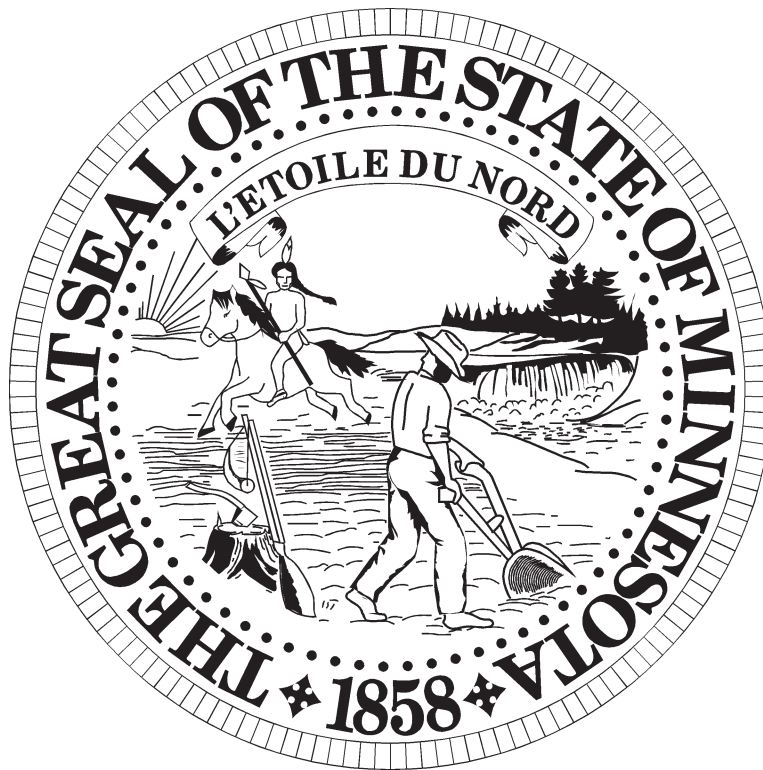


Minnesota

State Register

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



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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

**Monday 1 February 2016
Volume 40, Number 31
Pages 897 - 948**

Minnesota State Register

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

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

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- Withdrawn Rules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

Printing Schedule and Submission Deadlines

| Vol. 40 Issue Number | PUBLISH DATE (BOLDFACE shows altered publish date) | Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts | Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline) |
|----------------------------|---|---|---|
| # 32 | Monday 8 February | Noon Tuesday 2 February | Noon Thursday 28 January |
| # 33 | TUESDAY 16 February | Noon Tuesday 9 February | Noon Thursday 4 February |
| # 34 | Monday 22 February | Noon Tuesday 16 February | Noon Thursday 11 February |
| # 35 | Monday 29 February | Noon Tuesday 23 February | Noon Thursday 18 February |

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For additional contracts go to:

<http://www.mmd.admin.state.mn.us/solicitations.htm>

For additional grants go to the Office of Grants Management (OGM) at:

<http://www.grants.state.mn.us/public/>

Statewide Integrated Financial Tools (SWIFT) Supplier Portal:

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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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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) Environmental Assessment and Outcomes Division Proposed Permanent Rules Relating to Antidegradation of State Waters

NOTICE OF HEARING

Proposed Rules Governing Antidegradation of Waters *Minnesota Rules*, parts 7001.0050, 7050.0218, 7050.0250 through 7050.0335 and 7052.0300 and the Repeal of Rules Governing Nondegradation of Waters, *Minnesota Rules*, parts 7050.0180 and 7050.0185; Revisor's ID Number 4030

Public Hearing. The Minnesota Pollution Control Agency (MPCA) intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings (OAH), *Minnesota Rules* 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes* §§ 14.131 to 14.20. The MPCA will hold a public hearing on the above-named rules at the MPCA's offices at the following locations:

- MPCA Saint Paul: 520 Lafayette Road North, Saint Paul, Minnesota 55155
- MPCA Duluth: 525 Lake Avenue South, Suite 400, Duluth, Minnesota 55802
- MPCA Mankato: 12 Civic Center Plaza, Suite 2165, Mankato, Minnesota 56001

Directions to these offices can be found at: <https://www.pca.state.mn.us/about-mpca/mpca-offices>.

The MPCA will hold the hearing simultaneously in the three locations listed above. The Administrative Law Judge will conduct the hearing from the Saint Paul location. MPCA staff will be present at all three locations to facilitate the process. Attendees will be invited to participate in the hearing in-person in Saint Paul and by videoconference at the Duluth and Mankato hearing locations.

The hearing will start at 9:00 a.m. on March 31, 2016. For the convenience of the attendees at the videoconference locations, testimony from the videoconference locations will be heard first.

An additional hearing will be held at the same locations, beginning at 6:00 p.m. on March 31, 2016, at Saint Paul, Duluth and Mankato. Additional days of hearing may be scheduled if necessary. Notice regarding additional days of hearing will be posted on the rulemaking webpage at <https://www.pca.state.mn.us/water/nondegradation-rulemaking>. All interested or affected persons will have an opportunity

Proposed Rules

to participate in the public hearing by submitting either oral or written statements. Statements may be submitted without appearing at the hearing. Refer to Public Comment section of this notice for information on submitting statements.

Subject of Rules. The MPCA proposes amending *Minnesota Rules*, ch. 7050 (Waters of the State) to protect surface water quality. The amendments repeal the existing nondegradation rules and replace them with new antidegradation rules. The MPCA is also amending *Minnesota Rules* chs. 7001 (Permits and Certifications) and 7052 (Lake Superior Basin Water Standards) in support of the antidegradation amendments.

Antidegradation is one of three components of water quality standards, the others being beneficial use classifications and the numeric and narrative criteria necessary to support beneficial uses. Federal regulations require states to adopt antidegradation policies and identify implementation procedures that, at a minimum, reflect the federal antidegradation policy established in 40 CFR, §131.12 which requires:

- Maintenance of existing uses
- Protection of high water quality
- Maintenance of water quality necessary to protect outstanding water resources

Minnesota first adopted an antidegradation policy in 1969 and has amended the policy multiple times (most recently in 2008). Throughout this history, Minnesota chose to use the term “nondegradation” instead of “antidegradation”.

The proposed rules are needed to:

- Provide additional consistency with federal antidegradation policy
- Provide procedures for the activities currently subject to antidegradation requirements
- Clarify the information needed of applicants and sequence of actions needed for the MPCA to make antidegradation determinations
- Identify the factors the MPCA considers in conducting antidegradation reviews
- Establish a process for determining the water quality baseline
- Provide a framework to protect high water quality
- Change the term “nondegradation” to “antidegradation”

The proposed rules do not expand the scope of activities currently subject to the nondegradation rules nor create new regulatory authority regarding permits or antidegradation review.

The MPCA also proposes minor changes to *Minnesota Rules*, chs. 7001 and 7052 to ensure consistency with the changes proposed to *Minnesota Rules*, ch. 7050.

Administrative Law Judge. Administrative Law Judge (ALJ) Jeffery Oxley will conduct the hearing. Judge Oxley can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7900, and **fax:** (651) 361-7936. The rule hearing procedure is governed by *Minnesota Statutes* § 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules* 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to Judge Oxley.

Statutory Authority. The proposed rules are authorized by *Minnesota Statutes* § 115.03 and 115.44.

MPCA Contact Person. The MPCA contact person is: Carol Nankivel at MPCA, 520 Lafayette Road North, Saint Paul, Minnesota 55155-4194, **telephone:** (651) 757-2597, **toll free:** 1-800-657-3864, or **e-mail:** minnrule7050.pca@state.mn.us.

Availability of Rules and Statement of Need and Reasonableness (SONAR). The SONAR contains a summary and 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. The proposed rules are published with this Notice in the State Register and also available at the MPCA’s website at

<https://www.pca.state.mn.us/water/nondegradation-rulemaking>.

The SONAR and a link to the Exhibits to that Statement are also available at that website. A free copy of the rules is available upon request from the MPCA contact person identified above.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will

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have an opportunity to participate. The ALJ will accept your views at the hearing through oral testimony or by written comments submitted to the ALJ during the hearing.

You may also submit comments in writing at any time before the hearing and any time after the hearing before the close of the hearing record. Submit written comments to the MPCA contact person at the address above or to minnrule7050.pca@state.mn.us. All materials you present should relate to the proposed rules. The close of the hearing record occurs five working days after the public hearing ends unless the ALJ order a longer period. If the ALJ orders an extended comment period, the ALJ will announce the date on which the extended comment period ends at the public hearing. After the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. All written material submitted after the public hearing until the close of the hearing record will be recorded in the hearing record.

All comments and responses must be received by the MPCA contact person identified above no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for viewing at the MPCA's St. Paul office and also, to the extent possible, posted for viewing on the MPCA's rulemaking webpage at <https://www.pca.state.mn.us/water/nondegradation-rulemaking>.

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

Adoption Procedure after the Hearing. After the close of the hearing record, the ALJ will issue a report on the proposed rules. You may ask to be notified of the date when the ALJ's report will become available, and can make this request at the hearing or in writing to the ALJ. You may also ask to be notified of the date that the MPCA adopts the rules and files them with the Secretary of State, or ask to register with the MPCA to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the MPCA contact person identified above.

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

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

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

7001.0050 WRITTEN APPLICATION.

A person who requests the issuance, modification, revocation and reissuance, or reissuance of a permit shall complete, sign, and submit to the commissioner a written application. The person shall submit the written application in a form prescribed by the commissioner. The application shall contain the items listed in items A to I unless the commissioner has issued a written exemption from one or more of the data requirements. After receiving a written request for an exemption from a data requirement, the commissioner shall issue the exemption if the commissioner finds that the data is unnecessary to determine whether the permit should be issued or denied. The application must contain:

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

I. other information relevant to the application as required by parts 7001.0550 to 7001.0640, 7001.1050, 7001.1290, 7001.3175 to 7001.3475, 7001.4200, ~~or~~ 7041.0700, 7050.0280, subpart 2, or 7050.0290, subpart 2.

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7050.0218 METHODS FOR DETERMINATION OF CRITERIA FOR TOXIC POLLUTANTS, FOR WHICH NUMERIC STANDARDS NOT PROMULGATED.

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

Subp. 3. **Definitions.** For the purposes of parts 7050.0217 to 7050.0227, the following terms have the meanings given them.

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

DD. “Toxic pollutant” ~~has the meaning given it in part 7050.0185, subpart 2, item F,~~ means a pollutant listed as toxic under section 307(a)(1) of the Clean Water Act, *United States Code*, title 33, section 1317(a)(1), or as defined by *Minnesota Statutes*, section 115.01, subdivision 20.

[For text of items EE to HH, see M.R.]

[For text of subps 4 to 10, see M.R.]

7050.0250 ANTIDegradation PURPOSE.

The purpose of the antidegradation provisions in parts 7050.0250 to 7050.0335 is to achieve and maintain the highest possible quality in surface waters of the state. To accomplish this purpose:

A. existing uses shall be maintained and protected;

B. degradation of high water quality shall be minimized and allowed only to the extent necessary to accommodate important economic or social development;

C. water quality necessary to preserve the exceptional characteristics of outstanding resource value waters shall be maintained and protected; and

D. proposed activities with the potential for water quality impairments associated with thermal discharges shall be consistent with section 316 of the Clean Water Act, *United States Code*, title 33, section 1326.

7050.0255 DEFINITIONS.

Subpart 1. **Applicability.** For purposes of parts 7050.0250 to 7050.0335, the following terms have the meanings given in this part. Terms in parts 7050.0250 to 7050.0335 that are not specifically defined in applicable federal or state law shall be construed in conformance with the context, in relation to the applicable section of the statutes pertaining to the matter and current professional usage.

Subp. 2. **Agency.** “Agency” has the meaning given under *Minnesota Statutes*, section 115.01, subdivision 2, unless otherwise specified.

Subp. 3. **Applicant.** “Applicant” means a person requesting a control document.

Subp. 4. **Beneficial use.** “Beneficial use” means a designated use described under part 7050.0140 and listed under parts 7050.0400 to 7050.0470 for each surface water or segment thereof, whether or not the use is being attained.

Subp. 5. **Calcareous fen.** “Calcareous fen” means an area listed in part 7050.0335, subpart 1, item E, and described under part 8420.0935, subpart 2.

Subp. 6. **Class 2 surface water.** “Class 2 surface water” means a surface water that is protected for aquatic life and recreation beneficial uses and to which water quality standards described in part 7050.0222 apply.

Subp. 7. **Class 7 surface water.** “Class 7 surface water” means a surface water that is protected for limited resource value beneficial uses and to which water quality standards described in part 7050.0227 apply.

Subp. 8. **Clean Water Act.** “Clean Water Act” means the federal Water Pollution Control Act, *United States Code*, title 33, sections 1251 et seq.

Subp. 9. **Compensatory mitigation.** “Compensatory mitigation” means the restoration, establishment, or enhancement of surface waters to replace the loss of an existing use resulting from a physical alteration of a surface water after all prudent and feasible alternatives have been implemented to avoid and minimize degradation.

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Subp. 10. Control document. “Control document” means an authorization issued by the commissioner that specifies water pollution control conditions under which a regulated activity is allowed to operate. Control document includes Clean Water Act authorizations used to administer NPDES permits and section 401 certifications. For purposes of parts 7050.0250 to 7050.0335, total maximum daily loads are not control documents.

Subp. 11. Degradation or degrade. “Degradation” or “degrade” means a measurable change to existing water quality made or induced by human activity resulting in diminished chemical, physical, biological, or radiological conditions of surface waters. For municipal sewage and industrial waste discharges, degradation is calculated at the edge of the mixing zone upon reasonable allowance for dilution of the discharge according to part 7053.0205, subpart 5.

Subp. 12. Discharge. “Discharge” means the addition of pollutants to surface waters.

Subp. 13. Effective date. “Effective date” means:

A. for the protection of high water quality:

(1) when applied to a previously unregulated activity, the date when the control document is issued; or

(2) when applied to a currently regulated activity, the date of the most recently issued control document; or

B. for the protection of exceptional characteristics of outstanding resource value waters, except as provided in subitems (1) and (2), the date when the outstanding resource value water was designated in rule.

(1) When the commissioner determines there is an improvement in exceptional characteristics of the outstanding resource value water as a result of changes to water pollution control conditions specified in a reissued control document, the effective date is the date when the control document was reissued.

(2) When the commissioner determines there is an improvement in exceptional characteristics of the outstanding resource value water as a result of a regulated activity ceasing to discharge to or otherwise adversely impact an outstanding resource value water, the effective date is the expiration date of the associated control document.

Subp. 14. Exceptional characteristics of outstanding resource value waters. “Exceptional characteristics of outstanding resource value waters” means characteristics for which an outstanding resource value water is designated, including wilderness, scientific, educational, ecological, recreational, cultural, or aesthetic resource characteristics or other special qualities that warrant stringent protection from degradation.

Subp. 15. Existing uses. “Existing uses” means those uses actually attained in the surface water on or after November 28, 1975.

Subp. 16. Existing water quality. “Existing water quality” means the physical, chemical, biological, and radiological conditions of a surface water, taking into account natural variability, on the effective date. Existing water quality is expressed either as a concentration of a water quality parameter or by other means to describe the condition of a surface water.

Subp. 17. Feasible alternative. “Feasible alternative” means a pollution control alternative that is consistent with sound engineering and environmental practices, affordable, and legal and that has supportive governance that can be successfully put into practice to accomplish the task.

Subp. 18. Federally designated recreational river segment. “Federally designated recreational river segment” means a surface water or segment thereof designated as a recreational river under the federal Wild and Scenic Rivers Act, *United States Code*, title 16, sections 1271 to 1287.

Subp. 19. Federally designated scenic river segment. “Federally designated scenic river segment” means a surface water or segment thereof designated as a scenic river under the federal Wild and Scenic Rivers Act, *United States Code*, title 16, sections 1271 to 1287.

Subp. 20. Federally designated wild river segment. “Federally designated wild river segment” means a surface water or segment thereof designated as a wild river under the federal Wild and Scenic Rivers Act, *United States Code*, title 16, sections 1271 to 1287.

Subp. 21. High water quality or of high quality. “High water quality” or “of high quality” means water quality that exceeds, on a

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parameter-by-parameter basis, levels necessary to support the protection and propagation of aquatic life and recreation in and on the water.

Subp. 22. **Loading.** “Loading” means the quantity of pollutants, expressed as mass, resulting from a discharge or proposed discharge to a surface water.

Subp. 23. **Loading offset.** “Loading offset” means reductions in loading from regulated or unregulated activities, which reductions create additional capacity for proposed net increases in loading. A loading offset must occur concurrent with or prior to the proposed net increase in loading and must be secured with binding legal instruments between any involved persons for the life of the project that is being offset.

Subp. 24. **Measurable change.** “Measurable change” means the practical ability to detect a variation in water quality, taking into account limitations in analytical technique and sampling variability.

Subp. 25. **National pollutant discharge elimination system permit or NPDES permit.** “National pollutant discharge elimination system permit” or “NPDES permit” means an authorization issued by the agency under sections 307, 318, 402, and 405 of the Clean Water Act, *United States Code*, title 33, sections 1317, 1328, 1342, and 1345. A general NPDES permit means an NPDES permit issued pursuant to *Code of Federal Regulations*, title 40, section 122.28.

Subp. 26. **Net increase in loading or other causes of degradation.** “Net increase in loading or other causes of degradation” means:
A. when applied to a proposed activity that is not regulated by an existing control document, any loading or other causes of degradation resulting from the proposed activity; or

B. when applied to a proposed activity that is regulated by an existing control document, an increase in loading or other causes of degradation exceeding the maximum loading or other causes of degradation authorized through water pollution control conditions specified in the existing control document as of the effective date.

Subp. 27. **Outstanding resource value waters.** “Outstanding resource value waters” mean waters of the state designated under part 7050.0335 for their exceptional characteristics.

Subp. 28. **Parameter.** “Parameter” means a chemical, physical, biological, or radiological characteristic used to describe water quality conditions.

Subp. 29. **Person.** “Person” has the meaning given under *Minnesota Statutes*, section 115.01, subdivision 10.

Subp. 30. **Physical alteration.** “Physical alteration” means a physical change that degrades surface waters, such as the dredging, filling, draining, or permanent inundation of a surface water.

Subp. 31. **Pollutant.** “Pollutant” has the meaning given under *Minnesota Statutes*, section 115.01, subdivision 12.

Subp. 32. **Prohibited outstanding resource value waters.** “Prohibited outstanding resource value waters” mean surface waters identified in part 7050.0335, subparts 3 and 4.

Subp. 33. **Proposed activity.** “Proposed activity” means a regulated activity for which control document authorization is being requested.

Subp. 34. **Prudent alternative.** “Prudent alternative” means a pollution control alternative selected with care and sound judgment.

Subp. 35. **Regulated activity.** “Regulated activity” means an activity that requires a control document.

Subp. 36. **Restricted outstanding resource value waters.** “Restricted outstanding resource value waters” mean surface waters identified in part 7050.0335, subparts 1 and 2.

Subp. 37. **Scientific and natural areas.** “Scientific and natural areas” mean areas listed in part 7050.0335, subpart 3, item D, and

described under *Minnesota Statutes*, section 86A.05, subdivision 5, paragraph (b).

Subp. 38. **Section 303(d) of the Clean Water Act.** “Section 303(d) of the Clean Water Act” means, pursuant to *United States Code*, title 33, section 1313(d), a requirement for states, territories, and authorized tribes to develop lists of waters that do not meet applicable water quality standards, establish priority rankings, and develop total maximum daily loads for these waters.

Subp. 39. **Section 401 certification.** “Section 401 certification” means an authorization issued by the commissioner under section 401 of the Clean Water Act, *United States Code*, title 33, section 1341.

Subp. 40. **Section 404 permit.** “Section 404 permit” means an authorization issued under section 404 of the Clean Water Act, *United States Code*, title 33, section 1344. A general section 404 permit means a section 404 permit issued pursuant to section 404 of the Clean Water Act, *United States Code*, title 33, section 1344, paragraph (e).

Subp. 41. **State designated recreational river segment.** “State designated recreational river segment” means a surface water or segment thereof designated as a recreational river under the Minnesota Wild and Scenic Rivers Act, *Minnesota Statutes*, sections 103F.301 to 103F.345, and described under *Minnesota Statutes*, section 103F.311, subdivision 4.

Subp. 42. **State designated scenic river segment.** “State designated scenic river segment” means a surface water or segment thereof designated as a scenic river under the Minnesota Wild and Scenic Rivers Act, *Minnesota Statutes*, sections 103F.301 to 103F.345, and described under *Minnesota Statutes*, section 103F.311, subdivision 7.

Subp. 43. **State designated wild river segment.** “State designated wild river segment” means a surface water or segment thereof designated as a wild river under the Minnesota Wild and Scenic Rivers Act, *Minnesota Statutes*, sections 103F.301 to 103F.345, and described under *Minnesota Statutes*, section 103F.311, subdivision 9.

Subp. 44. **Total maximum daily load or TMDL.** “Total maximum daily load” or “TMDL” has the meaning given under *Minnesota Statutes*, section 114D.15, subdivision 10.

Subp. 45. **Unregulated activity.** “Unregulated activity” means an activity that does not require a control document.

Subp. 46. **Water pollution control conditions.** “Water pollution control conditions” means effluent limitations as defined in part 7001.1020, subpart 13, or other conditions specified in a control document that limit water pollution as defined in *Minnesota Statutes*, section 115.01, subdivision 13.

Subp. 47. **Water quality standard.** “Water quality standard” means a parameter concentration, level, or narrative statement representing a quality of water that supports a beneficial use. When water quality standards are met, water quality will generally protect the beneficial use.

7050.0260 DETERMINING EXISTING WATER QUALITY.

Subpart 1. **Methods.** Existing water quality shall be determined using methods described in items A to C. The methods are listed in descending order of priority. Lower priority methods shall be used only if higher priority methods are not reasonably available. More than one method shall be used when a single method does not adequately describe existing water quality.

A. Using commissioner-approved monitoring data that exist at the time the determination of existing water quality is undertaken.

B. Monitoring surface waters, provided that samples are collected in a manner and place and of such type, number, and frequency as may be considered necessary by the commissioner to adequately reflect the condition of the surface waters. Samples must be collected, preserved, and analyzed following accepted quality control and quality assurance methods and according to the procedures in part 7050.0150, subpart 8.

C. Identifying reference surface waters that have similar physical, chemical, and biological characteristics and similar impacts from regulated and unregulated activities.

Subp. 2. **Consideration of existing regulated activities.** For surface waters impacted by activities that are regulated by existing control documents, existing water quality includes surface water conditions that are anticipated at loadings or other causes of degradation

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authorized in the applicable control document.

7050.0265 ANTIDegradation STANDARDS WHEN CHANGES IN EXISTING WATER QUALITY ARE REASONABLY QUANTIFIABLE.

Subpart 1. **Scope.** This part applies to activities regulated by the following control documents:

A. new, reissued, or modified individual NPDES wastewater permits;

B. new, reissued, or modified individual NPDES storm water permits for industrial activities, as defined under part 7090.0080, subpart 6;

C. new, reissued, or modified individual NPDES storm water permits for construction activities, as defined under part 7090.0080, subpart 4;

D. section 401 certifications for new, reissued, or modified individual federal licenses and permits; and

E. other control documents that authorize net increases in loading or other causes of degradation and where changes in existing water quality of individual surface waters can reasonably be quantified through antidegradation procedures.

Subp. 2. **Protection of existing uses.** The commissioner shall approve a proposed activity only when existing uses and the level of water quality necessary to protect existing uses are maintained and protected. Evaluation of the maintenance and protection of existing uses includes consideration of:

A. aquatic life that utilizes or is present in or on the surface waters;

B. recreational opportunities in or on the surface waters;

C. hydrologic conditions, geomorphic conditions, water chemistry, and habitat necessary to maintain and protect existing aquatic life or recreation in or on the surface waters; and

D. commercial activity that depends on the preservation of water quality.

Subp. 3. **Compensatory mitigation; loss of existing uses.**

A. Except as provided in item D, the commissioner shall allow compensatory mitigation for the loss of an existing use resulting from physical alterations to a surface water when:

(1) prudent and feasible alternatives are not available to avoid or minimize adverse impacts to the existing use;

(2) the mitigation is sufficient to ensure replacement of the lost existing use;

(3) the mitigation is accomplished by restoring a previously impacted surface water of the same type or, when restoring is not a prudent or feasible alternative, establishing or enhancing a surface water of the same type;

(4) the mitigation occurs within the same watershed, to the extent prudent and feasible; and

(5) the mitigation is completed before or concurrent with the actual physical alteration, to the extent prudent and feasible.

B. For the purposes of subpart 2 and part 7050.0250, item A, existing uses are maintained and protected when regulated activities involving the physical alterations are in compliance with item A.

C. When the physically altered surface water is of high quality, the commissioner shall ensure the requirements specified in subpart 5 are satisfied.

D. The commissioner shall prohibit the loss of existing uses resulting from physical alterations, regardless of the compensatory mitigation proposed, when the proposed activity would physically alter or otherwise degrade the exceptional characteristics of an outstanding resource value water designated in part 7050.0335.

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Subp. 4. **Protection of beneficial uses.** The commissioner shall not approve a proposed activity that would permanently preclude attainment of water quality standards.

Subp. 5. **Protection of surface waters of high quality.** Items A to D apply to surface waters the commissioner determines to be of high quality.

A. The commissioner shall not approve a proposed activity when the commissioner makes a finding that prudent and feasible prevention, treatment, or loading offset alternatives exist that would avoid degradation of existing high water quality. When the commissioner finds that prudent and feasible prevention, treatment, or loading offset alternatives are not available to avoid degradation, a proposed activity shall be approved only when the commissioner makes a finding that degradation will be prudently and feasibly minimized.

B. The commissioner shall approve a proposed activity only when the commissioner makes a finding that economic or social changes resulting from the proposed activity are important in the geographic area in which degradation of existing high water quality is anticipated. The commissioner shall consider the following factors in determining the importance of economic or social changes:

(1) economic gains or losses attributable to the proposed activity, such as changes in the number and types of jobs, median household income, productivity, property values, and recreational, tourism, and other commercial opportunities;

(2) contribution to social services;

(3) prevention or remediation of environmental or public health threats;

(4) trade-offs between environmental media; and

(5) the value of the water resource, including:

(a) the extent to which the resources adversely impacted by the proposed activity are unique or rare within the locality, state, or nation;

(b) benefits associated with high water quality for uses such as ecosystem services and high water quality preservation for future generations to meet their own needs; and

(c) factors, such as aesthetics, that cannot be reasonably quantified; and

(6) other relevant environmental, social, and economic impacts of the proposed activity.

C. A proposed activity that would result in degradation of existing high water quality shall be approved only if the commissioner determines that issuance of the control document will achieve compliance with all applicable state and federal surface water pollution control statutes and rules administered by the commissioner.

D. The commissioner shall provide an opportunity for intergovernmental coordination and public participation before allowing degradation of existing high water quality.

Subp. 6. **Protection of restricted outstanding resource value waters.** The commissioner shall restrict a proposed activity in order to preserve the existing water quality as necessary to maintain and protect the exceptional characteristics for which the restricted outstanding resource value waters identified under part 7050.0335, subparts 1 and 2, were designated.

Subp. 7. **Protection of prohibited outstanding resource value waters.** The commissioner shall prohibit a proposed activity that results in a net increase in loading or other causes of degradation to prohibited outstanding resource value waters identified under part 7050.0335, subparts 3 and 4.

Subp. 8. **Protection against impairments associated with thermal discharges.** When there is potential for water quality impairment associated with thermal discharges, the commissioner's allowance for existing water quality degradation shall be consistent with section 316 of the Clean Water Act, *United States Code*, title 33, section 1326. When a variance is granted under section 316(a) of the Clean Water Act, *United States Code*, title 33, section 1326, antidegradation standards under this part still apply.

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7050.0270 ANTIDEGRADATION STANDARDS WHEN CHANGES IN EXISTING WATER QUALITY ARE NOT REASONABLY QUANTIFIABLE.

Subpart 1. **Scope.** This part applies to activities regulated by the following control documents:

A. new, reissued, or modified individual NPDES storm water permits for municipal separate storm sewer systems, as defined under part 7090.0080, subpart 8;

B. new, reissued, or modified general NPDES permits;

C. section 401 certifications for new, reissued, or modified general federal licenses and permits; and

D. other control documents that authorize net increases in loading or other causes of degradation and where changes in existing water quality of individual surface waters cannot reasonably be quantified through antidegradation procedures.

Subp. 2. **Protection of existing uses.** The commissioner shall issue control documents that will maintain and protect existing uses.

Subp. 3. **Protection of beneficial uses.** The commissioner shall not issue a control document that would permanently preclude attainment of water quality standards.

Subp. 4. **Protection of surface waters of high quality.**

A. For the purpose of this part and on a parameter-by-parameter basis, Class 2 surface waters not identified as impaired pursuant to section 303(d) of the Clean Water Act are considered of high quality. Items B to E apply to Class 2 surface waters that are of high quality.

B. The commissioner shall not issue a control document when the commissioner makes a finding that prudent and feasible prevention, treatment, or loading offset alternatives exist that would avoid net increases in loading or other causes of degradation. When the commissioner finds that prudent and feasible alternatives are not available to avoid net increases in loading or other causes of degradation, a control document shall only be issued when the commissioner makes a finding that the issuance of the control document will prudently and feasibly minimize net increases in loading or other causes of degradation.

C. The commissioner shall issue a control document that authorizes a net increase in loading or other causes of degradation only when the commissioner makes a finding that issuance of the control document accommodates important economic or social change.

D. The commissioner shall issue a control document that would result in a net increase in loading or other causes of degradation to waters of high quality only if the commissioner determines that issuance of the control document will achieve compliance with all applicable state and federal surface water pollution control statutes and rules administered by the commissioner.

E. The commissioner shall provide an opportunity for intergovernmental coordination and public participation before issuing a control document that would result in net increases in loading or other causes of degradation.

Subp. 5. **Protection of restricted outstanding resource value waters.** The commissioner shall issue control documents that restrict net increases in loading or other causes of degradation as necessary to maintain the exceptional characteristics for which the restricted outstanding resource value waters identified under part 7050.0335, subparts 1 and 2, were designated.

Subp. 6. **Protection of prohibited outstanding resource value waters.** The commissioner shall issue control documents that prohibit a net increase in loading or other causes of degradation to prohibited outstanding resource value waters identified under part 7050.0335, subparts 3 and 4.

Subp. 7. **Protection against impairments associated with thermal discharges.** When there is potential for water quality impairment associated with thermal discharges, a control document that allows a net increase in loading or other causes of degradation must be consistent with section 316 of the Clean Water Act, *United States Code*, title 33, section 1326. When a variance is granted under section 316(a) of the Clean Water Act, *United States Code*, title 33, section 1326, antidegradation standards under this part still apply.

7050.0275 EXEMPTIONS FROM PROCEDURES.

Subpart 1. **Class 7 surface waters.** The procedures specified in parts 7050.0280 and 7050.0285 do not apply to proposed activities resulting in a net increase in loading or other causes of degradation to a Class 7 surface water except when, in the commissioner's judgment,

there is reasonable risk that the proposed activity would result in:

A. the loss of existing uses and the level of water quality necessary to protect existing uses in the Class 7 surface water;

B. permanently precluding attainment of water quality standards;

C. degradation of downstream existing high water quality; or

D. degradation of downstream existing water quality essential to preserve the exceptional characteristics of outstanding resource value waters.

Subp. 2. Temporary and limited degradation. The procedures specified in parts 7050.0280 and 7050.0285 do not apply to proposed activities that result in temporary and limited degradation of high water quality when the requirements of items A to D are met.

A. The applicant must provide a request for an exemption, on forms developed by the commissioner, before submitting a control document application. The request must include:

(1) identification of surface waters and associated beneficial uses that will be adversely impacted by the regulated activity;

(2) parameters likely to cause degradation;

(3) length of time during which the water quality will be impacted, which must not exceed 12 months from when water quality is initially impacted by the proposed activity;

(4) a description of water quality at the time the exemption is requested using methods described in part 7050.0260 and anticipated net changes to water quality for parameters likely to cause adverse impacts over the time period the surface waters are impacted;

(5) a description of prevention, treatment, or loading offset alternatives that were considered to avoid and minimize net increases in loading or other causes of degradation and the reasons why the selected alternative was chosen;

(6) a description of how water quality will be returned to pre-activity conditions within 12 months from when water quality is initially impacted by the proposed activity; and

(7) a description of any residual long-term impacts on existing uses.

B. The commissioner shall consider subitems (1) to (3) before deciding to approve or deny the requested exemption from antidegradation procedures for the proposed temporary and limited degradation:

(1) information submitted by the applicant under item A;

(2) information on cumulative effects on water quality from multiple exemptions for temporary and limited degradation; and

(3) other reliable information available to the commissioner.

C. The commissioner shall approve a proposed temporary and limited degradation of high water quality only when:

(1) existing uses and the level of water quality necessary to protect the existing uses are maintained and protected;

(2) it would not cause a permanent deviation from water quality standards; and

(3) a prudent and feasible alternative does not exist that would avoid or minimize the degradation.

D. If the temporary and limited degradation exemption is approved, the control document conditions must include an enforceable plan to ensure that water quality is returned to pre-activity conditions within 12 months from when water quality is initially impacted by the activity.

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7050.0280 PROCEDURES FOR INDIVIDUAL NPDES WASTEWATER PERMITS AND INDIVIDUAL NPDES STORM WATER PERMITS FOR INDUSTRIAL AND CONSTRUCTION ACTIVITIES.

Subpart 1. Antidegradation procedures required. Except as provided in part 7050.0275, the antidegradation procedures in this part apply to new, reissued, or modified individual NPDES wastewater, industrial storm water, and construction storm water permits that the commissioner anticipates will result in net increases in loading or other causes of degradation to surface waters.

Subp. 2. Applicant's antidegradation assessment. The applicant must include the following information with the written permit application specified in part 7001.0050:

A. an analysis of alternatives that avoid net increases in loading or other causes of degradation through prudent and feasible prevention, treatment, or loading offsets;

B. when the commissioner determines there are no prudent and feasible alternatives to avoid net increases in loading or other causes of degradation, an assessment of:

(1) existing uses; and

(2) existing water quality using determination methods described in part 7050.0260.

C. when the commissioner determines there are no prudent and feasible alternatives to avoid net increases in loading or other causes of degradation to existing high water quality:

(1) an analysis of prudent and feasible alternatives that minimize degradation through prudent and feasible prevention, treatment, or loading offsets that identifies the least degrading prudent and feasible alternatives;

(2) the design considerations and constraints, expected performance, construction, operation, and maintenance costs, and reliability of the least degrading prudent and feasible alternatives; and

(3) the following information based on the least degrading prudent and feasible alternatives:

(a) a comparison of loading or other causes of degradation previously authorized by the commissioner in the most recently issued control document to the anticipated loading or other causes of degradation expected when the proposed activity is fully implemented;

(b) a comparison of existing water quality to the anticipated water quality when the proposed activity is fully implemented; and

(c) for the geographic area in which high water quality degradation is reasonably anticipated, a comparison of existing and expected economic conditions and social services when the proposed activity is fully implemented. The comparison must include the factors identified in part 7050.0265, subpart 5, item B, subitems (1) to (6).

Subp. 3. Antidegradation review. The commissioner shall conduct an antidegradation review based on the information provided under subpart 2 and other reliable information available to the commissioner concerning the proposed activity and other activities that cause cumulative changes in existing water quality in the surface waters. The purpose of the antidegradation review is to evaluate whether the proposed activity will satisfy the antidegradation standards in part 7050.0265. If, in the commissioner's judgment, the antidegradation standards described in part 7050.0265 will not be satisfied, the commissioner shall provide written notification to the applicant of the deficiencies and provide recommendations necessary to satisfy the antidegradation standards in part 7050.0265.

Subp. 4. Preliminary antidegradation determination. Based upon the review described in subpart 3, the commissioner shall prepare a written preliminary antidegradation determination as to whether the antidegradation standards described in part 7050.0265 are satisfied. The preliminary antidegradation determination must be included with the commissioner's preliminary determination to issue or deny the permit according to part 7001.0100. If, in the commissioner's judgment, the antidegradation standards are not satisfied, reasons why they are not satisfied must be included in the preliminary antidegradation determination.

Subp. 5. Opportunity for comment. The commissioner shall:

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A. include the preliminary antidegradation determination with the public notice to issue or deny the permit according to part 7001.0100, subpart 4;

B. distribute the public notice according to part 7001.0100, subpart 5; and

C. provide opportunity for comment on the preliminary antidegradation determination according to part 7001.0110.

Subp. 6. Final antidegradation determination. The commissioner shall consider comments received under subpart 5 before preparing a written final antidegradation determination. The final antidegradation determination must include a statement of whether the proposed activity achieves or fails to achieve the antidegradation standards specified in part 7050.0265. The final antidegradation determination must be included with the commissioner's final determination to authorize or not authorize the proposed activity according to part 7001.0140.

7050.0285 PROCEDURES FOR SECTION 401 CERTIFICATIONS OF INDIVIDUAL FEDERAL LICENSES AND PERMITS.

Subpart 1. Antidegradation procedures required. Except as provided in part 7050.0275, the antidegradation procedures in this part apply to section 401 certifications of new, reissued, or modified individual federal licenses and permits that the commissioner anticipates will result in net increases in loading or other causes of degradation to surface waters.

Subp. 2. Applicant's antidegradation assessment. The applicant must provide information specified in part 7050.0280, subpart 2, to the commissioner, unless the applicant is notified that the commissioner is waiving the agency's authority to certify the federal license or permit under part 7001.1460. In addition, the applicant may propose compensatory mitigation for the loss of existing uses and the level of water quality necessary to protect the existing uses resulting from physical alteration. In such cases, the applicant must provide a compensatory mitigation plan that includes:

A. a description of existing uses and the level of water quality necessary to protect existing uses of the surface waters that will be physically altered;

B. a description of existing uses and the level of water quality necessary to protect existing uses of the surface waters in which mitigation will occur;

C. a description of how compensatory mitigation will fully replace existing uses and the level of water quality necessary to protect existing uses; and

D. a proposal for monitoring and reporting the changes in existing uses and the level of water quality necessary to protect existing uses of the surface waters in which mitigation will occur.

Subp. 3. Antidegradation review. The commissioner shall conduct an antidegradation review based on the information provided under subpart 2 and other reliable information available to the commissioner concerning the proposed activity and other activities that cause cumulative changes in existing water quality in the surface waters. The purpose of the antidegradation review is to evaluate whether issuing the section 401 certification for the proposed activity will satisfy the antidegradation standards in part 7050.0265.

Subp. 4. Preliminary antidegradation determination. Based upon the review described in subpart 3, the commissioner shall prepare a written preliminary antidegradation determination as to whether the antidegradation standards described in part 7050.0265 are satisfied or can be satisfied by issuing a section 401 certification with conditions. The preliminary antidegradation determination must be included with the commissioner's preliminary determination to issue or deny the section 401 certification according to part 7001.0100 and, if applicable, include the conditions necessary to satisfy antidegradation standards. If, in the commissioner's judgment, the antidegradation standards are not satisfied, reasons why they are not satisfied must be included in the preliminary antidegradation determination.

Subp. 5. Opportunity for comment. The commissioner shall prepare and distribute a public notice of the preliminary antidegradation determination with the preliminary determination to issue or deny the section 401 certification through the procedures described in part 7001.1440, except that part 7001.1440, subpart 2, does not apply.

Subp. 6. Final antidegradation determination. The commissioner shall consider comments received under subpart 5 before preparing a written final antidegradation determination. The final antidegradation determination must include a statement of whether the proposed activity achieves or fails to achieve the antidegradation standards specified in part 7050.0265. The final antidegradation

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determination must be included with the commissioner's final determination according to part 7001.1450.

7050.0290 PROCEDURES FOR INDIVIDUAL NPDES PERMITS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS.

Subpart 1. Antidegradation procedures required. The antidegradation procedures in this part apply to new, reissued, or modified individual NPDES permits for municipal separate storm sewer systems, as defined under part 7090.0080, subpart 8, that the commissioner anticipates will result in net increases in loading or other causes of degradation to surface waters.

Subp. 2. Applicant's antidegradation assessment. The applicant must include the following information with the written permit application specified in part 7001.0050:

A. a list of Class 2 surface waters identified as impaired pursuant to section 303(d) of the Clean Water Act within the applicant's jurisdiction;

B. a list of surface waters listed in part 7050.0335 within the applicant's jurisdiction;

C. an analysis of prudent and feasible prevention, treatment, or loading offset alternatives that avoid or minimize net increases in loading or other causes of degradation to high water quality;

D. identification of prudent and feasible prevention, treatment, or loading offset alternatives that result in the least net increase in loading or other causes of degradation to high water quality; and

E. an evaluation of whether net increases in loading or other causes of degradation to high water quality accommodates important economic or social change in the geographic area in which high water quality degradation is reasonably anticipated.

Subp. 3. Antidegradation review. The commissioner shall conduct an antidegradation review based on the information provided under subpart 2 and other reliable information available to the commissioner concerning the proposed activity and other activities that cause cumulative changes in existing water quality in the surface waters. The purpose of the antidegradation review is to evaluate whether the proposed activity will satisfy the antidegradation standards in part 7050.0270. If, in the commissioner's judgment, the antidegradation standards described in part 7050.0270 will not be satisfied, the commissioner shall provide written notification to the applicant of the deficiencies and provide recommendations necessary to satisfy the antidegradation standards in part 7050.0270.

Subp. 4. Preliminary antidegradation determination. Based upon the review described in subpart 3, the commissioner shall prepare a written preliminary antidegradation determination as to whether the antidegradation standards described in part 7050.0270 are satisfied. The preliminary antidegradation determination must be included with the commissioner's preliminary determination to issue or deny the permit according to part 7001.0100. If, in the commissioner's judgment, the antidegradation standards are not satisfied, reasons why they are not satisfied must be included in the preliminary antidegradation determination.

Subp. 5. Opportunity for comment. The commissioner shall:

A. include the preliminary antidegradation determination with the public notice to issue or deny the permit according to part 7001.0100, subpart 4;

B. distribute the public notice according to part 7001.0100, subpart 5; and

C. provide opportunity for comment on the preliminary antidegradation determination according to part 7001.0110.

Subp. 6. Final antidegradation determination. The commissioner shall consider comments received under subpart 5 before preparing a written final antidegradation determination. The final antidegradation determination must include a statement of whether the proposed activity achieves or fails to achieve the antidegradation standards specified in part 7050.0270. The final antidegradation determination must be included with the commissioner's final determination to authorize or not authorize the proposed activity according to part 7001.0140.

7050.0295 PROCEDURES FOR GENERAL NPDES PERMITS.

Subpart 1. Antidegradation procedures required. The antidegradation procedures in this part apply to new, reissued, or modified general NPDES permits that the commissioner anticipates will result in net increases in loading or other causes of degradation to surface waters.

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Subp. 2. Antidegradation review. The commissioner shall conduct an antidegradation review during the development of general NPDES permits. The purpose of the antidegradation review is to develop permit conditions that will ensure that the antidegradation standards in part 7050.0270 are satisfied.

Subp. 3. Preliminary antidegradation determination. Based upon the review described in subpart 2, the commissioner shall prepare a written preliminary antidegradation determination as to whether the permit conditions will satisfy the antidegradation standards described in part 7050.0270. The preliminary antidegradation determination must be included with the commissioner's fact sheet according to part 7001.0100, subpart 3.

Subp. 4. Opportunity for comment. The commissioner shall:

A. include the preliminary antidegradation determination with the public notice of intent to issue a general permit according to part 7001.0210, subpart 4;

B. distribute the public notice according to part 7001.0100, subpart 5; and

C. provide opportunity for comment on the preliminary antidegradation determination according to part 7001.0110.

Subp. 5. Final antidegradation determination. The commissioner shall consider comments received under subpart 4 before preparing a written final antidegradation determination. The final antidegradation determination must include a statement that issuing the general NPDES permit achieves or fails to achieve the antidegradation standards specified in part 7050.0270. The final antidegradation determination must be included with the commissioner's final determination according to part 7001.0140.

Subp. 6. Further antidegradation procedures not required. Except as provided in part 7050.0325, if the commissioner's final antidegradation determination states that issuing a general NPDES permit will achieve the antidegradation standards specified in part 7050.0270, further antidegradation procedures are not required when a person seeking coverage under the general NPDES permit certifies that the permit conditions can and will be met.

7050.0305 PROCEDURES FOR SECTION 401 CERTIFICATIONS OF GENERAL SECTION 404 PERMITS.

Subpart 1. Antidegradation procedures required. The antidegradation procedures in this part apply to section 401 certifications of new, reissued, or modified general section 404 permits that the commissioner anticipates will result in net increases in loading or other causes of degradation to surface waters, unless the federal permitting authority is notified that the commissioner is waiving the agency's authority to certify the permit under part 7001.1460.

Subp. 2. Antidegradation review. Upon public notice of a draft general section 404 permit, the commissioner shall review the determinations specified in *Code of Federal Regulations*, title 33, part 320, subpart 4, and *Code of Federal Regulations*, title 40, part 230, subpart 7. The purpose of the antidegradation review is to evaluate whether issuing the section 401 certification for the general section 404 permit will satisfy the antidegradation standards in part 7050.0270.

Subp. 3. Preliminary antidegradation determination. Based upon the review described in subpart 2, the commissioner shall prepare a written preliminary antidegradation determination as to whether the antidegradation standards described in part 7050.0270 are satisfied or can be satisfied by issuing a section 401 certification with conditions. The preliminary antidegradation determination must be included with the commissioner's preliminary determination to issue or deny the section 401 certification according to part 7001.0100 and, if applicable, include the conditions necessary to satisfy antidegradation standards. If, in the commissioner's judgment, the antidegradation standards are not satisfied, reasons why they are not satisfied must be included in the preliminary antidegradation determination.

Subp. 4. Opportunity for comment. The commissioner shall prepare and distribute a public notice of the preliminary antidegradation determination with the preliminary determination to issue or deny the section 401 certification through the procedures described in part 7001.1440, except that part 7001.1440, subpart 2, does not apply.

Subp. 5. Final antidegradation determination. The commissioner shall consider information received under subpart 4 before preparing a written final antidegradation determination. The final antidegradation determination must include a statement of whether issuing the general section 404 permit achieves or fails to achieve the antidegradation standards specified in part 7050.0270. The final antidegradation determination must be included with the commissioner's final determination according to part 7001.1450.

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Subp. 6. **Further antidegradation procedures not required.** Except as provided in part 7050.0325, if the commissioner's final antidegradation determination states that issuing a general section 404 permit will achieve the antidegradation standards specified in part 7050.0270, further antidegradation procedures are not required when a person seeking coverage under the general section 404 permit certifies that the permit conditions can and will be met.

7050.0315 PROCEDURES FOR SECTION 401 CERTIFICATIONS OF GENERAL FEDERAL LICENSES AND PERMITS OTHER THAN SECTION 404 PERMITS.

Subpart 1. **Antidegradation procedures required.** The antidegradation procedures in this part apply to section 401 certifications of new, reissued, or modified general federal licenses and permits that are not section 404 permits that the commissioner anticipates will result in net increases in loading or other causes of degradation to surface waters, unless the federal licensing or permitting authority is notified that the commissioner is waiving the agency's authority to certify the license or permit under part 7001.1460.

Subp. 2. **Antidegradation review.** Upon public notice of a draft general federal license or permit, the commissioner shall review the draft general federal license or permit to evaluate whether issuing the section 401 certification for the general federal license or permit will satisfy the antidegradation standards in part 7050.0270.

Subp. 3. **Preliminary antidegradation determination.** Based upon the review described in subpart 2, the commissioner shall prepare a written preliminary antidegradation determination as to whether the antidegradation standards described in part 7050.0270 are satisfied or can be satisfied by issuing a section 401 certification with conditions. The preliminary antidegradation determination must be included with the commissioner's preliminary determination to issue or deny the section 401 certification according to part 7001.0100 and, if applicable, include the conditions necessary to satisfy antidegradation standards. If, in the commissioner's judgment, the antidegradation standards are not satisfied, reasons why they are not satisfied must be included in the preliminary antidegradation determination.

Subp. 4. **Opportunity for comment.** The commissioner shall prepare and distribute a public notice of the preliminary antidegradation determination with the preliminary determination to issue or deny the section 401 certification through the procedures described in part 7001.1440, except that part 7001.1440, subpart 2, does not apply.

Subp. 5. **Final antidegradation determination.** The commissioner shall consider information received under subpart 4 before preparing a written final antidegradation determination. The final antidegradation determination must include a statement of whether issuing the general federal license or permit achieves or fails to achieve the antidegradation standards specified in part 7050.0270. The final antidegradation determination must be included with the commissioner's final determination according to part 7001.1450.

Subp. 6. **Further antidegradation procedures not required.** Except as provided in part 7050.0325, if the commissioner's final antidegradation determination states that issuing a general federal license or permit will achieve the antidegradation standards specified in part 7050.0270, further antidegradation procedures are not required when a person seeking coverage under the general federal license or permit certifies that the license or permit conditions can and will be met.

7050.0325 PROCEDURES FOR MULTIPLE CONTROL DOCUMENTS.

Items A and B apply to proposed activities requiring more than one control document:

A. when the proposed activity requires compliance with standards in both parts 7050.0265 and 7050.0270, the commissioner shall require procedures for which standards in part 7050.0265 apply; and

B. when the proposed activity requires compliance with standards in part 7050.0265 and is subject to more than one procedure, only the procedure that is most protective of existing water quality, as specified by the commissioner, is required.

7050.0335 DESIGNATED OUTSTANDING RESOURCE VALUE WATERS.

Subpart 1. **Restricted outstanding resource value waters.** For the purposes of parts 7050.0250 to 7050.0335, the following surface waters are restricted outstanding resource value waters:

A. Lake Superior, except those portions identified in subpart 3, item B, as a prohibited outstanding resource value waters;

B. those portions of the Mississippi River from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981;

C. lake trout lakes, both existing and potential, as determined by the commissioner in conjunction with the Department of Natural Resources, outside the boundaries of the Boundary Waters Canoe Area Wilderness and Voyageurs National Park and identified in parts

7050.0460 to 7050.0470:

D. the following state and federal designated scenic or recreational river segments:

- (1) Saint Croix River, entire length;
- (2) Cannon River from northern city limits of Faribault to its confluence with the Mississippi River;
- (3) North Fork of the Crow River from Lake Koronis outlet to the Meeker-Wright county line;
- (4) Kettle River from north Pine County line to the site of the former dam at Sandstone;
- (5) Minnesota River from Lac qui Parle dam to Redwood County State-Aid Highway 11;
- (6) Mississippi River from County State-Aid Highway 7 bridge in Saint Cloud to northwestern city limits of Anoka;
- (7) Rum River from State Highway 27 bridge in Onamia to Madison and Rice Streets in Anoka; and

E. the following surface waters associated with calcareous fens. The number following the name of the fen is the occurrence number assigned by the Department of Natural Resources that uniquely identifies the record of information for the particular fen:

- (1) Becker County: Spring Creek WMA NHR fen, 34 (T.142, R.42, S.13);
- (2) Carver County: Seminary fen, 75 (T.116, R.23, S.35);
- (3) Clay County:
 - (a) Barnesville Moraine fen, 44 (T.137, R.44, S.18);
 - (b) Barnesville WMA fen, 10 (T.137, R.45, S.1);
 - (c) Barnesville WMA fen, 43 (T.137, R.44, S.18);
 - (d) Felton Prairie fen, 28 (T.142, R.46, S.36);
 - (e) Felton Prairie fen, 36 (T.141, R.46, S.13);
 - (f) Felton Prairie fen, 48 (T.142, R.45, S.31);
 - (g) Felton Prairie fen, 53 (T.141, R.46, S.24);
 - (h) Haugtvedt WPA North Unit fen, 54 (T.137, R.44, S.28, 29); and
 - (i) Spring Prairie fen, 37 (T.140, R.46, S.11);
- (4) Clearwater County: Clearbrook fen, 61 (T.149, R.37, S.17);
- (5) Dakota County:
 - (a) Black Dog Preserve fen, 63 (T.27, R.24, S.34);
 - (b) Fort Snelling State Park fen, 25 (T.27, R.23, S.4); and
 - (c) Nicols Meadow fen, 24 (T.27, R.23, S.18);
- (6) Goodhue County:
 - (a) Holden 1 West fen, 3 (T.110, R.18, S.1);

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- (b) Perched Valley Wetlands fen, 2 (T.112, R.13, S.8); and
- (c) Red Wing fen, 72 (T.113, R.15, S.21);
- (7) Houston County: Houston fen, 62 (T.104, R.6, S.26);
- (8) Jackson County:
 - (a) Heron Lake fen, 45 (T.103, R.36, S.29); and
 - (b) Thompson Prairie fen, 20 (T.103, R.35, S.7);
- (9) Le Sueur County:
 - (a) Ottawa Bluff fen, 56 (T.110, R.26, S.3);
 - (b) Ottawa WMA fen, 7 (T.110, R.26, S.11); and
 - (c) Ottawa WMA fen, 60 (T.110, R.26, S.14);
- (10) Lincoln County: Hole-in-the-Mountain Prairie fen, 6; Pipestone (T.108, R.46, S.1; T.109, R.45, S.31);
- (11) Mahnomen County: Waubun WMA fen, 11 (T.143, R.42, S.25);
- (12) Marshall County:
 - (a) Tamarac River fen, 71 (T.157, R.46, S.2);
 - (b) Viking fen, 68 (T.155, R.45, S.18);
 - (c) Viking fen, 70 (T.155, R.45, S.20); and
 - (d) Viking Strip fen, 69 (T.154, R.45, S.4);
- (13) Martin County: Perch Creek WMA fen, 33 (T.104, R.30, S.7);
- (14) Murray County: Lost Timber Prairie fen, 13 (T.105, R.43, S.2);
- (15) Nicollet County:
 - (a) Fort Ridgely fen, 21 (T.111, R.32, S.6); and
 - (b) Le Sueur fen, 32 (T.111, R.26, S.16);
- (16) Nobles County: Westside fen, 59 (T.102, R.43, S.11);
- (17) Norman County:
 - (a) Agassiz-Olson WMA fen, 17 (T.146, R.45, S.22);
 - (b) Faith Prairie fen, 15 (T.144, R.43, S.26);
 - (c) Faith Prairie fen, 16 (T.144, R.43, S.35);
 - (d) Faith Prairie fen, 27 (T.144, R.43, S.25); and
 - (e) Green Meadow fen, 14 (T.145, R.45, S.35, 36);
- (18) Olmsted County:
 - (a) High Forest fen, 12 (T.105, R.14, S.14, 15); and

(b) Nelson WMA fen, 5 (T.105, R.15, S.16);

(19) Pennington County:

(a) Sanders East fen, 65 (T.153, R.44, S.7);

(b) Sanders East fen, 74 (T.153, R.44, S.7); and

(c) Sanders fen, 64 (T.153, R.44, S.18, 19);

(20) Pipestone County:

(a) Burke WMA fen, 57 (T.106, R.44, S.28); and

(b) Hole-in-the-Mountain Prairie fen, 6 (see Lincoln County, subitem (10));

(21) Polk County:

(a) Chicog Prairie fen, 39 (T.148, R.45, S.28);

(b) Chicog Prairie fen, 40 (T.148, R.45, S.33);

(c) Chicog Prairie fen, 41 (T.148, R.45, S.20, 29);

(d) Chicog Prairie fen, 42 (T.148, R.45, S.33);

(e) Kittleson Creek Mire fen, 55 (T.147, R.44, S.6, 7);

(f) Tympanuchus Prairie fen, 26 (T.149, R.45, S.17); and

(g) Tympanuchus Prairie fen, 38 (T.149, R.45, S.16);

(22) Pope County:

(a) Blue Mounds fen, 1 (T.124, R.39, S.14, 15);

(b) Lake Johanna fen, 4 (T.123, R.36, S.29); and

(c) Ordway Prairie fen, 35 (T.123, R.36, S.30);

(23) Redwood County:

(a) Swedes Forest fen, 8 (T.114, R.37, S.19, 20); and

(b) Swedes Forest fen, 9 (T.114, R.37, S.22, 27);

(24) Rice County:

(a) Cannon River Wilderness Area fen, 18 (T.111, R.20, S.34); and

(b) Cannon River Wilderness Area fen, 73 (T.111, R.20, S.22);

(25) Scott County:

(a) Savage fen, 22 (T.115, R.21, S.17);

(b) Savage fen, 66 (T.115, R.21, S.16); and

(c) Savage fen, 67 (T.115, R.21, S.17);

(26) Wilkin County:

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(a) Anna Gronseth Prairie fen, 47 (T.134, R.45, S.15);

(b) Anna Gronseth Prairie fen, 49 (T.134, R.45, S.10);

(c) Anna Gronseth Prairie fen, 52 (T.134, R.45, S.4);

(d) Rothsay Prairie fen, 46 (T.136, R.45, S.33);

(e) Rothsay Prairie fen, 50 (T.135, R.45, S.15, 16); and

(f) Rothsay Prairie fen, 51 (T.135, R.45, S.9);

(27) Winona County: Wiscoy fen, 58 (T.105, R.7, S.15); and

(28) Yellow Medicine County:

(a) Sioux Nation WMA NHR fen, 29 (T.114, R.46, S.17); and

(b) Yellow Medicine fen, 30 (T.115, R.46, S.18).

Subp. 2. **Unlisted restricted outstanding resource value waters.** Until such time that surface waters identified as state or federally designated scenic or recreational river segments and state designated calcareous fens are designated in rule as restricted outstanding resource value waters, the commissioner shall restrict any proposed activity in order to preserve the existing water quality necessary to maintain and protect their exceptional characteristics.

Subp. 3. **Prohibited outstanding resource value waters.** For the purposes of parts 7050.0250 to 7050.0335, the following surface waters are prohibited outstanding resource value waters:

A. waters within the Boundary Waters Canoe Area Wilderness;

B. those portions of Lake Superior north of latitude 47 degrees, 57 minutes, 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the Minnesota-Michigan boundary;

C. waters within Voyageurs National Park;

D. the following scientific and natural areas:

(1) Boot Lake, Anoka County;

(2) Kettle River in Sections 15, 22, 23, T.41, R.20, Pine County;

(3) Pennington Bog, Beltrami County;

(4) Purvis Lake-Ober Foundation, Saint Louis County;

(5) waters within the borders of Itasca Wilderness Sanctuary, Clearwater County;

(6) Iron Springs Bog, Clearwater County;

(7) Wolsfeld Woods, Hennepin County;

(8) Green Water Lake, Becker County;

(9) Black Dog Preserve, Dakota County;

(10) Prairie Bush Clover, Jackson County;

(11) Black Lake Bog, Pine County;

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(12) Pembina Trail Preserve, Polk County; and

(13) Falls Creek, Washington County; and

E. the following state and federal designated wild river segments:

(1) Kettle River from the site of the former dam at Sandstone to its confluence with the Saint Croix River; and

(2) Rum River from Ogechie Lake spillway to the northernmost confluence with Lake Onamia.

Subp. 4. **Unlisted prohibited outstanding resource value waters.** Until such time that surface waters identified as state or federally designated wild river segments and surface waters necessary to maintain state designated scientific and natural areas are designated in rule as prohibited outstanding resource value waters, the commissioner shall prohibit any proposed activity that results in a net increase in loading or other causes of degradation.

Subp. 5. **Public hearing.** The commissioner shall provide an opportunity for a hearing before:

A. identifying and establishing additional outstanding resource value waters; or

B. changing the effective date of an outstanding resource value water according to part 7050.0255, subpart 13, item B, subitems (1) and (2).

7052.0300 NONDEGRADATION STANDARDS.

Subpart 1. **Applicability.** This part and parts ~~7050.0180 and 7050.0185~~ 7050.0250 to 7050.0335 establish the nondegradation standards and implementation procedures for surface waters of the state in the Lake Superior Basin. For the purposes of this part and parts 7052.0310 to 7052.0330, lowering of water quality means a new or expanded point source discharge of a BSIC to an outstanding international resource water, or a new or expanded point or nonpoint source discharge, for which there is a control document, of a BCC to a high quality water. The nondegradation standards established in this part and parts ~~7050.0180 and 7050.0185~~ 7050.0250 to 7050.0335 for surface waters of the state in the Lake Superior Basin apply as follows:

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

~~B. Part 7050.0180 applies~~ Parts 7050.0250 to 7050.0335 apply to new or expanded discharges of any pollutant to surface waters, of the state designated as ORVWs as described in parts ~~7050.0460 and 7050.0470.~~ Part 7050.0180, subpart 9, applies to new and expanded discharges upstream of an ORVW.

(1) For discharges of BCCs directly to ORVWs or upstream of ORVWs in the Lake Superior Basin, the actions or activities that may trigger a nondegradation demonstration are listed in part 7052.0310, subpart 4, and actions or activities that are exempt from nondegradation requirements are listed in part 7052.0310, subpart 5.

~~C. Part 7050.0185 applies to the discharge of non-BCCs to all surface waters of the state in the Lake Superior Basin not designated as ORVWs, and to the discharge of BCCs to waters not designated as ORVWs or high quality waters. Part 7050.0185~~

(2) Parts 7050.0250 to 7050.0335 also ~~applies~~ apply to the discharge of pollutants to Class 7 waters, except that ~~the following requirements also apply in the indicated circumstances:~~

~~(1) any new or expanded discharge to a Class 7 water upstream of an ORVW must meet the requirements of part 7050.0180, subpart 9; and~~

~~(2) any new or expanded discharge to a Class 7 water upstream of an OIRW or a high quality water must meet the requirements of parts 7052.0310 to 7052.0330 as necessary to ensure compliance with the standards established in subparts 3 and 4.~~

Subp. 2. **Maintenance of existing water quality.** Existing water uses under ~~part 7050.0185~~ parts 7050.0250 to 7050.0335 and the level of water quality necessary to protect existing uses must be maintained and protected. Where designated uses of the waterbody are impaired, there must be no lowering of the water quality with respect to the GLI pollutants causing the impairment.

[For text of subs 3 to 5, see M.R.]

RENUMBERING. In each part of *Minnesota Rules* referred to in column A, the reference in column B shall be deleted and the reference in

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column C shall be inserted:

| Column A | Column B | Column C |
|------------------|-------------------------------------|--|
| <u>4410.0200</u> | <u>7050.0180</u> | <u>7050.0335</u> |
| <u>6115.0211</u> | <u>7050.0180</u> | <u>7050.0335</u> |
| <u>7002.0253</u> | <u>7050.0180, 7050.0185</u> | <u>7050.0250 to 7050.0335</u> |
| <u>7037.1000</u> | <u>7050.0180, subpart 2, item A</u> | <u>7050.0255, subpart 27</u> |
| <u>7050.0170</u> | <u>7050.0180 and 7050.0185</u> | <u>7050.0250 to 7050.0335</u> |
| <u>7050.0222</u> | <u>7050.0180 and 7050.0185</u> | <u>7050.0250 to 7050.0335</u> |
| <u>7050.0460</u> | <u>7050.0180, subpart 3 or 6</u> | <u>7050.0265, subpart 6 or 7, or 7050.0270, subpart 5 or 6</u> |
| <u>7050.0460</u> | <u>7050.0180, subpart 3</u> | <u>7050.0265, subpart 7, or 7050.0270, subpart 6</u> |
| <u>7050.0460</u> | <u>7050.0180, subpart 6</u> | <u>7050.0265, subpart 6, or 7050.0270, subpart 5</u> |
| <u>7052.0260</u> | <u>7050.0180, 7050.0185</u> | <u>7050.0250 to 7050.0335</u> |
| <u>7077.0105</u> | <u>7050.0180, subpart 2, item A</u> | <u>7050.0255, subpart 27</u> |
| <u>7090.1010</u> | <u>7050.0180, subparts 3 and 6</u> | <u>7050.0335</u> |
| <u>8420.0515</u> | <u>7050.0180</u> | <u>7050.0335</u> |

CHANGE IN TERMS. The term “nondegradation” shall be replaced with “antidegradation” wherever it appears in *Minnesota Rules*, chapters 7050, 7052, and 7053.

REPEALER. *Minnesota Rules*, parts 7050.0180; and 7050.0185, are repealed.

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Expedited Rules

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

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

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

Minnesota Department of Public Safety (DPS) Bureau of Criminal Apprehension, Forensic Laboratory Proposed Expedited Permanent Rules Relating to Approved Intoxication Screening Devices Notice of Intent to Adopt Expedited Rules without a Public Hearing Proposed Expedited Permanent Rules Relating to Approved Intoxication Screening Devices *Minnesota Rules*, Chapter 7501, subpart 0900

Introduction. The Department of Public Safety intends to adopt rules under the expedited rulemaking process set forth in the rules of the Office of Administrative Hearings, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until March 2, 2016.

Agency Contact Person. Submit any comments or questions on the rules to the agency contact person. The agency contact person is:

Staci Bennett
Bureau of Criminal Apprehension
Department of Public Safety
1430 Maryland Avenue East
Saint Paul, Minnesota 55106
Phone: (651) 793-2900
Fax: (651) 793-2901
E-mail: staci.bennett@state.mn.us

Subject of Rules and Statutory Authority. The proposed expedited new rules govern intoxication screening devices approved for use by law enforcement personnel throughout the state. The Department's statutory authority to adopt these rules through the expedited process is set forth in *Minnesota Statutes*, section 169A.75 paragraph (c).

The amendment updates the list of preliminary screening breath test devices approved for use in Minnesota

A copy of the proposed rules is published in the State Register and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on March 2, 2016 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. Comments are encouraged. Your comments should identify the portion of the proposed expedited rule addressed and the reason for the comment. You are encouraged to propose any change that you desire. Any comments that you would like to make on the legality of the proposed rule must be made during this comment period.

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

Expedited Rules

Modifications. The Department may modify the proposed expedited rule if the modifications do not make the rule substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c), unless the procedure under part 1400.2110 has been followed. If the final rule is identical to the rule originally published in the *State Register*, the agency will publish a notice of adoption in the *State Register*. If the final rule is different from the rule originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*. If the proposed expedited rule affects you in any way, you are encouraged to participate in the rulemaking process.

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

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

Dated: 28 January 2016

Ramona Dohman, Commissioner
Minnesota Department of Public Safety

7501.0900 LIST OF APPROVED SCREENING DEVICES.

The following screening devices are approved for use in this state:

| Manufacturer | Model |
|---|---|
| Intoximeters, Inc. | Alco Sensor |
| Intoximeters, Inc. | Alco Sensor III |
| Intoximeters, Inc. | Alco Sensor IV |
| Intoximeters, Inc. | RBT IV (Alco Sensor IV with RBT printer microprocessor) |
| Intoximeters, Inc. | Alco Sensor FST |
| <u>Intoximeters, Inc.</u> | <u>Alco Sensor V XL</u> |
| Lion Laboratories, Ltd. | S-L2 |
| Lion Laboratories, Ltd. | S-L2s |
| CMI, Inc. | S-D2 |
| CMI, Inc. | S-D5 |
| Lifeloc Technologies, Inc. | FC10 |
| Lifeloc Technologies, Inc. | FC10Plus |
| Lifeloc Technologies, Inc. | FC20 |
| Draeger Safety Diagnostics, Inc. | Alcotest 6510 |
| <u>Draeger Safety Diagnostics, Inc.</u> | <u>Alcotest 5510</u> |
| <u>Draeger Safety Diagnostics, Inc.</u> | <u>Alcotest 6820</u> |
| <u>Alcohol Countermeasure Systems Corp.</u> | <u>Alert J5</u> |
| <u>Alcohol Countermeasure Systems Corp.</u> | <u>Alert J4X</u> |

Revenue Notices

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

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

Minnesota Department of Revenue (MDOR) Revenue Notice # 16-01: Income Tax – Domicile Considerations – Location of Attorneys, Certified Public Accountants, and Bank Accounts

Introduction

All net income of Minnesota resident taxpayers is subject to Minnesota income tax. The term “resident” includes “any individual domiciled in Minnesota.” *Minnesota Statutes* section 290.01, subdivision 7(a). The term “domicile” means “the bodily presence of an individual person in a place coupled with an intent to make such a place one’s home.” *Minnesota Rules* part 8001.0300, subpart 2. *Minnesota Rules*, part 8001.0300, subpart 3, sets forth 26 factors that the Department will consider in determining domicile.

Minnesota Rules, part 8001.0300, subpart 3, item T, provides that the Department will consider the “location of business relationships and the place where business is transacted” in determining whether or not a person is domiciled in Minnesota. Similarly, *Minnesota Rules*, part 8001.0300, subpart 3, item Q, provides that the Department will consider the “location of any bank accounts, especially the location of the most active checking account” in determining whether or not a person is domiciled in Minnesota.

The Minnesota Supreme Court, in interpreting the 26 factors in *Minnesota Rules*, part 8001.0300, has stated that no one factor will determine domicile and that the factors are a nonexclusive list that assists in, but is not conclusive of, the determination of domicile. *Dreyling v. Commissioner of Revenue*, 753 N.W.2d 698, 702 (Minn. 2008); *Mauer v. Commissioner of Revenue*, 829 N.W.2d 59, 69-70 (Minn. 2013).

Department Position

Location of Attorney or Certified Public Accountant (“CPA”)

Employing, hiring, or engaging an attorney or CPA, or who has a business relationship with an attorney or CPA, whose address is in Minnesota, does not, by itself, demonstrate an intent to establish or retain domicile in Minnesota.

Location of Bank Account

Having one or more bank accounts located in Minnesota, does not, by itself, demonstrate an intent to establish or retain domicile in Minnesota.

Publication Date: February 1, 2016

Ryan Church, Deputy Commissioner
Minnesota Department of Revenue

Official Notices

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

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

Minnesota Department of Health (MDH) Division of Environmental Health REQUEST FOR COMMENTS on Possible New Rules Governing Lead Renovation, Repair, and Paint; Revisor's ID Number RD 4376

Subject of Rules. The Minnesota Department of Health requests comments on its possible new rules governing lead renovation, repair, and paint (RRP) in pre-1978 residences and child-occupied facilities. These new rules would allow Minnesota to become a state authorized by the federal government to administer Environmental Protection Agency regulations. Consequently, the Department is considering rules that regulate and prescribe:

- Training requirements for personnel who perform renovation work and lead sampling technician services,
- Certification criteria for RRP companies,
- Identification of work methods and testing methods for lead paint,
- Education requirements for RRP professionals,
- Approval of RRP training courses and course providers,
- Pre-renovation education to property owners, and
- Other material requirements that may arise during the course of the rulemaking.

Persons Affected. The new rules would likely affect certified lead abatement and renovation firms, licensed lead professionals, lead abatement training providers, housing rehabilitation programs, home remodeling firms, housing inspectors, homeowners, local public health agencies, and other interested persons.

Statutory Authority. *Minnesota Statutes*, section 144.9508, subdivision 2 (k), (l), which require the Department to adopt rules that are consistent with *United States Code*, Title 15, chapter 53, subchapter IV, sections 2682 and 2686 (Toxic Substances Control Act) to ensure that renovation in a pre-1978 affected property where a child or pregnant female resides is conducted in a manner that protects health and the environment.

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

The Department will likely appoint an advisory committee to comment on the possible rules. The Department is interested in whether local governments might be required to adopt or amend an ordinance or other regulation to implement these rules and therefore requests that local governments provide us with relevant information about their ordinances. Additionally, the Department is interested in comments addressing the cumulative effect of any possible new rules governing lead renovation, repair, and paint.

Rules Drafts. The Department has not yet drafted the possible rules and is seeking feedback on the principles, goals, and objectives that should inform the drafting of those rules from interested persons and stakeholders.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Danial Miller at Minnesota Department of Health, 625 N. Robert Street, Saint Paul, MN 55164. **phone:** (651) 201-4612, **fax:** (651) 201-4606, and **e-mail:** daniel.miller@state.mn.us.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio.

To make such a request, please contact the agency contact person 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: December 18, 2015

Thomas P. Hogan
Environmental Health Division
Minnesota Department of Health

Minnesota Department of Health (MDH)

Division of Health Policy

Limited Exception from Minnesota's Requirements for the Standard, Electronic Exchange of Eligibility (270/271) Transactions for Payers Not Subject to HIPAA Is Continued for 2016

Minnesota Statutes, section 62J.536 requires that health care providers, clearinghouses, and group purchasers (payers) exchange specified administrative transactions electronically, using a standard data content and format adopted in rule. The statute also authorizes the Commissioner of Health to exempt group purchasers not subject to federal HIPAA administrative transactions and code sets regulations from one or more of the state's data exchange requirements if the Commissioner determines that:

- a transaction is incapable of exchanging data that are currently being exchanged on paper and is necessary to accomplish the purpose of the transaction; or
- another national electronic transaction standard would be more appropriate and effective to accomplish the purpose of the transaction.

Group purchasers not subject to HIPAA regulations include workers' compensation, auto, and property and casualty carriers.

MDH consults annually with the Minnesota Administrative Uniformity Committee (AUC) to determine whether to grant the exemptions described above. Based on these consultations, MDH previously granted very narrowly targeted, annually renewable exceptions to the rules adopted pursuant to *Minnesota Statutes* §62J.536 as described above for the years 2009 through 2015. The exceptions were limited to only group purchasers not subject to HIPAA regulations, who were exempted from the data exchange requirements for only the ASC X12/005010X279A1 Health Care Eligibility Benefit Inquiry and Response (270/271) transaction because it did not meet their business needs.

MDH consulted with the AUC in November 2015 regarding the continued need for the targeted exemption described above. MDH determined through the review process that the current limited exception to Minnesota's health care administrative data exchange rules will continue through 2016. This exception applies only to exchanges of the ASC X12/005010X279A1 Health Care Eligibility Benefit Inquiry and Response (270/271) transaction with health care group purchasers that are not subject to federal HIPAA transactions and code sets regulations, and only for calendar year 2016.

The next annual review of this exception to rules adopted pursuant to *Minnesota Statutes* §62J.536 is scheduled for November 2016, to determine whether the exception will be continued through 2017.

For questions or additional information, please contact:

David K. Haugen, Director,
Center for Health Care Purchasing Improvement

Official Notices

Phone: (651) 201-3573

E-mail: david.haugen@state.mn.us

Dated: 1 February 2016

Edward P. Ehlinger, MD, MSPH, Commissioner
Minnesota Department of Health
P.O. Box 64975
St. Paul, MN 55164-0975

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

Corrections have been made to the Commercial Wage Rates certified 12/21/2015 for:

- **Carpenters**, (Labor Code 704) in Pine, Douglas, Pope and Meeker counties
- **Electricians**, (Labor Code 707) in Morrison County
- **Millwrights**, (Labor Code 714) in Wilkin, Pope, Lac Qui Parle, Yellow Medicine, Renville, Redwood, Sibley, Le Sueur, Brown, Murray, Cottonwood, Watonwan, Nobles and Jackson Counties
- **Sprinkler Fitters**, (Labor Code 722) in Anoka, Dakota, Hennepin, Ramsey, Scott and Washington Counties
- **Asbestos Abatement Worker**, (Labor Code 729) in Pipestone County
- **Laborers**, (Labor Code 102) in Sibley and Wabasha Counties
- **Laborers**, (Labor Codes 104,105,110,111) in Wabasha County
- **Laborers**, (Labor Code 107) in Pipestone County
- **Operating Engineers, Groups 1, 2, 3**(Labor Codes 501 through 5014) in Olmsted County
- **Operating Engineers, Group 4**(Labor Codes 515 through 520) in Olmsted and Carver Counties
- **Operating Engineers, Group 5**(Labor Codes 521 through 534) in Olmsted, Scott and Dakota Counties
- **Operating Engineers, Group 6, 7, 8**(Labor Codes 535 through 550) in Olmsted County

Copies with the corrected certified wage rates for these Counties and Regions may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road N., St. Paul, MN 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.dli.mn.gov.

Ken B. Peterson, Commissioner
Minnesota Department of Labor and Industry

Teachers Retirement Association (TRA) Notice of Meeting of the Board of Trustees on Wednesday 17 February 2016

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, February 17, 2016 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board. Board members may participate by telephone.

Teachers Retirement Association (TRA) Notice of Meeting of the TRA Audit Committee on Tuesday 16 February 2016

The Minnesota Teachers Retirement Association Audit Committee will hold a meeting on Tuesday, February 16, 2016 at 9:30 a.m. in Room 414, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the committee. Committee members may participate by telephone.

**Minnesota Department of Transportation (Mn/DOT)
Notice to Bidders: Suspensions/Debarments as of January 12, 2015****NOTICE OF SUSPENSION**

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be suspended for a period of six (6) months, effective January 14, 2016 until July 14, 2016:

- Jeffrey and Laurie Plzak doing business as Fibertech Incorporated¹, and its affiliates, Loretto, MN

NOTICE OF DEBARMENT

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

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

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

- Jeffrey Plzak and his affiliates, Loretto, MN
- Laurie Plzak and her affiliates, Loretto, MN
- Honda Electric Incorporated and its affiliates, Loretto, MN
- Jeffrey and Laurie Plzak doing business as Honda Electric Logistics, and its affiliates, Loretto, MN

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective January 12, 2015 until January 12, 2018:

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

(Footnotes)

¹ This notice refers only to Fibertech Incorporated of Loretto, Minnesota and is not to be confused with any other businesses not controlled by Jeffrey and Laurie Plzak, including: FiberTech of Parkers Prairie, Minnesota; Fiber Tech Productions of Nisswa, Minnesota; Fiber Technologies Solutions of Georgia; or Fiber-Tech Industries of Cadillac, Michigan.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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

Minnesota Department of Agriculture (MDA) Notice of Request for Proposals (RFP) for the Biofuels Infrastructure Partnership Grant Program – Extension of Application Deadline

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture is extending the deadline for proposals for the purpose of making awards for the purchase and installation of ethanol-compatible infrastructure at fueling stations in the state. The application deadline, which was originally January 22, has been extended to February 5, 2016, at 4 p.m.

Authority

On October 28, 2015, the United States Department of Agriculture (USDA) announced that the Minnesota Department of Agriculture (MDA) had been awarded \$8 million through the Biofuels Infrastructure Program (BIP). This \$8 million along with \$6.11 million in matching funds from the MDA and private partners comprises a fund available for this request for proposals (RFP), which is soliciting project proposals that will be reviewed for consideration in making awards for the purchase and installation of ethanol-compatible infrastructure at fueling stations in the state.

Purpose

Per the USDA in their Request for Applications dated June 18, 2015, “The primary objective of the BIP is to increase consumption of biofuel in the form of ethanol.” The resulting contract with the USDA-FSA provides funding for infrastructure in the following categories:

- E15/25 retrofits of existing gasoline pumps;
- Blender pumps capable of dispensing E85, E15 and potentially other mid-level ethanol blends;
- Dedicated E85 pumps;
- Underground storage tanks for ethanol blends; and
- Above-ground bulk storage for ethanol blends.

The RFP and associated application materials can be accessed through the MDA RFP website:

<http://www.mda.state.mn.us/grants/grants/mnbiofuel.aspx>.

The deadline for final submission has been extended to February 5, 2016, at 4:00 pm.

Minnesota Department of Human Services (DHS) Deaf and Hard of Hearing Division Notice of Request for Proposals to Provide Culturally Affirmative and Mobile Psychological Assessment and Follow-Up Services for Deaf, DeafBlind, and Hard of Hearing Children and Families in Greater Minnesota

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to (1) increase access to culturally affirmative psychological assessments for deaf, deafblind, and hard of hearing children and adolescents living in Greater Minnesota, and (2) to improve psychological outcomes for children and adolescents who are deaf, deafblind, or hard of hearing in Greater Minnesota.

State Grants & Loans

In order to ensure the delivery of the most effective and efficient services, the Department will focus on providers that have demonstrated a commitment to: (a) prioritization of services and care of deaf, deafblind, and hard of hearing children; (b) the practice of continuous quality improvement for all services; (c) cultural competency in service delivery, and, (d) performance accountability outcome measurements to demonstrate effective and successful service delivery. The funding offered is up to \$120,000 per year for State Fiscal Years (SFY) 2017 and 2018.

Work is proposed to start on July 1, 2016. For more information, or to obtain a copy of the Request for Proposal, contact:

John Gournaris, Ph.D.
Deaf and Hard of Hearing Services Division
Minnesota Department of Human Services
444 Lafayette Rd. North
St. Paul, MN 55155-3814
Telephone: (651) 964-1512
TTY: 1-866-786-3929
Fax: (651) 431-7583
E-mail: john.gournaris@state.mn.us

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

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, Friday, March 11, 2016. Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

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

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_000102

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

Office of MN.IT Services (“MN.IT”) at the Department of Energy and Economic Development (“DEED”) Notice of Request for Proposals for BCD Grant, Loan and Tax Credit Management Project

PURPOSE

The purpose of this Request for Proposals (RFP) is to solicit proposals from companies to provide a grant, loan and tax credit management software solution for the Office of MN.IT Services (“MN.IT”) @ Department of Employment and Economic Development (“DEED”). We are requesting that the respondent provide the solution as well as the necessary resources to perform the work requested. This RFP requests that Contractors provide brief descriptions and cost estimates for software solutions that meet the criteria of one or more of the components described in the business requirements. This RFP is being issued to result in a contractual agreement with a selected respondent.

DESCRIPTION OF WORK TO BE PERFORMED

Business and Community Development (BCD), a division within DEED, is seeking one Contractor to provide the necessary resources for the development and implementation of a software solution that meets the business requirements described in this RFP. Contractor’s responsibilities will include design, programming, testing, configuration, and training. The Contractor will work as needed with the MN.IT @ DEED development team in the development of a solution. The Contractor will work closely with MN.IT @ DEED to successfully convert data from BCD’s existing grants management systems into the new solution. BCD and MN.IT @ DEED have completed extensive requirements gathering and documentation and will provide these requirements to the Contractor and expect that minimal Contractor-led requirements gathering will be necessary.

State Grants & Loans

The entire Request for Proposals can be viewed in SWIFT – please see direction below:

NOTE: If you are reviewing this RFP in the State Register, you need to check if you are already a registered vendor with the State or you may need to register as a vendor by going to <http://www.mmb.state.mn.us/vendorresources>. **For new vendors, please note that approval of your registration may take 3 – 4 business days.** If you need assistance obtaining a vendor ID or completing the registration process, please call (651) 201-8100, Option 1.

Process Schedule

| | |
|------------------------|------------------------|
| Deadline for Questions | 02/17/2016, 2:00PM CST |
| Proposals due | 03/08/2016, 2:00PM CST |

All responses to this RFP (termed an “Event” within SWIFT) must be submitted through SWIFT using the Supplier portal:
(<http://supplier.swift.state.mn.us/>) .

Training and documentation on how to submit your response is available through the Supplier portal link above. SWIFT Event Number is 2000005205.

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

Get the Earliest Delivery of the State Register And Start with a Jump on Bid Preparation

A subscription to the *STATE REGISTER* gets you the **EARLIEST DELIVERY**. Instead of waiting until Monday at 8:00 a.m. when the magazine is posted on our website, we’ll SEND you the magazine on Friday at close of business with the State, 4:30 pm: 2-1/2 days early.

Yes, that’s right -- 2-1/2 days ahead of normal publication schedule -- to get to know what’s coming in the next week; to prepare your plans for your submissions to grant and loan programs and RFPs, RFIs and other contracts and bids.

Subscriptions for an entire year cost \$180. The magazine is **SENT TO YOU**, as well as ONE OTHER PERSON YOU DESIGNATE, in case of vacations, or illnesses, or other absences in your office . . . and you won’t have to access our website or click, click, click to find us.

Subscriptions include the most up-to-date information, including a growing index to issues in each volume, issue by issue, including the current volume, which others do not have access to until the end of the volume year.

And a subscription gets you our Current Listing of All OPEN bids, contracts, grants, loans, and RFPs that are still open for bid, so you don’t have to hunt through each back issue to find something.

Try a subscription for one year and see if it’s worth your investment. You’ll be glad you did.

State Contracts

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

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

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be advertised in the SWIFT Supplier Portal or alternatively, in the *Minnesota State Register* if the procurement is not being conducted in the SWIFT system.

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.

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

Minnesota State Department of Administration (Admin) State Designer Selection Board Project No. 16-01 Notice of Availability of Request for Proposal (RFP) for Designer Selection for Renovation of the Brooklyn Park MN National Guard Armory (DMA Project No. 13123)

The State of Minnesota, Department of Administration is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota Department of Administration's website at <http://mn.gov/admin/government/construction-projects/sdsb/sdsb-projects.jsp> (click 16-01).

A **MANDATORY** informational meeting is scheduled for **Thursday, February 11, 2016 at 10:00 a.m. at the Brooklyn Park MN National Guard Armory, 5500 85th Avenue North, Brooklyn Park, MN 55443-1826**. All firms interested in this meeting should contact Ms. Lois Erickson at e-mail: lois.r.erickson.nfg@mail.mil to sign up to attend the meeting.

Any questions should be directed to Ms. Lois Erickson at lois.r.erickson.nfg@mail.mil. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **Monday, February 15, 2016 no later than 5:00 PM** Central Time.

Proposals must be delivered to Charlye McMillan, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 not later than **12:00 noon on Monday, February 22, 2016**. Late responses will not be considered.

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

State Contracts

Minnesota Department of Agriculture (MDA)

Pesticide and Fertilizer Management Division

Notice of Availability of Request for Proposals (RFP) for Research to Quantify Agricultural Contributions to Impaired Waters and for Development and Evaluation of Best Management Practices to Protect and Restore Water Resources

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

Proposals should quantify agricultural conservation practice effectiveness related to nutrient source reduction, off-site movement, and treatment in the State of Minnesota. Proposals should focus on the water quality effects of individual conservation practices and/or the cumulative effects of multiple conservation practices. Proposals must include a cost effectiveness component, as well as an education and outreach plan to benefit the people of Minnesota. MDA Impaired Waters Research Priorities are:

1.) Demonstrate and evaluate the sediment, nitrogen and phosphorus reduction effectiveness, biogeochemical processes, hydrologic impacts, and construction design criteria of common agricultural drainage water management practices to address research gaps identified in the 2012 Minnesota Agricultural Best Management Practice (BMP) Handbook available at:

<http://www.mda.state.mn.us/protecting/cleanwaterfund/research/agbmphandbook.aspx> .

2.) For tile drained agricultural fields in Minnesota, evaluate the water balance between corn and/or soybean systems with and without cover crops, and the effectiveness of the cover crops at reducing nitrogen and phosphorus surface and subsurface losses from these corn and/or soybean systems. Determine how cover crops affect the availability of water for the corn or soybean crops. Compare the collected field data to crop nutrient models to determine their accuracy at simulating water use and nutrient loss. Optional considerations would include upgrading existing model language to integrate observations.

3.) Conduct an assessment of whether agricultural conservation practices (managerial, vegetative, and structural) remain and are effective after the expiration of their contract and design life expectations; assessment must include an onsite survey of Minnesota farms. Evaluate whether the conservation practice is functioning, its age, and to what extent maintenance contributed to the functionality or life expectancy of the practice. Determine the reason(s) why or why not a practice has been maintained. Additional considerations may include:

- Evaluation of the expected remaining effectiveness of each practice.
- Evaluation of the practicality and cost effectiveness for these practices to be modified to provide added, alternative, or longer-lasting water quality benefits.

4.) Develop a comprehensive inventory summarizing cover crop and perennial vegetation research and demonstration data that has focused predominantly in Minnesota. Compile the information into a document similar to the 2012 Minnesota Agricultural BMP Handbook. At a minimum the inventory should provide:

- A description of each crop species;
- Soil characteristics and/or landscape limitations or suitability;
- Practical aspects of establishment and management of the crop, including termination;
- Nutrient crediting;
- Effects (positive or negative) on primary crop yield;
- Costs and other economic considerations;
- Potential barriers to adoption;
- Potential markets for the crop; and
- Environmental benefits or consequences of crop establishment (e.g., carbon sequestration, water infiltration and nutrient leaching, runoff quality).

The contract period begins in April of 2016 and may extend through fiscal year 2020.

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

Minnesota Department of Agriculture
Heidi Peterson, Impaired Waters Technical Coordinator
625 Robert Street North
St. Paul, MN 55155-2538
E-mail: Heidi.Peterson@state.mn.us
Phone: (651) 201-6014

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 February 5, 2016.

Submission Deadline: Project proposals must be received no later than 3:00 p.m. Central Time, Friday March 4, 2016. 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/cleanwaterfund/research.aspx>

Minnesota State Colleges and Universities (MnSCU) Board of Trustees for Minnesota State University Moorhead (MSUM) Notice of Request for Proposals for Designer Selection for East Snarr and South Snarr Halls Renovation

NOTICE IS HEREBY GIVEN that the State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Minnesota State University Moorhead (MSUM), through the MSUM Housing and Residential Life department, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges and Universities website,

<http://www.finance.mnscu.edu/facilities/design-construction/announcements/index.html> .

A copy of the predesign is available for review at the same site. A project informational meeting is scheduled for 1:00pm CST on February 8, 2016 in the West Snarr Hall Multi-purpose Room, located in West Snarr Hall on the Minnesota State University Moorhead campus, 1104 - 7th Avenue South, Moorhead, MN 56563. All firms interested in this meeting should sign up to attend. To sign up, or to ask project questions, contact Heather Phillips, Director of Housing and Residential Life, at phillipshe@mnstate.edu.

Proposals must be delivered to Heather Phillips, Housing and Residential Life, 120 Ballard Hall, 1104 - 7th Avenue South, Minnesota State University Moorhead, Moorhead, MN 56563, not later than 4:30pm CST February 15, 2016. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Board of Trustees for Minnesota State University Moorhead (MSUM)

Notice of Request for Proposals for Owner's Representative for East Snarr and South Snarr Halls Renovation

NOTICE IS HEREBY GIVEN that the State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Minnesota State University Moorhead (MSUM), through the MSUM Housing and Residential Life department, is soliciting proposals from interested, qualified consultants for Owner's Representative services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges and Universities website,
<http://www.finance.mnscu.edu/facilities/design-construction/announcements/index.html> .

A copy of the predesign is available for review at the same site.

Proposals must be delivered to Heather Phillips, Housing and Residential Life, 120 Ballard Hall, 1104 - 7th Avenue South, Minnesota State University Moorhead, Moorhead, MN 56563, not later than 4:30pm CST February 8, 2016. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota Department of Employment and Economic Development (DEED)

Notice of Contract Opportunity for Workforce Innovation Fund (WIF) Third Party Evaluation Services

PROJECT NAME: Workforce Innovation Fund (WIF)—Third Party Evaluation Services

DETAILS: The Minnesota Department of Department of Employment and Economic Development is requesting proposals for the purpose of providing Third-Party Evaluator services to assist with the evaluation of the design and implementation of a multi-phased Minnesota Demand-Driven Labor Marketplace (MN-DDLM) project and platform being developed and implemented by DEED, and funded through the United States Department of Labor (DOL) Workforce Innovation Fund (WIF).

Work is anticipated to start approximately April 1st, 2016.

COPY REQUEST: To get a copy of the Request for Proposals, please visit DEED's Contract Opportunity web page, which can be found at the following web address: <http://mn.gov/deed/about/contracts/>

OR, Send a written request, by email, to:

Minnesota Department of Employment and Economic Development (DEED)

Julie Toskey- Project Director

E-mail: WIFGrant.DEED@state.mn.us

PROPOSAL DEADLINE:

All proposals must be received no later than: 2:30 PM Central Time, Friday, March 4, 2016. **Late proposals will NOT be considered.**

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

Minnesota Department of Health (MDH) Notice of Contract Opportunity for Professional Geoscience Consultant to Provide Wellhead Protection Plan Amendment Services

PROJECT NAME: Professional Geoscience Consultant to Provide Wellhead Protection Plan Amendment Services

DETAILS: The Minnesota Department of Health is requesting proposals from qualified consultants to provide expertise related to WHP plan amendment activities to the city of Paynesville Minnesota. Paynesville's Part 1, WHP plan amendment for the City of Paynesville is due within six months of contract execution. Part 1 plan development will be influenced by difficulties arising from hydrocarbon contamination due to a nearby leaking tank project site.

Work is anticipated to begin in March 2016.

COPY REQUEST: To get a copy of the Request for Proposals, email:

John Woodside, Hydrologist and Project Coordinator
Minnesota Department of Health
E-mail: john.woodside@state.mn.us

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposals in this advertisement must be received no later than February 19, 2016 at 2:00 pm Central Standard Time. See RFP for submission details. **Late proposals will NOT be considered.**

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

Minnesota Housing Finance Agency (MHFA) Notice of Contract Opportunity for a Study of Home Improvement and Service Needs of Senior Homeowners

PROJECT NAME: A Study of Home Improvement and Service Needs of Senior Homeowners

DETAILS: The Minnesota Housing Finance Agency is requesting proposals for the purpose of assessing the home improvements and in-home support services that are needed for lower-income senior homeowners to appropriately age in place.

Work is anticipated to start after March 1, 2016.

COPY REQUEST: To get a copy of the Request for Proposal, please send an email request to:

Rachel Franco at Rachel.Franco@state.mn.us

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposal in this advertisement must be received no later than 2:30 p.m., Central Time, Friday, February 12, 2016.

LATE PROPOSALS WILL NOT BE CONSIDERED. Fax and e-mail proposals will not be considered.

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

State Contracts

Minnesota State Lottery Request for Proposals for Sponsorship Agreements

Description of Opportunity

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

Proposal Content

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

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

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

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

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

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

Questions

Questions concerning this Solicitation should be directed to:

Jason LaFrenz, Marketing Director
Minnesota State Lottery
2645 Long Lake Road
Roseville, MN 55113
Telephone: (651) 635-8230
Toll-free: 1-888-568-8379 ext. 230
Fax: (651) 297-7496
TTY: (651) 635-8268
E-mail: jasonla@mnlottery.com

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

Response Delivery

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

Office of the Revisor of Statutes Notice of Request for Oracle Database Consultant

NOTICE IS HEREBY GIVEN that the Office of the Revisor of Statutes intends to enter into a contract to provide consulting and back-up for the staff database programmer/administrator. The initial contract is for the February 15, 2016 to June 30, 2017, time frame, but the contract may be extended for up to 24 months. The need is:

Oracle Database. Up to 980 hours, averaging 12 hours per week to serve as the backup DBA during the absence of the staff DBA. Consultant will meet weekly with the staff DBA to exchange information on database operation and projects. Consultant may be asked to provide programming work to complete or enhance Revisor systems.

Knowledge of Revisor systems or legislative process is a plus.

All responses must include a cover letter and resume, together with hourly rates and references. Responses must be received no later than 4:30 p.m. on Friday, February 12, 2016. The Revisor's office reserves the right to award all, a part, or none of the above-described contracts. Additional information on the services to be provided is available at <https://www.revisor.mn.gov/office/jobs/SOWforDBA.pdf>

Inquiries and responses may be directed to:

Michele Timmons
Revisor of Statutes
Office of the Revisor of Statutes
700 State Office Building
100 Dr. Martin Luther King Blvd.
St. Paul, MN 55155-1297
E-mail: www.michele.timmons@revisor.mn.gov
Phone: (651) 296-2868
TTY use State Relay Services 1-800-627-3529

Minnesota Sports Facilities Authority (MSFA) Advertisement for Proposals for Sport Equipment

1. Proposals – Submit proposals for Sport Equipment, U.S. Bank Stadium, Minneapolis, Minnesota, to Patrick Talty, General Manager, SMG, at the MSFA office on or before 2:00 pm on February 12, 2016.

2. Work Includes – Provide the labor, materials, tools, equipment, transportation, services and other incidentals necessary for sport equipment for U.S. Bank Stadium.

3. Examining Documents – Documents will be available for review after January 21, 2016, at the office of the MSFA, 511 11th Ave. South, Suite 401, Minneapolis, MN and on the website, MSFA.com.

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

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

Ms. Michele Kelm-Helgen, Chair
Minnesota Sports Facilities Authority

State Contracts

Minnesota Sports Facilities Authority (MSFA) Advertisement for Proposals for West Plaza Project

- 1. Proposals** – Submit proposals for West Plaza Project, US Bank Stadium, Minneapolis, Minnesota, to Ted Mondale, CEO/ Executive Director, at the MSFA office, 511 - 11th Ave. South, Minneapolis, Minnesota on or before 1:00 pm on February 16, 2016.
- 2. Work Includes** – Provide all necessary labor, materials, tools, equipment to complete the work required in accordance with the plans and specifications for the West Plaza project which encompasses portions of the Downtown East Light Rail Station block extending towards and including a northernmost portion of the Hennepin County Medical Examiner block.
- 3. Pre-Proposal Meeting** – A conference call will be held at 11:00am on February 10, 2016.
- 4. Examining Documents** – Documents will be available for review after February 1, 2016 at the office of the MSFA, 511 - 11th Ave. South, Suite 400, Minneapolis, MN and on the website MSFA.com.
- 5. Affirmative Action** – All proposers, applicants, prime contractors, and prospective subcontractors will be subject to a pre-award compliance review to ensure the employment of minorities, women, and disabled person.

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

Ms. Michele Kelm-Helgen, Chair
Minnesota Sports Facilities Authority

Minnesota Department of Public Safety (DPS) Driver and Vehicle Services Division Request for Proposals for Training Services for Motor Vehicle Release of the Minnesota Licensing and Registration System (MNLARS)

The Minnesota Department of Public Safety is requesting proposals from qualified consultants for the purpose of creating and training assistance for release of the State's new licensing and registration system, MNLARS. The consultant will also assist in preparing the Driver and Vehicle Services division and other stakeholders for implementation of the new system. The training will be designed to support the skills and knowledge needed to successfully train State employees and other stakeholders affected by the release of MNLARS.

The full Request for Proposals (RFP) will be available Tuesday, January 19, 2016 at the following website:

<http://www.mmd.admin.state.mn.us/process/admin/ptList.asp>

All requirements and information, including proposal delivery instructions, are included in the RFP.

Deadline for submission of proposals is 12:00 p.m. Central Time on Thursday, February 18, 2016. Proposals must be submitted to:

Department of Public Safety
Attn: Kevin Donnan-Marsh, Contracts Officer
445 Minnesota Street
Saint Paul, MN 55101

The State and the Department of Public Safety reserve the right to reject any or all proposals, to waive informalities and to cancel the solicitation if it is considered to be in their interest. This Request for Proposals does not obligate the State or the Department of Public Safety to award a contract.

Minnesota Department of Transportation (MnDOT) Notice of Intent to Award a Single Source Contract

The Minnesota Department of Transportation (MnDOT) intends to issue a contract to Twin Cities Public Television (TPT) to produce and broadcast two one-half hour long documentaries on the history and impacts of the I-94 corridor between downtown Minneapolis and downtown St. Paul.

The work to be performed is summarized as follows:

This project will examine the history of I-94's construction, explore how roads are built through illustrated essays, further outreach efforts, and be an active community discussion of the positive and negative impacts of I-94 construction to-date.

The anticipated contract value is \$170,000.

Questions concerning this single source contract should be referred to Brian Isaacson at e-mail: brian.isaacson@state.mn.us .

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

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

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

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

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

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

Send completed application material to:

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

State Contracts

Minnesota Department of Transportation (Mn/DOT)

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

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

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

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

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

Metropolitan Airports Commission (MAC)

Minneapolis-St. Paul International Airport

Notice of Call for Bids for Terminal 1-Lindbergh Parking Expansion Cargo & Stores Building

MAC Contract No.: 106-3-525 / 106-3-548
Bids Close At: 2:00 p.m., Tuesday, February 2, 2016

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project includes Civil (Sitework) Construction, General Building Construction, Mechanical Construction, and Electrical Construction work.

NOTE: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

Non-State Public Bids, Contracts & Grants

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 9%.

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

Project Labor Agreement: This project is subject to the MAC's Project Labor Agreement requirements. A copy of the Project Labor Agreement and Contract Riders are included in the Appendix.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Miller Dunwiddie Architecture; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Miller Dunwiddie Architecture; 123 North 3rd Street; Suite 104; Minneapolis, MN 55401. Make checks payable to: Miller Dunwiddie Architecture. Deposit per set (refundable): \$200. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on January 11, 2016, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Notice of Call for Bids for Terminal 1-Lindbergh Short-Term Parking Redesignation

MAC Contract No.:

106-3-539

Bids Close At:

2:00 p.m., Tuesday, February 16, 2016

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The project provides for the removal and replacement of signage in the short-term parking facilities and inside the ground transportation center at Terminal 1-Lindbergh. The work includes traffic control, sign removal, pavement marking removal, and signage.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 4%.

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

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Kimley-Horn and Associates, Inc.; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents secure a complete set from: Kimley-Horn and Associates, Inc.; 2550 University Avenue West; Suite 238N; St. Paul, MN 55114. Make checks payable to: Kimley-Horn and Associates, Inc. Deposit per set (refundable): \$100. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on February 1, 2016, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Minneapolis-St. Paul International Airport

Notice of Call for Bids for 2016 G Concourse Rehab Program (P1)

MAC Contract No:

106-2-793

Bids Close At:

2:00 p.m. on Tuesday, February 16, 2016

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The work of this project includes modifications to an exterior stucco soffit which will also include traffic control. It will also include pipe penetration detailing of exterior metal wall panels and steel reinforcing at floors above an FIS area.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 4%.

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

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

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on January 25, 2016, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Metropolitan Airports Commission (MAC)

Minneapolis-St. Paul International Airport

Notice of Call for Bids for 2016 Intelligent Monitoring and Control Systems (P8)

MAC Contract No:

106-2-780

Bids Close At:

2:00 p.m. on Tuesday, February 16, 2016

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project will consist of IMACS8 which is a continuation of the program formerly called OABA.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 4%.

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

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Alliance; at the Minnesota Builders

Non-State Public Bids, Contracts & Grants

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

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on January 25, 2016, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Notice of Call for Bids for 2016 Parking Structure Rehabilitation

MAC Contract No.: 106-3-546
Bids Close At: 2:00 p.m., Tuesday, February 16, 2016

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for miscellaneous repairs and maintenance to the parking structure facilities at the Terminal 1-Lindbergh and Terminal 2-Humphrey. The work includes miscellaneous structural repairs, expansion joint replacement, construction joint rehabilitation, deck sealant, floor drain replacement, miscellaneous plumbing repairs, painting, and miscellaneous electrical work.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 4%.

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

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Kimley-Horn and Associates, Inc.; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Kimley-Horn and Associates, Inc.; 2550 University Avenue West; Suite 238N; St. Paul, MN 55114. Make checks payable to: Kimley-Horn and Associates, Inc. Deposit per set (refundable): \$100. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on January 25, 2016, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Notice of Call for Bids for 2016 Restroom Upgrade Program

MAC Contract No: 106-2-763
Bids Close At: 2:00 p.m. on Tuesday, February 16, 2016

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the
(Cite 40 SR 945)

Non-State Public Bids, Contracts & Grants

office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The work consists of General, Mechanical, and Electrical interior remodeling work bid as a single lump sum contract.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

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

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

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

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on January 25, 2016, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Notice of Call for Bids for 2016 Trades Building IMACS Upgrades

MAC Contract No:

106-3-538

Bids Close At:

2:00 p.m. on Tuesday, February 16, 2016

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The project replaces the following existing pneumatic control sequences with IMACS: All unit heaters and floor heating zones in the building, the air heating boiler system, the remaining pneumatic elements of the chilled water system, AHU-2, AHU-3, AHU-4, AHU-5, AHU-6 and AHU-7. The project also improves the mixing boxes on air-side economizers in the building.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 3%.

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

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Michaud Cooley Erickson; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; PH: 763.503.3401; FX: 763.503.3409. Make checks payable to: Michaud Cooley Erickson. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on January 25, 2016, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

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