

State of Minnesota

State Register



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

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

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

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- Withdrawn Rules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

Printing Schedule and Submission Deadlines

Vol. 37 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
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# 23	Monday 3 December	Noon Tuesday 27 November	Noon Wednesday 21 November
# 24	Monday 10 December	Noon Tuesday 4 December	Noon Wednesday 28 November
# 25	Monday 17 December	Noon Tuesday 11 December	Noon Wednesday 5 November

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Minnesota Rules: Amendments and Additions

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

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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Proposed Rules

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

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

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

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

Minnesota Pollution Control Agency (MPCA)

Watershed Division

Proposed Permanent Rules Relating to Clean Water Partnership

DUAL NOTICE: Notice of Intent to Adopt Rules without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests for Hearing Are Received

Proposed Amendment to Rules Governing the State Clean Water Partnership Financial Assistance Program and the Federal Nonpoint Source Management Program, *Minnesota Rules*, Chapter 7076; and the Repeal of Minnesota Rules parts 7076.0110, subps. 15, 18, 18a, 20a, and 20b; 7076.0140, subp. 2; 7076.0150, subp. 3; 7076.0170, subps. 3 and 4; 7076.0180, subps. 1 and 3; 7076.0200; 7076.0225, subps. 1, 3, and 4; 7076.0230, subps. 1, 1a, and 2; 7076.0240, subps. 1, 2, 3, and 4; 7076.0250; 7076.0260; 7076.0270; 7076.0280, subps. 2, 3, 4, and 5; and 7076.0285, subps. 2 and 3; and Proposed Amendment to Rules Governing the Wastewater and Storm Water Treatment Assistance Program *Minn. Rules*, Parts 7077.0117; 7077.0118; and 7077.0119

Introduction. The Minnesota Pollution Control Agency (MPCA or Agency) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on December 20, 2012, the MPCA will hold a public hearing. The hearing will start at 9:00 a.m. on Friday, January 11, 2013, and continue until 12:00 p.m. or until the Administrative Law Judge adjourns the hearing.

The hearing, if required, will be at the MPCA's St. Paul office at 520 Lafayette Road North, St. Paul, Minnesota 55155. For the convenience of the public, if a hearing is held, it will also be broadcast via interactive video conference to the following MPCA regional offices.

- MPCA-Detroit Lakes: 714 Lake Avenue, Suite 220, Detroit Lakes, MN 56501
- MPCA-Duluth: 525 Lake Avenue South, Suite 400, Duluth MN 55802
- MPCA-Brainerd: 7678 College Road, Suite 105, Baxter, MN 56425
- MPCA-Willmar: 1601 Highway 12 East, Suite 1, Willmar MN 56201
- MPCA-Marshall: 504 Fairgrounds Road, Suite 200, Marshall, MN 56258
- MPCA-Mankato: 12 Civic Center Plaza, Suite 2165, Mankato MN 56001
- MPCA-Rochester: 18 Wood Lake Drive SE, Rochester MN 55904

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

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

To find out whether the MPCA will adopt the rules without a hearing or if it will hold the hearing, you should contact the Agency contact person after December 20, 2012 and before January 11, 2013.

The MPCA will be able to display any written documents presented at the hearing at all video conference sites. The hearing will not be rescheduled in the event that the video conferencing links to one or more regional offices fails.

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

Yolanda Letnes
520 Lafayette Road North
St. Paul MN 55155-4194
Phone: (651) 757-2527
Fax: (651) 297-8676
E-mail: yolanda.letnes@state.mn.us
TTY: (651) 282-5332 or 1-800-657-3864

Subject of Rules. The proposed rules are about changes to the administrative procedures that govern the Clean Water Partnership Financial Assistance Program (CWP) and the Federal Nonpoint Source Management Program (Section 319 Program). The goal of the proposed amendments is to address recent changes to *Minnesota Statutes* ch. 103F as provided by *Laws 2011, chapter 107, sections 53 through 64, and 108*. The CWP rules (Chapter 7076) have not been amended since 1995 and the MPCA also proposes changes to streamline rule requirements based on current MPCA water quality objectives. Proposed revisions include housekeeping changes to address obsolete requirements, elimination of noncompetitive continuation grants, and funding changes from advance payments to expense reimbursement, as well as other changes necessary to streamline and update existing requirements. The MPCA anticipates this effort will simplify and streamline the rules. The proposed amendments include the repeal of *Minnesota Rules* parts 7076.0110, subps. 15, 18, 18a, 20a, and 20b; 7076.0140, subp. 2; 7076.0150, subp. 3; 7076.0170, subps. 3 and 4; 7076.0180, subps. 1 and 3; 7076.0200; 7076.0225, subps. 1, 3, and 4; 7076.0230, subps. 1, 1a, and 2; 7076.0240, subps. 1, 2, 3, and 4; 7076.0250; 7076.0260; 7076.0270; 7076.0280, subps. 2, 3, 4, and 5; and 7076.0285, subps. 2 and 3.

Statutory Authority. The statutory authority to adopt the rules is *Minnesota Statutes*, section 103F.745, which authorizes the MPCA to adopt rules necessary to implement sections 103F.701 to 103F.761.

Rule Availability. The proposed changes to *Minnesota Rules* chapter 7076 and 7077 are published after this notice in the *State Register* or they can be viewed on the MPCA website at: <http://www.pca.state.mn.us/iryp3c9> Due to the proposed rule's availability on MPCA's website, it is not attached to this Notice. However, a free copy of the proposed rules is available upon request by contacting Wendy Gardner-Pritchard at (651) 757-2090. Only one copy will be sent per request.

Comments. You have until 4:30 p.m. on Thursday, December 20, 2012, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the MPCA hold a hearing on the rules. You must make your request for a public hearing in writing, which the Agency contact person must receive by 4:30 p.m. on Thursday, December 20, 2012. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

Modifications. The MPCA may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the MPCA follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

Cancellation of Hearing. The MPCA will cancel the hearing scheduled for January 11, 2013, if the Agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the Agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the Agency contact person at (651) 757-2527 after December 20, 2012, to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling (651) 757-2527 or going on-line at <http://www.pca.state.mn.us/oxpgf5f>

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the MPCA will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The MPCA will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Ann O'Reilly is assigned to conduct the hearing. Judge O'Reilly can be reached at the Office of Administrative Hearings, 600 North Robert Street, PO Box 64620, Saint Paul, Minnesota 55164-0620, telephone: (651) 361-7844, and Fax: (651) 361-7936.

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

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

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available. You may obtain copies by contacting Wendy Gardner-Pritchard. You may review the SONAR at either the MPCA's website (<http://www.pca.state.mn.us/iryp3c9>) or at any of the MPCA regional offices listed above, or may obtain a copy by contacting Ms. Pritchard at 651-757-2090.

Request to Have MPCA Board Make Decision on Rule if No Hearing is Required. If a hearing is required, the MPCA Board will make the final decision on whether to adopt the proposed rules. If no hearing is required, you may submit a petition to the MPCA Commissioner or an MPCA Board Member to have the MPCA Board make the decision whether to adopt the proposed rule amendments by following the procedures in *Minnesota Rules* part 7000.0650, subpart 3. Your request must be in writing, identify the matter that the person would like placed on the agenda and the reasons for placing it on the agenda. The petition must be served on the MPCA Commissioner by mail at least 24 days before the meeting during which the petitioner would like the matter to be considered, or by

Proposed Rules

personal service or facsimile at least 21 days before the meeting. The Commissioner shall grant or deny the petition. The schedule of MPCA Board meetings is available at <http://www.pca.state.mn.us/enzq405> or by contacting the MPCA contact person, Yolanda Letnes. Requests received after the MPCA Commissioner has made a decision on whether to approve the rules will not be considered. If no petitions are received and granted, the Commissioner will make the decision whether to approve the rules and that decision is anticipated on or about January 30, 2013. Under *Minnesota Statutes*, section 116.02 where a hearing is not required, the MPCA Board will only make the decision on the rule if the MPCA Commissioner grants a petition or if an MPCA Board Member makes a timely request that the decision be made by the MPCA Board.

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

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

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

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

Dated: 25 October 2012

Michelle Beeman, Deputy Commissioner
Minnesota Pollution Control Agency

7076.0100 PURPOSE.

This chapter provides for the administration of the state clean water partnership financial assistance program and the federal nonpoint source management program as provided by the federal Water Pollution Control Act, *United States Code*, title 33, ~~section~~ sections 1329 and 1330, as amended, commonly referred to as sections 319 and 320 of the federal Clean Water Act. Parts 7076.0100 to 7076.0290 implement these programs by establishing the ~~substantive criteria and procedural~~ conditions under which the agency may award state matching grants ~~and~~, provide technical assistance for the development and implementation of nonpoint source projects, and ~~also~~ award low-interest loans from the state clean water revolving fund for the implementation of nonpoint source projects.

7076.0110 DEFINITIONS.

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

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Pollution Control Agency or delegate.

Subp. 4a. **Financial assistance.** "Financial assistance" means a ~~resource investigation or project implementation~~ grant; or a project ~~implementation~~ loan.

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

Subp. 6. **Local share.** "Local share" means the contributions of a local unit of government and project partners to the eligible cost of a project, including the value of cash expenditures; project ~~implementation~~ loans used on eligible project ~~implementation~~ activities; and in kind contributions of labor, equipment, material, and real property used for and expended on eligible project activities.

[For text of subps 7 and 8, see M.R.]

Subp. 8a. **Measurable outcomes.** "Measurable outcomes" has the meaning given under Minnesota Statutes, section 3.303, subdivision 10, paragraph (b).

[For text of subp 9, see M.R.]

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Subp. 10. **Official controls.** “Official controls” ~~has the meaning given it in Minnesota Statutes, section 103F.711, subdivision 7 means ordinances and regulations that control the physical development of the whole or part of a local unit of government or that implement the general objectives of the local unit of government.~~

[For text of subps 11 and 12, see M.R.]

Subp. 13. **Project area.** “Project area” means the area identified as hydrologically contributing to the water of concern ~~for which the diagnostic study and implementation plan are prepared and implemented.~~

Subp. 14. [Repealed, 20 SR 1245]

Subp. 15. [See repealer.]

Subp. 16. [Repealed, 16 SR 584]

Subp. 17. [Repealed, 16 SR 584]

Subp. 18. [See repealer.]

Subp. 18a. [See repealer.]

Subp. 19. **Project implementation grant or grant.** “Project implementation grant” ~~or “grant” means a grant from the agency to the project sponsor for the implementation of a diagnostic study and implementation plan, or their equivalent, that identify best management practices to be implemented~~ nonpoint source project.

Subp. 19a. **Project implementation loan.** “Project implementation loan” ~~or “loan” means a loan from the agency to the loan sponsor for the implementation of a diagnostic study and implementation plan, or their equivalent, that identify best management practices to be implemented~~ nonpoint source project.

Subp. 19b. **Project implementation loan set rate.** “Project implementation loan set rate” means the ~~interest rate designated by the Merrill Lynch 500 Municipal Bond Index, as published every Friday~~ prime interest rate as published in the current Wall Street Journal.

Subp. 19c. **Project implementation period.** “Project implementation period” means a three-year segment of project implementation, ~~which period as found in a project contract for completion of project activities defined in a project work plan. This period may be extended an additional year upon written approval by the commissioner.~~

Subp. 19d. **Project partners.** “Project partners” means local individuals and local organizations that will assist the project sponsor in the development and implementation of the project.

Subp. 20. **Project sponsor.** “Project sponsor” means the local unit of government that is responsible for development and implementation of the project ~~and, applies for financial assistance. For resource investigation, the project sponsor enters into the grant contract. For project implementation, the project sponsor shall be, and is a party to all grant and loan contracts entered into by the agency to provide financial assistance.~~

Subp. 20a. [See repealer.]

Subp. 20b. [See repealer.]

[For text of subp 20c, see M.R.]

Subp. 20d. **Second-tier loan.** “Second-tier loan” means a loan made by the loan sponsor, using project ~~implementation~~ loan funds, for implementation of project activities by a person other than the loan sponsor.

[For text of subps 20e to 22, see M.R.]

Subp. 23. **Water of concern.** “Water of concern” means the specific surface water or groundwater of the state which the project is focused on ~~improving or protecting, enhancing, or restoring.~~

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Subp. 24. **Work plan.** “Work plan” means a document prepared by a project sponsor that describes in detail the work activities to be undertaken by the sponsor to fulfill the requirements of Minnesota Statutes, sections 103F.701 to ~~103F.764~~ 103F.755, and ~~of parts 7076.0100 to 7076.0290.~~ A work plan is approved by the commissioner ~~and includes the items required under part 7076.0230.~~

7076.0120 AVAILABLE ASSISTANCE.

Subpart 1. **Grants.** ~~There are two types of grants available for nonpoint source projects: (1) resource investigation grants, and (2) project implementation grants. The grants available for nonpoint source projects are for a maximum of 50 percent of the eligible cost of the project.~~

Subp. 1a. **Loans.** ~~Loans are available for project implementation. Loans may cover up to 100 percent of the eligible costs of the project or may be used to finance the local share of a project implementation grant. Loans and grants will be awarded, within the limits of available appropriations, to those applicants having the highest priority as determined by the project ranking.~~

Subp. 2. **Technical assistance.** ~~Within the limits of available resources, the agency may provide technical assistance to local units of government in order to ensure efficient and effective development and implementation of projects. Technical assistance must be given to local units of government that receive financial assistance, within the limits of available resources.~~

7076.0130 ELIGIBILITY CRITERIA.

Subpart 1. **Grant-eligible applicants proposers.** Only local units of government are eligible to apply for grants and receive technical assistance. A local unit of government is eligible to apply for grants and request technical assistance if it has the following:

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

B. the authority to generate cash revenues and in kind contributions for the local share of a project; and

~~C. the authority to adopt and enforce official controls; and~~

~~D. C. an approved local water plan that addresses the water of concern.~~

Subp. 1a. **Loan-eligible applicants proposers.** Only local units of government that meet the requirements of subpart 1 are eligible to apply for loans and receive technical assistance. A local unit of government is eligible to receive a loan if it has the following:

A. the ability to pledge its full faith and credit to ensure repayment of a project ~~implementation~~ loan;

B. the authority to generate cash revenues for the repayment of a loan; and

C. the authority to enter into a loan agreement with the agency.

If the local unit of government submitting the application proposal does not meet the criteria in items A to C, it must submit a resolution from at least one local unit of government that does meet the criteria stating that the loan-eligible local unit of government resolves to participate in the project as a loan sponsor.

Subp. 2. **Eligible costs.** Project costs are eligible for financial assistance if they are reasonable, necessary, and allocable to the project. ~~Costs associated with resource investigation are eligible for grant funds only. Both grants and loans may be awarded for the costs of project implementation.~~ The dredging of harbors, lakes, ditches, constructed wetlands, and existing sedimentation basins; sewage treatment system upgrades ~~when part of an approved project implementation~~; and the use of ferric chloride, aluminum sulfate, or other chemicals to precipitate phosphorus are eligible for loan funds but are not eligible for grant funds. In addition, costs related to any of the following activities are eligible for financial assistance:

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

C. selection, design, layout, and installation of best management practices consistent with ~~section 319 or the federal Water Pollution Control Act, *United States Code*, title 33, sections 1329 and 1330, referred to as sections 319 and 320 of the federal Clean Water Act, as amended;~~

[For text of items D to I, see M.R.]

Subp. 3. **Ineligible costs.** Ineligible costs include any costs that are not related to the activities in subpart 2. Costs identified under subpart 2 are ineligible if the related project activities are started before the grant ~~or loan~~ contract has been signed by the commissioner or

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~~before the loan contract has been signed by the commissioner and the~~ commissioner of management and budget. ~~Costs identified under subpart 2 that are related to a resource investigation project are ineligible for loan funds.~~ In addition, the following costs are ineligible for financial assistance whether or not they relate to the activities in subpart 2:

~~A.~~ ~~installation of best management practices before the financial assistance award;~~

~~B.~~ ~~A.~~ operation and maintenance of best management practices;

~~C.~~ ~~B.~~ activities regulated by the Petroleum Tank Release Cleanup Act, *Minnesota Statutes*, chapter 115C; the Environmental Response Compensation and Liability Act, *Minnesota Statutes*, chapter 115B; the ~~Agricultural~~ Chemical Liability Act, *Minnesota Statutes*, chapter 18D; the Comprehensive Environmental Response, Compensation, and Liability Act, *United States Code*, title 42, sections 9601 to 9675; and the Resource Conservation and Recovery Act, *United States Code*, title 42, sections 6901 to 6991;

~~D.~~ ~~C.~~ activities regulated by the national pollutant discharge elimination system permit program, parts 7001.1000 to 7001.1100, except that the following are eligible costs:

[For text of subitems (1) and (2), see M.R.]

~~E.~~ ~~D.~~ activities regulated by a condition of a solid waste or hazardous waste permit or the agency solid waste rules, chapter 7035; or the agency hazardous waste rules, chapter 7045;

~~F.~~ ~~E.~~ activities funded by state or federal grants or loans for publicly owned treatment works;

~~G.~~ ~~F.~~ regulated practices to control spills of pesticides, fertilizer, petroleum, and related materials from bulk storage facilities;

~~H.~~ ~~G.~~ regulated practices to manage toxic or hazardous materials;

~~I.~~ ~~H.~~ commercial operations and industrial processes and land use and land management activities directly related to commercial operations and industrial processes including plant yards, access roads, drainage ponds, refuse piles, storage piles, and material product loading areas, excluding farming operations occurring on the farm itself;

~~J.~~ ~~I.~~ active and inactive mining activities;

~~K.~~ ~~J.~~ building and utility construction;

~~E.~~ ~~K.~~ highway and road construction;

~~M.~~ ~~L.~~ activities intended primarily for flood control; and

~~N.~~ ~~M.~~ activities that violate local, state, and federal statutes, rules, and regulations.

Subp. 4. **Eligible local share for grant-funded projects project grants.** Any grant- or loan-eligible project costs as described in subparts 2 and 3 that are not funded through a ~~resource investigation or project implementation~~ grant are eligible as local share. At least 30 percent of the project costs must be derived from nonstate and nonfederal sources. Project ~~implementation~~ loans are considered nonstate and nonfederal sources for the purposes of this subpart. Costs incurred by a land occupier ~~or project partner~~ for the installation of best management practices may be considered a part of the local share ~~paid by the local unit of government~~ provided the following conditions are met:

A. the primary purpose of the best management practices is for ~~improvement and protection,~~ enhancement, or restoration of water quality;

[For text of item B, see M.R.]

C. any equipment purchased for operational best management practices must have a minimum effective life of ten years and be maintained or replaced by the land occupier during this period of time, or there must be a plan approved by the commissioner scheduling the phase-out of the operational best management practices; and

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D: the best management practices are a part of an approved implementation plan; and

E: D, there must be an operation and maintenance plan for the minimum effective life of the best management practices.

7076.0140 NOTICE OF FINANCIAL ASSISTANCE AVAILABILITY.

Subpart 1. **Notice.** The commissioner will publish in the *State Register* a notice that applications proposals for resource investigation grants and project implementation grants and loans will be accepted whenever the commissioner determines that funds are available to award the financial assistance. The notice will contain the requirements necessary for the proposal and a deadline for application proposal submittal, which must be no less than 60 days from the date of publication.

Subp. 2. [See repealer.]

Subp. 3. **Financial assistance application proposal periods.** The commissioner may establish a financial assistance application period from time to time but there must be at least one application period each calendar year if funds are available. The commissioner must establish at least one financial assistance proposal period each calendar year, if funds are available.

7076.0150 FINANCIAL ASSISTANCE APPLICATION PROPOSAL.

Subpart 1. **General requirements.** The financial assistance application proposal must be submitted by the local unit of government that will be the project sponsor on an agency form designed to comply with subpart 2. The financial assistance application must be submitted in a timely fashion to be considered. The application must be submitted on a form provided by the agency and must contain the information required in the form and by this part.

Subp. 2. **Resource investigation grant Proposal requirements.** An application for a resource investigation grant A project proposal must contain the following information:

A. a resolution by the local unit of government that will be the project sponsor, authorizing the filing of the application proposal and designating an official authorized to execute the grant application and loan proposal;

B. written ~~documentation~~ statement that the project sponsor has consulted with the local water planning authority, soil and water conservation districts, and watershed districts in the project area in preparing the grant application proposal;

C. identification of local units of government, agencies, and organizations that will be involved in resource investigation the project;

D: letters of support from each participating local unit of government, agency, and organization which identify their technical role in resource investigation and their estimated contribution to the local share of resource investigation costs;

E: D, an estimated project budget and the amount of grant and loan funding requested, based on estimated project costs;

F: E, a list identifying the amount, type, and source of the local share;

G: a project proposal that contains the following:

(1) preliminary goals and objectives;

(2) a list of existing reports and data concerning the quality of the water of concern and land use in the project area;

(3) a statement of existing water quality conditions and problems and the existing and desired uses of the water of concern;

(4) an identification and summary of activities that the grant would make possible;

(5) a preliminary schedule of project activities; and

(6) an estimated project budget; and

H: documents required by state or federal statutes, rules, and regulations.

F. preliminary goals and objectives;

G. a statement of existing water quality conditions and problems and the existing and desired uses of the water of concern;

H. an identification and summary of activities that the grant and loan would make possible;

I. a preliminary schedule of project activities;

J. documents required by state or federal statutes, rules, and regulations; and

K. if the proposer is requesting a loan:

(1) identification of the dedicated sources of revenue to be used for repayment of the project loan from the agency;

(2) a resolution from each loan sponsor authorizing the filing of the proposal, stating:

(a) the total project loan amount requested; and

(b) the amount of the total loan that the loan sponsor is requesting which, when added to all other loan sponsor requests, must equal the total project loan request; and

(3) an opinion and supporting documentation from the project sponsor's attorney stating that the project sponsor and participating local units of government have the legal authority to conduct the project.

Subp. 3. [See repealer.]

7076.0160 REJECTION OF FINANCIAL ASSISTANCE APPLICATION PROPOSAL.

Subpart 1. **Grounds.** ~~An applicant~~ A proposal for financial assistance shall be rejected by the commissioner for the following reasons:

A. ~~an ineligible applicant proposer;~~

B. ~~ineligible costs;~~

C. ~~a late submittal; or~~

D. ~~failure to comply with any requirement of statute or rule;;~~

E. recent agency experience of grant noncompliance by the local unit of government; or

F. an incomplete proposal.

Subp. 2. **Procedure.** The commissioner shall review each financial assistance ~~application proposal~~ within 30 days after the deadline for ~~application proposal~~ submittal. The commissioner shall notify each rejected ~~applicant proposer~~ of the rejection of its ~~application proposal~~ and the reasons for the rejection, as provided under subpart 1.

Subp. 3. **Effect of rejection.** ~~An applicant~~ A proposer whose ~~application proposal~~ is rejected ~~must~~ may reapply in a subsequent ~~application proposal~~ period to be considered for financial assistance.

7076.0170 PROJECT RANKING.

Subpart 1. **Process of ranking.** Upon completion of the commissioner's review of the ~~applications proposals~~ for acceptability, the agency shall rank the acceptable ~~applications proposals~~ in order of priority. Each project for which an acceptable ~~application proposal~~ has been submitted must be awarded the number of priority points to which the project is entitled ~~to~~ under ~~subparts subpart 2 and 3.~~ The ~~project proposal~~ with the highest number of priority points will be given the highest priority. All ~~projects proposals~~ will be given a ranking depending on the number of points awarded. ~~The resource investigation grant applications must be ranked separately from the project implementation applications.~~

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Subp. 2. **Priority points for resource investigation grant applications project proposals.**

A. The agency and the project coordination team must use the following criteria in item B to determine the number of priority points to be awarded in the evaluation of each resource investigation grant application project proposal. Each project shall receive a whole number from zero to ten under each of the following criteria, depending on how well the project satisfies the each criteria. The number of points awarded under each of the five criteria assigned by the agency and the project coordination team must be added together to determine the project's total point value. This total number must be used to determine the project's overall ranking and priority.

A.B. The criteria for the agency project proposals are as follows:

(1) the extent to which the proposed project demonstrates a high potential for project success based on the project organization and management structure and a broad coalition of community support and involvement within the project area project proposal clearly identifies water quality concerns, goals, and objectives;

(2) the extent to which the project proposal identifies preliminary goals and objectives, the existing and desired uses of the water of concern, and the perceived water quality problem or threat proposed project demonstrates a high potential for project success based on participation, coordination, and cooperation between local units of government, public agencies, and other local stakeholders within the project area;

(3) the extent to which the water of concern is identified as a priority water in the local water plan proposed project activities are technically feasible relative to the cost of the project; and

(4) the extent to which the water of concern in the proposed project is of state and regional significance and priority; and proposed project activities will lead to protection, enhancement, or restoration of the water of concern.

(5) the likelihood of water quality protection or improvement of the water of concern identified in the proposed project.

B. The criteria for the project coordination team are as follows:

(1) the extent to which the proposed project demonstrates a high potential for project success based on broad-based community support and involvement within the project area;

(2) the extent to which the proposed project includes coordination and cooperation of federal, state, and local agencies and units of government for water quality protection or improvement;

(3) the extent to which the water of concern in the proposed project is of state and regional significance and priority;

(4) the extent to which the proposed project complements the existing efforts of local, state, and federal programs; and

(5) the likelihood that the proposed project will serve as a demonstration for water quality protection or improvement and provide useful information for the geographic area.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

7076.0180 ALLOCATION OF FUNDING.

Subpart 1. [See repealer.]

Subp. 2. **Grant fund allocation.** Within 90 60 days following the close of an application a proposal period, the agency shall determine how much of the remaining funds, after setting aside funds for project implementation continuations, will be made available for resource investigation and project implementation grant awards. In deciding how much money to make available for new grant awards, the agency shall consider the necessity to have money available for subsequent grant periods; the necessity to have money available for anticipated project continuations in the next year; and other factors relating to the agency's ability to ensure that money will be available for upcoming projects. If the agency is appropriated grant funding for special purposes, that funding can be set aside for a designated use.

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Subp. 3. [See repealer.]

Subp. 4. **Loan fund allocation.** Within ~~90~~ 60 days following the close of an ~~application~~ application proposal period, the agency shall determine how much of the ~~remaining~~ loan funding, ~~after setting aside funds for project implementation continuations,~~ will be made available for project ~~implementation~~ loan awards. In deciding how much money to make available for new loan awards, the agency shall consider the necessity to have money available for subsequent loan periods and other factors relating to the agency's ability to ensure that money will be available for upcoming projects.

7076.0190 SELECTION OF PROJECTS FOR AWARD.

Subpart 1. **Ranking.** The agency shall complete its ranking of all projects for which an acceptable ~~application~~ application proposal has been submitted within ~~90~~ 60 days of the close of the application proposal period. ~~The agency shall rank resource investigation separately from implementation projects.~~

Subp. 2. **Projects funded.** The agency shall offer financial assistance to the highest priority ~~resource investigation and project implementation applications proposals~~ within the limits of available funds established under part 7076.0180. A project that receives less than 50 percent or less of the available points will not be considered for award of funds.

Subp. 3. **Agency decision.** All decisions of the agency in ranking projects and awarding financial assistance must be made ~~at a regular or special board meeting by the commissioner.~~

Subp. 4. **Timing.** The agency shall make its decision on fund allocation, project ranking, and projects to which financial assistance will be awarded within ~~90~~ 60 days following the close of the application proposal period. After the decision is made, ~~an applicant a proposer~~ may request a written justification explanation of the priority points awarded the application proposal by the agency.

Subp. 5. **Reapplication.** ~~An applicant A proposer~~ whose application proposal is not awarded financial assistance ~~must~~ may reapply in a subsequent application proposal period to be considered for financial assistance.

7076.0210 GRANT CONDITIONS.

Subpart 1. **Amount.** A grant may be made for a maximum of 50 percent of the eligible cost of ~~resource investigation or the project implementation.~~ When awarding grants, the agency may award the project all or part of the grant request identified in the application proposal.

Subp. 2. [Repealed, 20 SR 1245]

Subp. 3. **Grant contract.** The project sponsor must enter into a grant contract with the agency to receive grant funds. The grant contract may be amended upon agreement of the agency and the project sponsor and execution by all the parties that signed the original contract, or their successors in office. Grant increase amendments shall be subject to the availability of funds. ~~The grant contract project period for a resource investigation grant shall be for up to three years, with a possible one-year extension upon approval by the commissioner. The grant contract period for a project implementation grant shall be equal to the project implementation period and may be extended upon agency approval of a project continuation request according to part 7076.0200.~~ The grant contract must:

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

Subp. 4. **Records.** The project sponsor shall maintain all records relating to the receipt and expenditure of grant funds for at least ~~three~~ six years from the date of termination of the grant contract. Records relating to the installation, operation, and maintenance of best management practices shall be maintained for three years beyond the design or useful life, ~~whichever is longer of the practice.~~

Subp. 5. **Audit.** The project sponsor must agree that the books, records, documents, and accounting procedures and practices of the project sponsor relevant to this program may be examined at any reasonable time and location by the commissioner ~~or the commissioner's designee, legislative auditor, or state auditor.~~

[For text of subps 6 to 9, see M.R.]

Subp. 10. **Eligible costs.** No grant funds shall be provided to the project sponsor for grant eligible project activities started before the grant contract project period established in the grant contract or continuing after the end of the contract project period established in the grant contract.

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7076.0215 LOAN CONDITIONS.

Subpart 1. **Amount.** A loan may be made for up to 100 percent of the eligible cost of a project ~~implementation~~, or for all or part of the local share of a project ~~implementation~~ grant. When awarding loans, the agency may award the project all or part of the loan request identified in the application proposal.

Subp. 2. **Interest rate.** The interest rate of the project ~~implementation~~ loan must be at or below the project ~~implementation~~ loan set rate. The commissioner shall determine the project ~~implementation~~ loan interest rate for each application cycle based on current market conditions, the project ~~implementation~~ loan set rate, and the need to maintain the fiscal integrity of the state revolving fund.

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

Subp. 4. **Repayment.** Repayment of loan funds received must begin not more than one year after the end of the project ~~implementation~~ period, and the loan must be fully amortized not later than 20 years after the end of the project ~~implementation~~ period. Loan repayments must be remitted to the agency at least annually, according to a schedule set forth in the loan contract.

Subp. 5. **Loan contract.** To receive loan funds, the project sponsor and one or more loan sponsors must enter into a loan contract with the agency. A loan contract may be amended upon agreement of the agency, the project sponsor, and the loan sponsor and executed by all parties that signed the original contract, or their successors in office. Loan increase amendments are subject to the availability of funds. The project period for a loan shall be for up to three years, with a possible one-year extension upon approval by the commissioner. All loan contracts must:

A. establish the terms and conditions of the loan;

B. require the loan sponsor to undertake an irrevocable obligation and secure the project ~~implementation~~ loan with its full faith and credit, and include an opinion from a bond counsel attorney stating that the loan sponsor has the authority to pledge its full faith and credit;

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

F. require that the project sponsor submit periodic progress reports and a final report to the commissioner in a format form and schedule prescribed by the commissioner;

[For text of items G to I, see M.R.]

Subp. 6. **Records.** The project sponsor and any loan sponsors must maintain all records relating to the receipt and expenditure of loan funds for at least ~~three six~~ years from the date of termination of the loan contract, according to the responsibilities identified in the loan contract. Records relating to the installation, operation, and maintenance of best management practices must be maintained for three years beyond ~~the loan contract, or the design or useful life, whichever is longer of the practice.~~

Subp. 7. **Audit.** The project sponsor and any loan sponsors must obtain audits in accordance with the Single Audit Act of 1984, *United States Code*, title 31, ~~section 7501-7~~ sections 7501 to 7507, and federal Environmental Protection Agency regulations, including *Code of Federal Regulations*, title 40, section 31.26, as applicable. All books, records, documents, and accounting procedures and practices of the project sponsor and any loan sponsors relevant to this program may be examined at any reasonable time and location by the commissioner ~~or commissioner's designee~~, the legislative auditor, the state auditor, or the Environmental Protection Agency.

Subp. 8. **Eligible costs.** No loan funds shall be provided to the loan sponsor for loan-eligible project activities started before the project ~~implementation~~ period established in the loan contract, or continuing after the end of the project ~~implementation~~ period established in the loan contract.

7076.0225 ~~PROJECT REPORTING REQUIREMENTS WORK PLAN AND REPORTS FOR PROJECT GRANTS AND LOANS.~~

Subpart 1. [See repealer.]

Subp. 1a. **Work plan.** The project sponsor, in cooperation with agency staff, must prepare a work plan after the grant and loan is awarded, in a form prescribed by the commissioner, and must submit the work plan to the commissioner for approval. The work plan must provide measurable outcomes. When selecting best management practices for inclusion in a project, the project sponsor shall consider each of the following factors in evaluating the best management practices:

A. whether the best management practice will achieve the desired project objectives;

B. whether the best management practice will create other water quality or environmental problems;

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- C. the degree of nonpoint source control achieved for the amount of resources allocated for that control;
- D. whether a less costly best management practice could achieve a similar result;
- E. whether the best management practice is reasonably suited for the individual site or priority management area; and
- F. the likelihood of adoption of the best management practice.

Subp. 2. **Semiannual update progress report.** During each year of the resource investigation grant or project implementation period, the project sponsor must prepare for semiannual submittal or presentation to the commissioner an update of project activities and project expenditures. The project sponsor must submit a progress report to the commissioner, in a form prescribed by the commissioner, by August 1 and February 1 for the six-month period of January through June and July through December, respectively, of each calendar year of the project period.

Subp. 3. [See repealer.]

Subp. 3a. **Project review and budget adjustment.** Upon expenditure of 50 percent of the project grant or loan, the project sponsor must submit to the commissioner for review and approval a detailed summary of project expenditures and completed work activities. The commissioner shall review the summary to verify cost eligibility and acceptable completion of work plan activities, to compare actual expenditures with the approved project work plan budget, and to verify that the terms of the grant or loan contract are being met.

Subp. 4. [See repealer.]

Subp. 5. **Project implementation final report.** Upon completion of the project implementation, and in a form prescribed by the commissioner, the project sponsor must submit to the commissioner a final report that contains the following: for review and approval a detailed summary of project expenditures, completed work activities, and measurable outcomes. The commissioner shall review the summary to verify cost eligibility and acceptable completion of work plan activities, to compare actual expenditures with the approved project work plan budget, and to verify that the terms of the grant or loan contract are being met. If the commissioner finds that any funds were used for ineligible project costs, those funds must be returned to the agency, along with any interest or fees, as outlined in the contract.

A: a summary of the activities completed during the project implementation period, and difficulties encountered during project implementation;

B: a summary of any implementation activities listed in the work plan that were not completed during project implementation, and an explanation of why they were not completed;

C: an evaluation of the monitoring data collected during project implementation, including a discussion of pollutant load reductions and changes in the water quality of the water of concern;

D: an electronic summary of all data collected during the implementation monitoring phase for storage in the Environmental Protection Agency-STORET data bank;

E: a discussion of land use changes in the watershed that have resulted from project implementation;

F: an evaluation of the effectiveness of the public participation and education plans for the project;

G: recommendations for future implementation activities in the project area; and

H: a final financial report containing a detailed summary of project expenditures that are correlated to the elements and tasks of the work plan developed according to part 7076.0230:

7076.0280 GRANT PAYMENTS.

Subpart 1. **Initial payment.** After the commissioner of management and budget has signed the grant contract between the agency and the project sponsor, and contingent upon the availability of grant funds, the agency shall provide to the project sponsor 25 percent of the grant award provided in the grant contract. After the project sponsor has spent this amount, the sponsor shall provide, in a form prescribed

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by the commissioner, an accounting for the grant and match expenditures to the commissioner for review.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 5a. **Reimbursement payments.** Following approval of the accounting in subpart 1, the agency shall promptly pay the project sponsor for any expenses incurred after the sponsor presents an itemized invoice, in a form prescribed by the commissioner, for work actually performed.

Subp. 6. **Final payment.** The agency shall withhold a minimum of ten percent of the grant award until the agency is satisfied that the project has been completed according to the terms of the grant contract and parts 7076.0100 to 7076.0290. More than ten percent of the grant award shall be withheld if, after the project review outlined in part 7076.0225, subpart 3a, the costs necessary to complete the project are less than those identified in the grant contract. ~~Ten percent of the grant award shall be withheld if the costs necessary to complete the project are equal to or exceed the costs identified in the grant contract.~~

Subp. 7. [Repealed, 20 SR 1245]

7076.0285 LOAN PAYMENTS.

Subpart 1. **Payments.** ~~Loan funds cannot be used for any project costs incurred before the loan contract is signed by the commissioner of management and budget. The project sponsor or loan sponsor must submit to the agency a certification of incurred costs in a format form and schedule acceptable to prescribed by the agency, which certifies that eligible costs have been incurred, but not necessarily paid, by the project sponsor or loan sponsor for work on the project. Upon receiving the certification, the agency must pay the project sponsor or loan sponsor if the sponsor is in compliance with the conditions of the loan contract and the requirements of parts 7076.0100 to 7076.0290.~~

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

7077.0117 POINTS FOR PROJECTS WITH EXISTING NPDES OR SDS PERMIT.

[For text of subs 1 to 14, see M.R.]

Subp. 15. **Project implements corrective measures.** Five points shall be assigned to a project if it implements actions that contribute to the correction of a water quality problem identified in one or more of the following studies or an equivalent study:

A. a clean water partnership ~~phase I diagnostic study under part 7076.0240, where the corrective actions are set forth in an implementation plan approved under part 7076.0260~~ project pursuant to chapter 7076;

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

[For text of subs 16 and 17, see M.R.]

7077.0118 PRIORITY POINTS FOR PROJECTS IN UNSEWERED AREAS.

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

Subp. 8. **Project implements corrective measures.** Five points shall be assigned to a project if it implements actions that contribute to correction of a water quality problem identified in one or more of the following studies or an equivalent study:

A. a clean water partnership ~~phase I diagnostic study under part 7076.0240, where the corrective actions are set forth in an implementation plan approved under part 7076.0260~~ project pursuant to chapter 7076;

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

[For text of subs 9 and 10, see M.R.]

7077.0119 POINTS FOR STORM WATER PROJECTS.

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

Subp. 3. **Project implements corrective measures.** Five points shall be assigned to a project if it implements actions that contribute to correction of a water quality problem identified in one or more of the following studies or an equivalent study:

A. a clean water partnership ~~phase I diagnostic study under part 7076.0240, where the corrective actions are set forth in an implementation plan approved under part 7076.0260 project pursuant to chapter 7076;~~

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

[For text of subps 4 and 5, see M.R.]

REPEALER. *Minnesota Rules*, parts 7076.0110, subparts 15, 18, 18a, 20a, and 20b; 7076.0140, subpart 2; 7076.0150, subpart 3; 7076.0170, subparts 3 and 4; 7076.0180, subparts 1 and 3; 7076.0200; 7076.0225, subparts 1, 3, and 4; 7076.0230, subparts 1, 1a, and 2; 7076.0240, subparts 1, 2, 3, and 4; 7076.0250; 7076.0260; 7076.0270; 7076.0280, subparts 2, 3, 4, and 5; and 7076.0285, subparts 2 and 3, are repealed.

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Minnesota Pollution Control Agency (MPCA)

Findings of Fact, Conclusions, and Order in the Matter of the Petition to Approve the Annexation of Specified Areas Around Duck Lake, Ballantyne Lake, Rural Madison Lake and One Parcel West of Lake Washington to the Lake Washington Sanitary District

The Lake Washington Sanitary District, the Townships of Jamestown and LeRay, and Blue Earth County have petitioned the Minnesota Pollution Control Agency (MPCA) to approve the annexation of specified areas around Duck Lake, Ballantyne Lake, rural Madison Lake, and one parcel west of Lake Washington to the Lake Washington Sanitary District. The Chair and Secretary of the Lake Washington Sanitary District, the Chairs and Town Clerks of Jamestown and LeRay Townships, the Mayor and City Manager of the City of Mankato, the Mayor and City Clerk of the City of Madison Lake and County Administrator and County Chair of Blue Earth were authorized to sign the petition pursuant to resolutions passed by their bodies of government.

The MPCA published notification of the intent to approve petition (hereinafter called "Petition") for the annexation of specified areas around Duck Lake, Ballantyne Lake, rural Madison Lake, and one parcel west of Lake Washington to the Lake Washington Sanitary District in the *State Register* on May 31, 2011. The MPCA also notified all property owners in the affected areas by mail of the notification published in the *State Register*.

Commissioner's Orders

The MPCA, after having considered the Petition, publishing notice of intent to approve Petition in the *State Register*, having notified the property owners of the intent to approve the Petition, having held a hearing in response to receiving 25 or more hearing requests requisite, having received the August 17, 2012 decision from Administrative Law Judge Eric L. Lipmann and being fully advised in this matter, hereby makes the following:

FINDINGS OF FACT

1. The area of the proposed annexation to the Lake Washington Sanitary District is located in Blue Earth and Le Sueur Counties, Minnesota.

2. The area proposed for formation of the sanitary district is legally described as:

Within Washington Township:

Corner's Point Subdivision, Le Sueur County, Minnesota.

All that part of Section 6, Township 109 North, Range 25 West, Le Sueur County, Minnesota, lying southerly of North Shore Drive.

All that part of Section 7, Township 109 North, Range 25 West, Le Sueur County, Minnesota, lying southerly of North Shore Drive.

All that part of Section 8, Township 109 North, Range 25 West, Le Sueur County, Minnesota, lying southerly of North Shore Drive.

All that part of Section 9, Township 109 North, Range 25 West, Le Sueur County, Minnesota, lying southerly of North Shore Drive and northerly of Patterson Road; also that part of the westerly 600 feet of the Southwest Quarter of said Section 9 lying southerly of Patterson Road.

Washington Park Subdivision, Washington Park Subdivision No. 2, Lundin's Lake Washington Subdivision, Loeffler's Subdivision No. 1, Loeffler's Subdivision No. 2, Linder Bay, and Block One, Hiniker's Rolling Acres; Section 17, Township 109 North, Range 25 West, Le Sueur County, Minnesota. Also that part of said Section 17, lying westerly of the following described line; beginning at the southeast corner of said Hiniker's Rolling Acres; thence south to the south line of said Section 17 and there terminating.

Within Jamestown Township:

Gurni Subdivision No. 2, Gurni Subdivision No. 3, Section 20, Township 109 North, Range 25 West, Blue Earth County, Minnesota, and that part of said Section 20 lying northerly of County Road No. 2. Also that part of said Section 20 described as follows: beginning at the southwest corner of Lot 7, Block 2, Gurni Subdivision No. 3; thence south 400 feet; thence west 200 feet; thence northwesterly to the intersection of the south line of said Gurni Subdivision No. 3 and the shoreline of George Lake; thence east on said south line to the point of beginning.

Gurni Subdivision No. 2, Williwan Knolls Subdivision, and all that part of Section 19, Township 109 North, Range 25 West, Blue Earth County, Minnesota, lying northerly of Jessica Drive and northerly of County Road No. 2.

Within Kasota Township:

All that part of Section 18, Township 109 North, Range 25 West, Le Sueur County, Minnesota, lying easterly and northerly of Crystal Cove Road. Also that part of said Section 18 lying northerly of the following described line: beginning at the southwest corner of West Addition to Kenywood Beach Subdivision; thence west to the west line of said Section 18 and there terminating.

All that part of Section 13, Township 109 North, Range 26 West, Le Sueur County, Minnesota, lying northerly of

Commissioner's Orders

Limberdink Road and easterly of County Road No. 19.

All that part of Government Lots 3 and 4, Section 12, Township 109 North, Range 26 West, Le Sueur County, Minnesota, lying easterly of Baker's Bay Road, and lying southerly and easterly of the northerly and westerly lines of Wakefield's Sunrise Acres and Wakefield's Sunrise Acres No. 2. Also lying southerly of the following described line: beginning at the northwest corner of Wakefield's Sunrise Acres No. 2; thence west to County Road No. 19 and there terminating. Also that part of Government Lots 1 and 2, and that part of the east 600 feet of the Northwest Quarter of said Section 12, lying northeasterly of County Road No. 19.

All that part of Section 1, Township 109 North, Range 26 West, Le Sueur County, Minnesota, lying southerly of North Shore Drive.

All that part of the Northwest Quarter of Section 12, Township 109 North, Range 26 West, Le Sueur County, Minnesota, lying easterly and northerly of County Road No. 19, excepting therefrom the east 600 feet, also excepting therefrom the following described parcel: beginning at the northeast corner of the west 140 acres of the Northwest Quarter of said Section 12; thence south on the east line of said west 140, 700 feet, thence north 69 degrees 00 minutes west, 680 feet; thence south 60 degrees 00 minutes west to the centerline of Shanaska Creek the point of beginning of the tract to be described; thence continuing south 60 degrees 00 minutes west to the easterly right of way line of County Road No. 19; thence northerly along said easterly right of way line to the centerline of Shanaska Creek; hence southeasterly along said centerline to the point of beginning.

That part of Government Lot 3 of Section 12, Township 109 North, Range 25 West, Le Sueur County, Minnesota, lying north of Wakefields Sunrise Acres, lying west of Baker Bay Road and east of a line being 300 feet west of the west line of Baker Bay Road.

The west 400 feet of the north 400 feet of the Southwest Quarter of the Southeast Quarter of Section 13, Township 109 North, Range 26 West, Le Sueur County, Minnesota, and the west 50 feet of the Northwest Quarter of the Southeast Quarter and the west 50 feet of the Southwest Quarter of the Northeast Quarter of Section 13, Township 109 North, Range 26 West, Le Sueur County, Minnesota, lying south of the north line of Limberdink Road.

That part of the Southwest Quarter of the Southeast Quarter and part of the west 10 acres of the Southeast Quarter of the Southeast Quarter of Section 13, Township 109 North, Range 26 West, Le Sueur County, Minnesota, described as follows: commencing at the South Quarter corner of Section 13; thence north 90 degrees 00 minutes 00 seconds east (assumed bearing) along the south line of the Southeast Quarter of Section 13, a distance of 1054.29 feet to the point of beginning; thence north 01 degrees 09 minutes 45 seconds west, 584 feet; thence north 82 degrees 32 minutes 39 seconds east, 352.39 feet; thence north 86 degrees 55 minutes 48 seconds east, 249.75 feet to the east line of the west 10 acres of the Southeast Quarter of the Southeast Quarter of Section 13; thence south 01 degrees 09 minutes 45 seconds east along said east line, 643.11 feet to the south line of the Southeast Quarter of Section 13; thence north 90 degrees 00 minutes 00 seconds west along said south line 600 feet to the point of the beginning, and the south 50 feet of the Southeast Quarter of the Southeast Quarter of Section 13, Township 109 North, Range 26 West, Le Sueur County, Minnesota.

The south 50 feet of Section 18, Township 109 North, Range 25 West, Le Sueur County, Minnesota, lying west of the east line of Crystal Cove Road.

The territory proposed to be annexed into the Lake Washington Sanitary District is legally described as:

Within LeRay Township:

Lots 1-5, Block 1, Borneke Lake View Subdivision, Section 1, Township 108 North, Range 25 West, Blue Earth County, Minnesota. (R39.10.01.100.010), (R39.10.01.100.011), (R39.10.01.100.012), (R39.10.01.100.013), (R39.10.01.100.014).

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Those parts of Section 1, Township 108 North, Range 25 West, Blue Earth County, Minnesota identified as (R39.10.01.100.017), (R39.10.01.100.018), (R39.10.01.300.005), (R39.10.01.300.004).

Lots 1-19, Block 1, Dauk's East Bay Estates, Section 2, Township 108 North, Range 25 West, Blue Earth County, Minnesota. (R39.10.02.276.004), (R39.10.02.276.003), (R39.10.02.276.002), (R39.10.02.276.001), (R39.10.02.251.005), (R39.10.02.251.004), (R39.10.02.251.003), (R39.10.02.251.002), (R39.10.02.251.001), (R39.10.02.252.001), (R39.10.02.252.002), (R39.10.02.252.003), (R39.10.02.252.004), (R39.10.02.252.007), (R39.10.02.252.008), (R39.10.02.252.009), (R39.10.02.252.010), (R39.10.02.252.011), (R39.10.02.252.012).

Lots 1-9, 13-27, Lake View Heights, Section 2, Township 108 North, Range 25 West, Blue Earth County, Minnesota. (R39.10.02.301.002), (R39.10.02.301.001), (R39.10.02.151.014), (R39.10.02.151.008), (R39.10.02.151.007), (R39.10.02.151.006), (R39.10.02.151.005), (R39.10.02.153.013), (R39.10.02.153.012), (R39.10.02.153.011), (R39.10.02.153.010), (R39.10.02.153.016), (R39.10.02.153.015), (R39.10.02.153.014), (R39.10.02.153.005), (R39.10.02.153.004), (R39.10.02.153.003), (R39.10.02.151.001), (R39.10.02.153.002), (R39.10.02.153.001).

Lots 2-27 Lake View Heights Subdivision #2, Section 2, Township 108 North, Range 25 West, Blue Earth County, Minnesota. (R39.10.02.326.016), (R39.10.02.326.003), (R39.10.02.326.004), (R39.10.02.326.005), (R39.10.02.326.006), (R39.10.02.326.007), (R39.10.02.326.008), (R39.10.02.326.009), (R39.10.02.326.010), (R39.10.02.326.011), (R39.10.02.326.012), (R39.10.02.301.018), (R39.10.02.301.011), (R39.10.02.301.010), (R39.10.02.301.009), (R39.10.02.301.008), (R39.10.02.301.007), (R39.10.02.301.017), (R39.10.02.301.016), (R39.10.02.301.015), (R39.10.02.301.014).

Lot 1, Block 1 and Lots 1, 3, 4, and 5, Block 2, Lake View Hills Subdivision, Section 2, Township 108 North, Range 25 West, Blue Earth County, Minnesota. (R39.10.02.301.018), (R10.02.326.013), (R39.10.02.326.015), (R10.02.327.002), (R39.10.02.327.001).

Those parts of Section 2, Township 108 North, Range 25 West, Blue Earth County, Minnesota identified as (R39.10.02.176.001), (R39.10.02.177.001), (R39.10.02.177.002), (R39.10.02.177.00), (R39.10.02.151.012), (R39.10.02.151.013), (R39.10.02.326.017), (R39.10.02.326.018), (R39.10.02.400.012), (R39.10.02.252.005), (R39.10.02.400.001), (R39.10.02.400.007), (R39.10.02.400.010), (R10.02.400.006).

Lots 1-9, Block 1, Lakewood Drive Subdivision, Section 3, Township 108 North, Range 25 West, Blue Earth County, Minnesota. (R39.10.03.451.005), (R39.10.03.451.004), (R39.10.03.451.003), (R39.10.03.451.002), (R39.10.03.451.001), (R39.10.03.401.007), (R39.10.03.401.006), (R39.10.03.401.005), (R39.10.03.401.004).

Lots 1-3, Block 1, Lakewood Drive Subdivision Addition No. 2, Section 3, Township 108 North, Range 25 West, Blue Earth County, Minnesota. (R39.10.03.401.003), (R39.10.03.401.002), (R39.10.03.401.001).

Lots 1-6, Block 1, Lakewood Drive Subdivision Addition No. 2, Section 3, Township 108 North, Range 25 West, Blue Earth County, Minnesota. (R39.10.03.327.007), (R39.10.03.327.006), (R39.10.03.327.005), (R39.10.03.327.004), (R39.10.03.327.003), (R39.10.03.327.002).

Those parts of Section 3, Township 108 North, Range 25 West, Blue Earth County, Minnesota identified as (R39.10.03.451.009), (R39.10.03.451.010), (R39.10.03.451.011), (R39.10.03.326.008).

Those parts of Section 10, Township 108 North, Range 25 West, Blue Earth County, Minnesota identified as (R39.10.10.200.005), (R39.10.10.200.007), (R39.10.10.200.006).

Lots 1-10, Block 1, Auditors Plat #75, Section 11, Township 108 North, Range 25 West, Blue Earth County, Minnesota. (R39.10.11.227.002), (R39.10.11.227.003), (R39.10.11.227.004), (R39.10.11.251.001), (R39.10.11.251.002), (R39.10.11.251.009), (R39.10.11.251.005), (R39.10.11.251.006).

Lot 1, Block 1, Lots 1-2, Block 2 Saltzman's Subdivision, Section 11, Township 108 North, Range 25 West, Blue Earth County, Minnesota. (R39.10.11.251.007), (R39.10.11.276.001), (R39.10.11.276.002).

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Lot 1, Block 1, Wilson Farms Subdivision, Section 11, Township 108 North, Range 25 West, Blue Earth County, Minnesota. (R39.10.11.100.002).

Those parts of Section 3, Township 108 North, Range 25 West, Blue Earth County, Minnesota identified as (R39.10.11.226.004), (R39.10.11.400.008), (R39.10.11.400.009), (R39.10.11.226.005), (R39.10.11.226.001), (R39.10.11.300.004).

Within Jamestown Township:

Unit Numbers 400, 402, 404, 406, 408, 410, 412, 414, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566-574, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, and 632, and common elements according to the recorded plat of CIC No. 19, Doran's Estates, Section 27, Township 109 North, Range 25 West, Blue Earth County, Minnesota.

(R37.05.27.126.003) (R37.05.27.126.004), (R37.05.27.126.005), (R37.05.27.126.006), (R37.05.27.126.007), (R37.05.27.126.008), (R37.05.27.126.009), (R37.05.27.126.010), (R37.05.27.126.011), (R37.05.27.126.012), (R37.05.27.126.013), (R37.05.27.126.014), (R37.05.27.126.015), (R37.05.27.126.016), (R37.05.27.126.017), (R37.05.27.126.018), (R37.05.27.126.019), (R37.05.27.126.020), (R37.05.27.126.021), (R37.05.27.126.022), (R37.05.27.126.023), (R37.05.27.126.024), (R37.05.27.126.025), (R37.05.27.126.026), (R37.05.27.201.026), (R37.05.27.201.027), (R37.05.27.201.028), (R37.05.27.201.029), (R37.05.27.201.030), (R37.05.27.201.031), (R37.05.27.201.032), (R37.05.27.201.033), (R37.05.27.201.034), (R37.05.27.201.035), (R37.05.27.201.036), (R37.05.27.201.037), (R37.05.27.201.038), (R37.05.27.201.039), (R37.05.27.201.040), (R37.05.27.201.041), (R37.05.27.201.042), (R37.05.27.201.043), (R37.05.27.201.044), (R37.05.27.201.045), (R37.05.27.201.046), (R37.05.27.201.047), (R37.05.27.201.048), (R37.05.27.201.049), (R37.05.27.227.024), (R37.05.27.227.025), (R37.05.27.227.026), (R37.05.27.227.027), (R37.05.27.227.028), (R37.05.27.227.029), (R37.05.27.227.030), (R37.05.27.227.031), (R37.05.27.227.032), (R37.05.27.227.033).

Lots 1-9, Block 1, Duck Lake Estates, Section 27, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.27.153.001), (R37.05.27.153.002), (R37.05.27.153.003), (R37.05.27.153.004), (R37.05.27.153.005), (R37.05.27.153.006), (R37.05.27.153.007), (R37.05.27.153.008), (R37.05.27.153.009).

Lots 1-14, Block 1, Shorewood East, Section 27, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.27.376.001), (R37.05.27.351.001), (R37.05.27.351.002), (R37.05.27.351.003), (R37.05.27.351.004), (R37.05.27.351.005), (R37.05.27.351.006), (R37.05.27.351.007), (R37.05.27.351.008), (R37.05.27.351.009), (R37.05.27.351.010), (R37.05.27.351.011), (R37.05.27.351.012), (R37.05.34.101.001).

Those parts of Section 27, Township 109 North, Range 25 West, Blue Earth County, Minnesota identified as (R37.05.27.101.001), (R37.05.27.152.001), (R37.05.27.153.010), (R37.05.27.326.002), (R37.05.27.400.002), (R37.05.27.126.029), (R37.05.27.126.028).

Lot 1, Block 1, Alberts Subdivision, Section 28, Township 109N, Range 25 West, Blue Earth County, Minnesota. (R37.05.28.100.003).

Lot 1, Block 1, Alberts Subdivision #2, Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.28.100.005).

Lots 1 and 2, Block 1, Auditors Plat #77, Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.28.401.010), (R37.05.28.401.011).

Lots 1-14, Block 1 and Outlot A, Auditors Plat #78, Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.28.401.013), (R37.05.28.401.014), (R37.05.28.401.015), (R37.05.28.401.016), (R37.05.28.426.003), (R37.05.28.426.004), (R37.05.28.426.005), (R37.05.28.426.006), (R37.05.28.426.007), (R37.05.28.426.008), (R37.05.28.426.009), (R37.05.28.426.010), (R37.05.28.426.011), (R37.05.28.426.012), (R37.05.28.426.013).

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Lot 1, Block 1, Deuser Subdivision, Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.28.426.002).

Lot 1, Block 1, Farrell Subdivision, Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.28.252.001).

Lot 1, Block 1, Farrell Subdivision #2, Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.28.200.003).

Lot 1, Block 1, Farrell Subdivision #3, Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.28.200.011).

Lots 1-8, Block 1 Hagers Lake Ballentyne Subdivision, Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.28.351.008), (R37.05.28.351.007), (R37.05.28.351.006), (R37.05.28.351.005), (R37.05.28.351.004), (R37.05.28.351.003), (R37.05.28.351.002), (R37.05.28.351.001).

Lot 1, Block 1, K.J.K.'s Acres, Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.28.401.026).

Lots 1-4, Block 1, K.J.K.'s Acres No. 2, Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.28.251.005), (R37.05.28.351.004), (R37.05.28.351.003), (R37.05.28.351.002).

Lots 1-11, Block 1, Lots 1-5, Block 2, Kimbles Acres, Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.28.327.014), (R37.05.28.327.013), (R37.05.28.327.012), (R37.05.28.327.011), (R37.05.28.327.008), (R37.05.28.327.007), (R37.05.28.327.006), (R37.05.28.327.005), (R37.05.28.327.004), (R37.05.28.327.003), (R37.05.28.327.002), (R37.05.28.326.005), (R37.05.28.326.006), (R37.05.28.326.002), (R37.05.28.326.001).

Lots 1-3 and Outlots A-B, Lake Edge Estates, Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.28.301.008), (R37.05.28.301.009), (R37.05.28.301.010), (R37.05.28.301.011), (R37.05.28.301.012).

Those parts of Section 28, Township 109 North, Range 25 West, Blue Earth County, Minnesota, identified as (R37.05.28.251.001), (37.05.28.401.027), (R37.05.28.200.007), (R37.05.28.200.006), (R37.05.28.100.008), (R37.05.28.476.009), (R37.05.28.476.008), (R37.05.28.200.010), (R37.05.28.300.006).

Lots 1-2, Block 1, Boehlke Subdivision, Section 33, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.33.251.003).

Lots 1-6, Block 1 Fredericks First Addition, Section 33, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.33.101.001), (R37.05.33.101.002), (R37.05.33.101.003), (R37.05.28.101.004), (R37.05.28.101.005), (R37.05.33.101.006).

Lot 1, Block 1, Lots 1-7, Block 2, Fredericks Second Addition, Section 33, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.33.101.008), (R37.05.33.151.004), (R37.05.33.151.005), (R37.05.33.151.006), (R37.05.33.151.007), (R37.05.33.151.008), (R37.05.33.151.011).

Lots 1-3, Block 1 and Outlots A-B, Fredericks Third Addition, Section 33, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.33.176.006), (R37.05.33.176.007), (R37.05.33.176.008), (R37.05.33.176.009), (R37.05.33.176.010).

Lots 1-4, Block 1, Fredericks Fourth Addition, Section 33, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.33.101.011), (R37.05.33.101.012), (R37.05.33.101.013), (R37.05.33.101.014).

Lot 1, Block 1, Harland C Fredericks Subdivision, Section 33, Township 109 North, Range 25 West, Blue

Commissioner's Orders

Earth County, Minnesota. (R37.05.33.176.003).

Lot 1, Block 1, Outlot A, Marjory Estates, Section 33, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.33.300.011), (R37.05.33.300.012).

Lots 1-10, Block 1, Outlots A-B and Park, Wild Point, Section 33, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.33.226.012), (R37.05.33.226.010), (R37.05.33.226.007), (R37.05.33.226.006), (R37.05.33.226.005), (R37.05.33.226.004), (R37.05.33.226.008), (R37.05.33.226.013), (R37.05.33.226.014), (R37.05.33.226.015), (R37.05.33.226.011), (R37.05.33.226.016), (R37.05.33.226.009).

Those parts of Section 33, Township 109 North, Range 25 West, Blue Earth County, Minnesota identified as (R37.05.33.176.004), (R37.05.33.252.002), (R37.05.33.200.001), (R37.05.33.300.003), (R37.05.33.300.002), (R37.05.33.400.004), (R37.05.33.101.010).

Lots 1-8, Block 1, Kopp Subdivision, Section 35, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.35.402.008), (R37.05.35.402.007), (R37.05.35.402.006), (R37.05.35.402.005), (R37.05.35.402.004), (R37.05.35.402.003), (R37.05.35.402.002), (R37.05.35.402.001).

Lots 1-5, Block 1, Lots 1-14, Block 2, Outlot A, Kopps Lakeview Estates, Section 35, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.35.401.002), (R37.05.35.401.003), (R37.05.35.401.004), (R37.05.35.401.005), (R37.05.35.401.006), (R37.05.35.403.001), (R37.05.35.403.002), (R37.05.35.403.003), (R37.05.35.403.004), (R37.05.35.403.005), (R37.05.35.403.006), (R37.05.35.403.007), (R37.05.35.403.008), (R37.05.35.403.009), (R37.05.35.403.010), (R37.05.35.403.011), (R37.05.35.403.012), (R37.05.35.403.013), (R37.05.35.403.014), (R37.05.35.403.015).

Lots 1-9, Block 1, Hagers Subdivision, Section 35, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.35.426.001), (R37.05.35.426.002), (R37.05.35.426.003), (R37.05.35.426.004), (R37.05.35.426.005), (R37.05.35.426.006), (R37.05.35.426.007), (R37.05.35.426.008), (R37.05.35.426.009).

Those parts of Section 35, Township 109 North, Range 25 West, Blue Earth County, Minnesota identified as (R37.05.35.378.017), (R37.05.35.378.009), (R37.05.35.378.016), (R37.05.35.378.005), (R37.05.35.378.006), (R37.05.35.378.015), (R37.05.35.378.013), (R37.05.35.378.011).

Lots 1-17, Block 1, Shorewood Addition Section 36, Township 109 North, Range 25 West, Blue Earth County, Minnesota. (R37.05.36.326.008), (R37.05.36.326.007), (R37.05.36.326.006), (R37.05.36.326.005), (R37.05.36.326.004), (R37.05.36.326.003), (R37.05.36.326.002), (R37.05.36.326.001), (R37.05.36.302.009), (R37.05.36.302.008), (R37.05.36.302.007), (R37.05.36.302.006), (R37.05.36.302.005), (R37.05.36.302.004), (R37.05.36.302.003), (R37.05.36.302.002), (R37.05.36.302.001).

Within Washington Township:

1.84 acres of land described as that part of the South ½ of the Southwest Quarter, Section 9, Township 109 North, Range 25 West, Le Sueur County, Minnesota, beginning 1,515.40 feet westerly of the northeast corner of said Section 9, thence westerly 140.33 feet, thence southwesterly 323.47 feet, thence southeasterly 109.40 feet, thence easterly 211.39 feet, thence northerly 428.47 feet to the point of the beginning.

A map displaying the boundaries of the proposed sanitary district is available at the MPCA.

3. On February 4, 2009, Jamestown and LeRay Townships held a joint public meeting to consider the Petition. Notice of the public meeting was published at least once each week for two weeks in The Lake Region Times, a local qualified newspaper published in the area. The Notice was published on January 21, 2009 and January 28, 2009 in the Lakes Region Times. The meeting Notice was posted in the LeRay Township town hall beginning January 18, 2009 through February 4, 2009 and in the Jamestown Township town hall beginning January 13, 2009 through February 4, 2009.

Commissioner's Orders

4. On February 4, 2009, Jamestown and LeRay Townships adopted resolutions authorizing the submission of the Petition to MPCA. The resolutions were published in The Lake Region Times on February 11 and February 18, 2009 and became effective forty (40) days after the date of first publication.

5. On April 13, 2009, a public meeting of the Lake Washington Sanitary District was held to consider the Petition. Notice of the public meeting was published at least once each week for two weeks in The Free Press and The Land and in the Lake Region Times, local qualified newspapers published in the area. The Notice was published on March 27, 2009, April 3, 2009, April 1, 2009, and April 8, 2009, respectively. The meeting Notice was posted in the Jamestown, Kasota, LeRay, and Washington Townships town hall and in the Lake Washington County Park on March 27, 2009. In order to address all public comment concerning the matter, the public meeting was continued to April 27, 2009.

6. On April 27, 2009, the Lake Washington Sanitary District adopted a resolution authorizing the submission of the Petition to MPCA and stating that the resolution was effective forty (40) days after the date of first publication.

7. On June 22, 2009, the Petition was filed with the MPCA requesting its approval. The Chair and Secretary of the Lake Washington Sanitary District, the Board Chairs and Town Clerks of Jamestown and LeRay Townships, the Mayor and City Manager of the City of Mankato, the Mayor and the City Clerk of the City of Madison Lake, and the County Administrator and County Chair for Blue Earth County signed the Petition as authorized by resolutions of each body of government. The Petition has met all the requirements of *Minnesota Statutes* § 115.20, subd. 1(a).

8. The proposed annexation area is not within twenty-five (25) miles of the boundary of a city of the first class.

9. Judge Lipmann mistakenly recommended that MPCA include a residential property consisting of approximately 1.84 acres of land and described as that part of the South 1/2 of the Southwest Quarter, Section 9, Township 109 North, Range 25 West, LeSueur County, Minnesota, beginning 1,515.40 feet westerly of the Northeast corner of said Section 9, thence Westerly 140.33 feet, thence Southwesterly 323.47 feet, thence Southeasterly 109.40 feet, thence Easterly 211.39 feet, thence Northerly 428.47 feet to the point of beginning. The Petition at the time of publication already included this parcel.

10. On May 31, 2011, the MPCA published the Notice of Intent to approve the Petition in the *State Register* at 35 SR 1865-1871. The Notice of Intent was mailed to each of the property owners in the area of the proposed annexation using addresses provided by the county auditor. The public notice period lasted for 30 days and ended June 30, 2011.

11. By June 30, 2011, the end of the public notice period, the MPCA received 51 requests for a contested case hearing on the matter. *Minnesota Statutes* § 115.20, subd. 4(b) requires the MPCA to hold a contested case hearing if twenty-five (25) or more written requests are received by the end of the public notice period.

12. On November 21, 2011, MPCA Commissioner Paul Aasen ordered a Public Hearing before Administrative Law Judge Eric L. Lipmann.

13. On June 11-13, 2012, Administrative Law Judge Eric L. Lipmann conducted a contested case hearing pursuant to the contested case procedures set out in Chapter 14 of *Minnesota Statutes*, the Rules of Office of Administrative Hearings, *Minnesota Rules* 1400.5100 – 1400.8500.

14. On August 17, 2012, Administrative Law Judge Eric L. Lipmann issued Findings of Fact, Conclusions and Recommendation. Judge Lipmann concluded the following:

- a. The Administrative Law Judge and the Commissioner of the Pollution Control Agency have jurisdiction over this matter pursuant to *Minnesota Statutes* §§ 14.50 and 115.20, subd. 4 (b).
- b. The Commissioner provided all of the notices that are required by law.
- c. The proposed annexation would also provide a long term solution to discharges of pollutants from individual sewage treatment systems to Ballantyne Lake, Duck Lake and Madison Lake.
- d. LWSD is knowledgeable and experienced in delivering sanitary sewer services to ratepayers.

Commissioner's Orders

- e. To date, the District has provided quality service in a fair and cost-effective manner.
 - f. The record contains no reason to discount the District's pledge to treat ratepayers from the newly annexed areas fairly and equitably.
 - g. While the likely assessment for the costs of installing sanitary sewer, per parcel, is likely to be many times greater than the costs of installing holding tanks for sewage, the risks of discharge and operator error are lower with a sanitary sewer system than with widespread deployment of holding tanks for wastewater collection.
 - h. The assessment for the costs of installing sanitary sewer, per parcel, is likely to be significantly higher than the costs of installing an individual subsurface sewage treatment system. However, unlike individual subsurface systems, a sanitary sewer system does not require additional allocations of land for replacement fields. Further, the risks of discharge and operator neglect are lower with a sanitary sewer system than with reliance upon ISTS for wastewater collection.
 - i. The assessment for the costs of installing sanitary sewer, per parcel, is likely to be roughly equivalent to than the costs of installing a cluster system to serve multiple parcels. However, unlike cluster systems, a sanitary sewer system does not require additional allocations of land for replacement fields. Further, the risks of discharge and operator neglect are lower with a sanitary sewer system than with reliance upon cluster systems for wastewater collection.
 - j. Although more costly than some alternatives, the sanitary sewer system proposed by the project supporters will yield better results in terms of public health, safety and welfare.
 - k. The equities of the proposed annexation area are greatest under the assurance that landowners from the Tri-Lakes Area that are more than 1,000 feet from a lake or whose parcel is not a "buildable lot," will not be required to accept sanitary sewer services.
 - l. If the Commissioner elects to correct any "defect" in the Petition, under *Minnesota Statutes* § 115.20, subd. 3, the Commissioner should modify the range of the parcels to be annexed to include the "omitted property" in the Lake Washington watershed and exclude Parcel Number 37.05.28.301.004 in Madison Lake.
 - m. The proposed annexation of parcels into the LWSD would establish a District that is "administratively feasible," as those terms are used in *Minnesota Statutes* § 115.19.
 - n. The proposed annexation of parcels into the Lake Washington Sanitary District is "in furtherance of the public health, safety and welfare," as those terms are used in *Minnesota Statutes* § 115.19.
 - o. The proposed Sanitary District can be "effectively accomplished on an equitable basis," as those terms are used in *Minnesota Statutes* § 115.19.
15. On August 17, 2012, Administrative Law Judge Eric L. Lipmann recommended that the Commissioner of the Pollution Control Agency:
- a. Approve the Petition for Annexation.
 - b. Modify the boundaries of the approved District to include "the omitted parcel" adjacent to Lake Washington and exclude the Weinberger parcel adjacent to 610th Avenue, Madison Lake, Minnesota.
16. On October 3, 2012, the MPCA notified the affected parties to the contested case hearing of record closure and the opportunity to file exceptions and comments. MPCA received one comment.
17. The annexation of specified areas around Duck Lake, Ballantyne Lake, rural Madison Lake, and one parcel west of Lake Washington to the Lake Washington Sanitary District will serve the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage within the district.
18. The maintenance of the sanitary district is administratively feasible and furthers the public health, safety, and welfare. The Lake

Commissioner's Orders

Washington Sanitary District is administered by a governing board who are voters within the sanitary district and who are elected by members of the governing body. The Lake Washington Sanitary District has adopted sewer use ordinances and a sewer service charge system to adequately and equitably fund the wastewater treatment operation throughout the district.

19. Pursuant to *Minnesota Statutes* § 115.23, the Lake Washington Sanitary District Board of Managers has been designated as the central related governing body.

CONCLUSIONS

1. The Commissioner of the MPCA has subject matter jurisdiction over the petition and annexation pursuant to *Minnesota Statutes* §§ 115.18 to 115.37 (2000).

2. The petitioners have substantially complied with all the procedural requirements of *Minnesota Statutes* § 115.20, as well as other substantive and procedural requirements of law and rule. This matter, therefore, is properly before the Commissioner.

3. The conditions described in *Minnesota Statutes* § 115.19 for annexation to a sanitary district do exist within the area identified in the legal description.

4. The MPCA held a hearing pursuant to *Minnesota Statutes* § 115.20, subd. 4(b).

5. The MPCA concurs with Administrative Law Judge Eric L. Lipmann's Findings, Conclusions and Recommendations to approve the Petition and to exclude the Weinberger parcel adjacent to 610th Avenue, Madison Lake, Minnesota. The MPCA concludes that Judge Lipmann's recommendation to include the residential property described in Finding 9 was previously addressed when the Notice of Intent was published.

6. Any of the foregoing Findings of Fact that might properly be termed Conclusions and Conclusions that might be properly termed Findings are hereby adopted as such.

NOW THEREFORE, the Commissioner hereby makes the following:

ORDER

It is **ORDERED** that the annexation of specified areas around Duck Lake, Ballantyne Lake, rural Madison Lake, and one parcel west of Lake Washington to the Lake Washington Sanitary District is hereby approved to include portions of Blue Earth and Le Sueur Counties as identified in the legal description in the petition filed with the MPCA.

Dated: 6 November 2012

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

Official Notices

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

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

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Minnesota Department of Labor and Industry (DLI) Construction Codes and Licensing Division REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Minnesota Accessibility Code, *Minnesota Rules*, Chapter 1341

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its possible amendment to rules governing the Minnesota Accessibility Code. The Department is considering rule amendments that incorporate by reference chapter 11 of the 2012 edition of the *International Building Code* with amendments, and the International Code Council's *A117.1-2009 Accessible and Usable Buildings and Facilities* with amendments, and any other amendments necessary to administer and enforce the Minnesota Accessibility Code.

Persons Affected. The amendment to the rules would likely affect municipal building officials, building inspectors, building contractors, architects, engineers, building owners and managers, and the general public.

Statutory Authority. *Minnesota Statutes*, section 326B.02, subdivision 5, authorizes, in part, the commissioner of the Department to adopt, amend, suspend, and repeal rules relating to the commissioner's responsibilities under Chapter 326B, except for rules for which the rulemaking authority is expressly transferred to the Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping.

Minnesota Statutes, section 326B.101 requires, in part, that the commissioner of the Department administer and amend a state code of building construction which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs.

Minnesota Statutes, section 326B.106, subdivision 1, requires, in part, that the commissioner shall by rule and in consultation with the Construction Codes Advisory Council establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. That statutory provision also requires that the code include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further

Official Notices

notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Department has appointed an advisory committee to comment on the possible rules.

If you believe that the possible rule amendments would require your local unit of government to adopt or amend an ordinance or other local regulation to comply with the proposed rules, the Department requests that you provide information about the ordinance or regulation to the Agency Contact person listed below. Additionally, the agency requests any information pertaining to the cumulative effect of this rule with other federal and state regulations related to the specific purpose of the rule. Cumulative effect means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

Rules Drafts. The Department does not anticipate that a draft of the rule amendments will be available before the publication of the proposed rules.

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to: Colleen Clayton at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155, **phone:** (651) 284-5867, **fax:** (651) 284-5749, and **e-mail** to: colleen.chirhart@state.mn.us. **TTY** users may call the Department at (651) 297-4198.

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

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

Dated: 9 November 2012

Ken B. Peterson, Commissioner
Department of Labor and Industry

Department of Transportation (Mn/DOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be suspended for a period of sixty (60) days, effective October 3, 2012 until December 2, 2012:

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

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective February 24, 2010 until February 24, 2013:

- Joseph Edward Riley, Morris, MN

- John Thomas Riley, Morris, MN

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

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

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

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

Department of Transportation (Mn/DOT) Office of Transit, Intercity Bus Program Notice of Industry Consultation

The MnDOT Office of Transit will conduct an industry consultation for the Intercity Bus Program on Wednesday, December 19, 2012, at 1:00 p.m. at the MnDOT Central Office, 395 John Ireland Blvd. (Room G22), St. Paul, MN.

The Office of Transit administers funding provided by the Federal Transit Administration under 49 USC 5311(f), which supports intercity bus transportation services to and from non-urbanized areas by providing capital, operating, planning, and marketing assistance to operators of intercity bus services and connecting feeder services.

The industry consultation is an opportunity for potential applicants and other interested parties to learn more about the program and provide input on program issues. This industry consultation will include, at a minimum, discussions on the following items:

- Potential pursuit of a Governor’s certification that the State’s intercity bus needs are being adequately met, pursuant to 49 USC 5311(f)(2), which would release a portion of the Intercity Bus Program funds into the more general non-urbanized transit program
- Potential changes to the program application and contract cycle, starting with the 2013 solicitation
- Inclusion of rural public transit providers as feeders to intercity bus services
- Future updates to the 2010 Intercity Bus Network Study

Interested parties should RSVP for the event by contacting Shaun Morrell, Program Coordinator, **phone:** (651) 366-4183, or **e-mail:** shaun.morrell@state.mn.us. Comments may also be submitted in writing (contact Shaun Morrell for further information). General information about the Intercity Bus Program can be found at www.dot.state.mn.us/transit/grants/5311f.html

State Contracts

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

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

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

\$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600

\$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;

\$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and

anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

On-going State Contracts

The state spends \$2-3 billion a year on contracts. The *State Register* is one of the best ways to advertise your contracts - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$10.20 each 1/10 of a page, you cannot go wrong.

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Minnesota Department of Agriculture (MDA)

Pesticide and Fertilizer Management Division

Notice of Availability of Request for Proposals (RFP) for Research to Quantify Agricultural Conservation Practice Effectiveness Related to Nutrient (Nitrogen and Phosphorus) Source Reduction, Off-site Movement, and Interception Treatment in the State of Minnesota

NOTICE IS HEREBY GIVEN of availability of contracts to select scientists and researchers to conduct research related to impaired waters in agricultural watersheds.

Project Priorities

The following are the research priorities in no particular order:

1. The effectiveness and feasibility of saturated buffers in reducing tile drainage nutrient loading to surface waters.
2. The effectiveness of woodchip bioreactors located in pattern and or non-pattern tiled fields for reducing nutrient loading to surface waters. This work can be conducted on new or previously tiled sites.
3. Using commercially available optical sensors and or remote sensing to guide nutrient applications to agricultural fields, and evaluate the resulting impacts on water quality.
4. Using engineered features to treat surface water runoff on the agricultural landscape.

Contact Information: Applications must be submitted using the format prescribed in the proposal instructions. To request proposal instruction and to receive application materials, please call, e-mail, or write for the full RFP, which will be sent free of charge to interested parties.

Minnesota Department of Agriculture
Joshua Stamper, Nutrient BMP/TMDL Technical Coordinator
625 Robert Street North
St. Paul, MN 55155-2538
Phone: (651) 201-6322
E-mail: Joshua.Stamper@state.mn.us

Other Minnesota Department of Agriculture personnel are not authorized to discuss this request for proposal with responders before the proposal submission deadline nor should they be listed as a collaborator or partner anywhere within the proposal. Contact regarding this RFP with any personnel not listed above could result in disqualification. Questions must be received in writing (e-mails permitted) by December 14, 2012.

Submission Deadline: Project proposals must be received not later than 3:00 p.m. Central Time, January 18, 2013. Later responses will not be considered. Fax and e-mail responses will not be considered.

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

Completed and Current funded Projects

For a list of research projects supported by the Minnesota Department of Agriculture please see the following web link:
<http://www.mda.state.mn.us/protecting/cleanwaterfund/research.aspx>

Minnesota State College and Universities (MnSCU)

Inver Hills Community College

Notice of Request for Proposals for Design Services for Renovation of the College Center Building First Floor

To receive a copy of the RFP, free of charge, send an e-mail to pbuhl@inverhills.edu or fax your request to (651) 450-3706.

Proposals are due back by Thursday December 14, 2012, 2p.m. CST and are to be addressed to Patrick Buhl, Inver Hills Community College, Heritage Hall Room HH102, 2500 East 80th Street, Inver Grove Heights, Minnesota 55076 with “*College Center 1st Floor Design Services Proposal*” clearly written on the outside of the sealed envelope. Faxes are not acceptable. Late responses will not be considered. Any questions should be directed to Patrick Buhl: pbuhl@inverhills.edu This notice and the Request for Proposal do not obligate the State of Minnesota, Minnesota State Colleges and Universities or Inver Hills Community College to award a contract; and reserves its right to withdraw from the RFP if it is considered to be in its best interest.

Minnesota State College and Universities (MnSCU)

Saint Cloud State University

Advertisement for Sealed Bids for Professional/Technical Services of an Executive Search Firm for Vice President for Administrative Affairs

Sealed proposals for items hereinafter described will be received by St. Cloud State University at the Business Office, St. Cloud State University, St. Cloud Minnesota until **3:00 P.M. on February 9, 2013** and will then be publicly opened and read aloud. The right is reserved to accept or reject any or all bids or parts of bids and to waive informalities therein.

State Contracts

Bids are requested for **Professional/Technical Services Executive Search Firm – Vice President for Administrative Affairs** as per plans and specifications available at:

www.stcloudstate.edu/businessservices/. (under “News & Announcements”)

All follow up materials will be found at this site prior to the bid opening.

For Further information contact:

Lisa Sparks
Director of Purchasing
St. Cloud State University
720 - 4th Ave. S.
St. Cloud, MN 56301-4498
Phone: (320) 308-4788

Minnesota Historical Society (MHS) Request for Proposal for Drupal Software Development—Functional Enhancements for the MNopedia Online Encyclopedia Project

The Minnesota Historical Society (MHS, or the Society) is requesting proposals to carry out a variety of Drupal7-based software development tasks and projects through the end of the current fiscal year (June 30, 2013) or until hours/funds are used up — whichever comes first (total dollar amount not to exceed \$45,000). These projects, outlined in the RFP, consist of improvements and new features with regard to MNopedia — www.mnopedia.org — an online *Encyclopedia of Minnesota*, launched to the public in August of 2011. Preference will be given to proposals that show exceptional technical ability based on demonstrable past experience/work samples, and to candidates who can operate out of their own physical environment, but meet in person on a bi-weekly basis at the Minnesota History Center, 345 Kellogg Blvd, St Paul, MN 55102. Proposals that promise only remote communication (i.e. meeting through online interfaces) will be considered, but candidates must be basically self-sufficient with hardware, software, and workspace.

The Request for Proposals is available by emailing Mary Green Toussaint, Acting Contracting Officer, at mary.green-toussaint@mnhs.org.

All proposals must be received no later than **2:00 p.m. Local Time, Tuesday, December 11, 2012**. Authorized agents for receipt of bids are Society staff located at the 1st Floor Information Desk of the Minnesota History Center. **Late bids will NOT be considered.**

Dated: 19 November 2012

Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT's Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

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

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

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

Minnesota Zoo Notice of Request for Proposals for Design Services for Renovation of the Snow Monkey Exhibit

The Minnesota Zoo requests proposals for Design Services as they relate to the renovation of the snow monkey exhibit and off exhibit space. The current exhibit and surrounding areas will be renovated and redesigned as part of the Facility Master Plan.

Details are included in the complete Request for Proposals which is available by e-mailing Angie Guggisberg, Minnesota Zoo Project Manager at angie.guggisberg@state.mn.us. The deadline for submitting a proposal is 11:00AM., CST, Monday, December 3, 2012.

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



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\$100.01-\$1,000	\$ 17.00*
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(6.875% sales tax if shipped to MN address, 7.625% if shipped to St. Paul address. 7.125% MN transit tax or other local sales tax if applicable)

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