.75) percentage points. Further, pursuant to Section 47.20, Minnesota Statutes, the maximum lawful rate of interest for contracts for deed for the month of May 1983 is thirteen and three-quarters (13.75) percentage points. This is the same rate as set for April 1983.

It is important to note that this maximum lawful rate does not apply to all real estate loans and contracts for deed. Under Minnesota's interest rate moratorium, which is identical to the Federal Usury Preemption, in most instances any rate may be charged on real estate mortgages and contracts for deed that constitute first liens.

OFFICIAL NOTICES

IMPORTANT NOTICE

The Federal National Mortgage Association has discontinued its biweekly freemarket auctions on which Minnesota's conventional mortgage loan and contract for deed maximum rates have been based. Therefore, as provided in Section 47.20, Subd. 4a, Minnesota Statutes, the rate of 13.75 percent will remain the maximum lawful interest rate until Minnesota law is amended to replace the rate setting mechanism.

April 29, 1983

John D. Chisholm
Commissioner of Banks

State Board of Education Department of Education Instruction Division

Proposed Rules Governing Automobile and Motorcycle Driver Education Programs (EDU 143-EDU 150)

Notice of Postponement of Public Hearing

Notice is hereby given that the public hearing on the proposed rules, scheduled to be held on May 21, 1983, as published in the April 18, 1983 issue of the *State Register* has been postponed. The State Board of Education desires to await the Board of Teaching's decision relative to the need for licensure of driver education instructors providing instruction through public schools, 5 MCAR § 3.0831 Driver and Traffic Safety Education. Once this has been completed, the board will offer any necessary amendments to EDU 143-EDU 150 and intends to adopt the rules utilizing non-controversial rule making procedures.

Questions regarding this matter should be directed to:

Joseph E. Meyerring
Traffic Safety Education Specialist
685 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-4899

John J. Fedra, Secretary
State Board of Education

State Board for Vocational Education Department of Education Vocational-Technical Education Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Rules for Licensure of Vocational Education Personnel

Notice is hereby given that the State Board of Education (State Board for Vocational Education) is seeking information or opinions from sources outside the agency in preparing to amend Rules for Licensure of Vocational Education Personnel. The following rules are being amended: 5 MCAR § 1.0780 Scope and definitions, 5 MCAR § 1.0782 C. New instructional positions, 5 MCAR § 1.0793 B.3. Specialized instructional personnel, Post-secondary related subjects instructor. The promulgation of these rules is authorized by Minn. Stat. §§ 121.11 subd. 12, 121.21 subd. 6, and 125.185 subd. 4.

The State Board of Education (State Board for Vocational Education) requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Dr. Rosemary T. Fruehling
Division of Vocational-Technical Education
541 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-3387 and in person at the above address.

All statements of information and comments shall be accepted until June 10, 1983. Any written material received by the State Board of Education (State Board for Vocational Education) shall become part of the record in the event that the rules are amended.

May 9, 1983

Mary Thornton Phillips
Assistant Commissioner
Division of Vocational-Technical Education

Department of Health Bureau of Administration

Notice of Public Hearing Regarding Fiscal Year 1984 Minnesota State Plan of Program Operations and Administration, for the Special Supplemental Food Program for Women, Infants, and Children (WIC)

Pursuant to the requirement of regulations issued by the United States Department of Agriculture under Section 3 of Public Law 95-627 which amends Section 17 of the Child Nutrition Act of 1966, the Minnesota Department of Health will sponsor a public meeting to enable the general public to participate in the development of the Fiscal Year 1984 Minnesota State Plan of Program Operations and Administration for the Special Supplemental Food Program for Women, Infants, and Children (WIC). Copies of the draft Plan will be available for public inspection on request.

The meeting will be held Wednesday, May 25, 1983 at the Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota. The meeting will begin at 10:00 a.m. in the Board Room and will be concluded upon the presentation of all testimony. Persons wishing to attend and/or present testimony are requested to register in advance by May 23, 1983.

Any citizen or group may submit either written or oral testimony at the meeting. Testimony will be given on a first come, first served basis.

For further information, contact:

Minnesota Department of Health
WIC Program
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, MN 55440
(612) 623-5436

Metropolitan Council

Notice of Preliminary Review Schedule

Task Force Report on Competition, Regulation and Voluntary Action

A task force of the Metropolitan Council and its Metropolitan Health Planning Board has drafted a policy document recommending a better balance of competition, regulation and voluntary action in the health care system of the Twin Cities Metropolitan Area. The document focuses on public policies and implementation strategies to ensure equitable health care in a more price-competitive health care system. Policy direction and strategies are based on Area needs, but also take into account developing state and national policies for health care.

OFFICIAL NOTICES

The basic premise of the report is that market forces should be allowed to work, where they can, to contain health care costs; but that community initiatives and public regulations will still be necessary to protect consumers, ensure equitable access to services and monitor the system.

The report contains 39 recommendations for changes in the health care system.

The following is a tentative schedule for reviewing the report.

May 9 — Metropolitan Council's Human Resources Committee reviews report.

May 11 — Health Planning Board's Planning Committee recommends acceptance for public hearing.

May 11 — Health Planning Board accepts for public hearing.

May 12 — Metropolitan Council accepts for public hearing.

June 15 — Public hearing.

June 22 — Planning Committee reviews comments.

July 11 — Human Resources Committee reviews comments.

July 13 — Health Planning Board approves report.

July 14 — Metropolitan Council approves report.

If you have questions call Carole Peterson of the Council staff at 291-6559.

Department of Public Welfare Mental Health Bureau

Notice of Intent to Solicit Outside Opinion Concerning Rule Relating to the Governing the use of Aversive and Deprivation Procedures for Mentally Retarded Persons

Notice is hereby given that the Department of Public Welfare is considering a draft rule 12 MCAR § 2.040, Conditions for the Use of Aversive and Deprivation Procedures. This proposed rule will govern the use of aversive and deprivation procedures in all licensed facilities serving mentally retarded persons except as authorized and monitored by the designated regional review committees. All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to: Gerry Nord, Minnesota Department of Public Welfare, Mental Retardation Division, 4th Floor Centennial Building, St. Paul, MN 55155.

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 297-3828. All statements of information must be received by June 15, 1983.

Any written material received by the department shall become part of the hearing record.

STATE OF MINNESOTA

State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

Perspectives—Publication about the Senate. Contact Senate Information Office.

Weekly Wrap-Up—House committees, committee assignments of individual representatives, news on committee meetings and action. House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

This Week—weekly interim bulletin of the House. Contact House Information Office.

Legislative Reference Library
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