Minnesota

State Register

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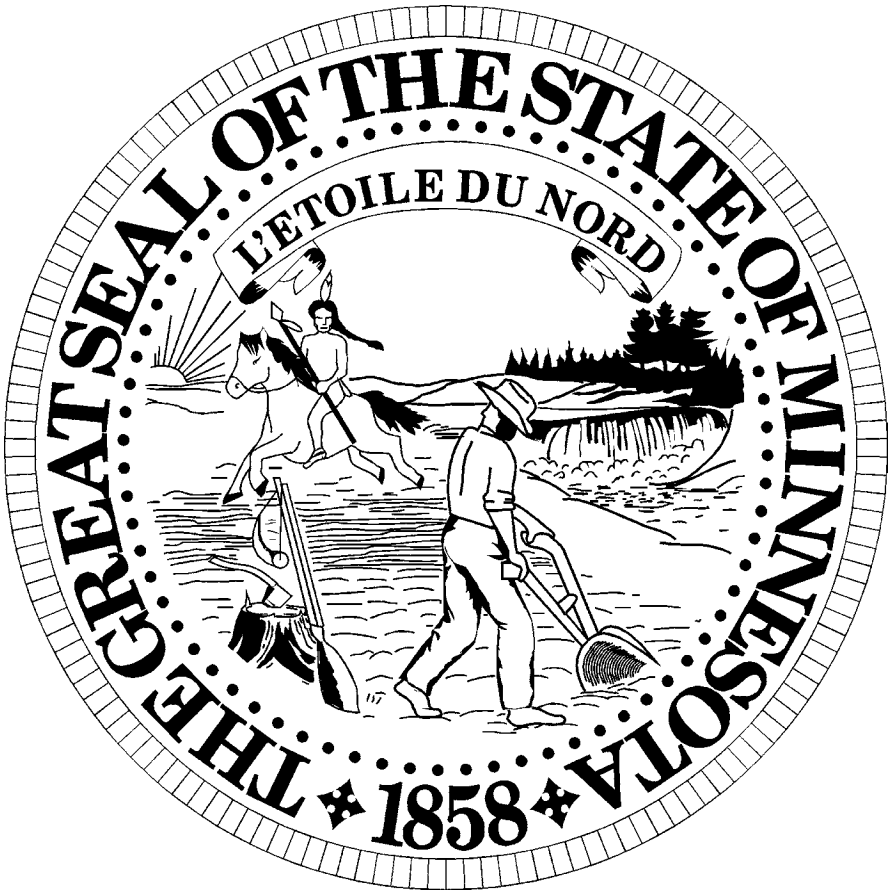

Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules; Executive Orders; Appointments; Commissioners' Orders; Revenue Notices; Official Notices; State Grants & Loans; State Contracts; Non-State Public Bids, Contracts and Grants

Monday 27 August 2018

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Minnesota State Register

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

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

- **Proposed Rules**
- **Adopted Rules**
- **Exempt Rules**
- **Expedited Rules**
- **Withdrawn Rules**
- **Executive Orders of the Governor**
- **Appointments**
- **Proclamations**
- **Vetoed Rules**
- **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. 43 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)
# 10	Tuesday 4 September	Noon Tuesday 28 August	Noon Thursday 23 August
# 11	Monday 10 September	Noon Tuesday 4 September	Noon Thursday 30 August
# 12	Monday 17 September	Noon Tuesday 11 September	Noon Thursday 6 September
# 13	Monday 24 September	Noon Tuesday 18 September	Noon Thursday 13 September

PUBLISHING NOTICES: We need to receive your submission **ELECTRONICALLY in Microsoft WORD format.** Submit ONE COPY of your notice via e-mail to: sean.plemmons@state.mn.us. State agency submissions must include a "State Register Printing Order" form, and, with contracts, a "Contract Certification" form. Non-State Agencies should submit **ELECTRONICALLY in Microsoft WORD**, with a letter on your letterhead stationery requesting publication and date to be published. Costs are $16 per tenth of a page (columns are seven inches wide). One typewritten, double-spaced page = 4/10s of a page in the State Register, or $64. About 1.5 pages typed, double-spaced, on 8-1/2"x11" paper = one typeset page in the ***State Register***. Contact editor with questions (651) 201-3204, or **e-mail**: sean.plemmons@state.mn.us.

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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.

Volume 43 - Minnesota Rules

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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 §§ 14.1414.20, 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.

Board of Dentistry

Proposed Permanent Rules Relating to Dentists, Dental Therapists, Licensed Dental Assistants, and Dental Hygienists; DUAL NOTICE: Notice of Intent to Adopt Rules without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received; Revisor's ID Number 4507; OAH Docket No. 82-9033-35427

Proposed Amendments to Permanent Rules of the Minnesota Board of Dentistry Relating to Dentists, Dental Therapists, Dental Hygienists, and Licensed Dental Assistants, *Minnesota Rules* 3100.1160, 3100.3600, 3100.8500, 3100.8700, and 3100.9600

Introduction. The Minnesota Board of Dentistry intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Wednesday, September 26, 2018, the Board will hold a public hearing in the 4th Floor Conference Room A, University Park Plaza, 2829 University Avenue SE, Minneapolis, Minnesota 55414, starting at 1:00 p.m. on Thursday, October 18, 2018. To find out whether the Board will adopt the rules without a hearing or if the hearing will be held, you should contact the agency contact person after September 26, 2018, and before October 18, 2018.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Kathy Johnson at Minnesota Board of Dentistry, 2829 University Avenue SE, Suite 450, Minneapolis, MN 55414-3249, ***kathy.t.johnson@state.mn.us***, phone: (612) 548-2134 or (888) 240-4762 (outside metro), fax: (612) 617-2260. TTY users may call the Board of Dentistry at (800) 627-3529.

You may also review the proposed rules and submit written comments via the Office of Administrative Hearings

Rulemaking e-comments website at ***https://minnesotaoah.granicusideas.com/discussions***.

Subject of Rules and Statutory Authority. The Board proposes to amend its rules regarding the following: simplify the documentation requirements for education regarding nitrous oxide and for CPR certification; modify some delegated procedures for licensed dental assistants, including impressions, ligature ties and arch wires, topical fluoride, and managing medications; restructure into different categories all of the delegated procedures for dental hygienists; and supplement the recordkeeping requirements for a dental/medical history and nitrous oxide in the progress notes.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 150A.04, subdivision 5. A copy of the proposed rules is published in the *State Register*. The proposed rules are also available on the Board's website at ***www.mn.gov/boards/dentistry*** or a free copy of the entire proposed rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, September 26, 2018, to submit written comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, September 26, 2018. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Board cannot count it when determining whether the Board must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Alternative Format/Accommodation. Upon request, the Board can make this Notice 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 agency contact person at the address or telephone number listed above.

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

Cancellation of Hearing. The Board will cancel the hearing scheduled for Thursday, October 18, 2018, if the Board does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the Board will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (612) 548-2134 after September 26, 2018, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara Case is assigned to conduct the hearing. Judge Case's Legal Assistant Katie Lin can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, MN 55164-0620, telephone (651) 361-7900, FAX (651) 539-0310, or ***katie.lin@state.mn.us***.

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

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

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. A free copy of the statement is now available from the agency contact person, if requested, or available on the Board's website at ***www.mn.gov/boards/dentistry***.

A copy of the Dual Notice and proposed rules shall be mailed by sending an electronic mailing to everyone who has registered to be on the Board of Dentistry's rulemaking mailing list under *Minnesota Statutes*, section 14.14, subdivision 1a; and

A copy of the Dual Notice, proposed rules, and the Statement of Need and Reasonableness shall be mailed to the Legislature according to *Minnesota Statutes*, section 14.116.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

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

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

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

Date: August 9, 2018

Bridgett Anderson, L.D.A., M.B.A.
Executive Director
Minnesota Board of Dentistry

3100.1160 LICENSE TO PRACTICE DENTISTRY AS A RESIDENT DENTIST.

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

Subp. 2. **Termination of licensure.**

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

C. A person who fails to inform the board as required in item B is deemed to have committed fraud or deception within the meaning of Minnesota Statutes, section ~~150.08~~ 150A.08, subdivision 1, clause (1).

3100.3600 ADMINISTRATION OF GENERAL ANESTHESIA, DEEP SEDATION, MODERATE SEDATION, MINIMAL SEDATION, AND NITROUS OXIDE INHALATION ANALGESIA.

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

Subp. 4. **Nitrous oxide inhalation analgesia; educational training requirements.** A dentist may administer nitrous oxide inhalation analgesia only according to items A to D and subpart 5, items A and C. A dental therapist may administer nitrous oxide inhalation analgesia only according to items C to F. A dental hygienist may administer nitrous oxide inhalation analgesia only according to items C to F and subpart 5, item D. A licensed dental assistant may administer nitrous oxide inhalation analgesia only after a maximum dosage has been prescribed by a dentist for a specific patient, and it is administered according to items C to F and subpart 5, item D.

A. ~~Prior to January 1, 1993,~~ A licensed dentist who ~~is currently~~ was administering nitrous oxide inhalation analgesia on or before January 1, 1993, may register that fact with the board according to subpart 5, item A. Such registered dentists may continue to administer nitrous oxide inhalation analgesia and need not comply with item B.

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

Subp. 5. **Notice to board.**

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

C. A dentist not previously registered with the board according to item A or who graduated from an institution in Minnesota accredited by the Commission on Dental Accreditation prior to April 15, 2008, may administer nitrous oxide inhalation analgesia only after the dentist has submitted the information in subitems (1) and (2) to the board on forms provided by the board:

(1) the name, address, and telephone number of the institution at which the dentist took the course that complies with subpart 4, item B, or the dentist's written attestation that the dentist has successfully completed the education to administer nitrous oxide inhalation analgesia through an institution accredited by the Commission on Dental Accreditation; and

(2) ~~a certified copy of the dentist's transcript and other official record from the institution verifying that the dentist has successfully completed~~ documentation of current CPR certification as required by subpart 4, item C.

After the initial submission, a dentist must attest to maintaining consecutive and current CPR certification at the time of each license renewal.

D. A dental hygienist or licensed dental assistant who graduated from an institution in Minnesota accredited by the Commission on Dental Accreditation or received licensure by credentials prior to September 2, 2004, may administer nitrous oxide inhalation analgesia only after the dental hygienist or licensed dental assistant has submitted the information in subitems (1) and (2) to the board on forms provided by the board:

[For text of subitem (1), see M.R.]

(2) ~~a certified copy of the dental hygienist's or licensed dental assistant's transcript and other official record from the institution verifying that the dental hygienist or licensed dental assistant has successfully completed~~ documentation of current CPR certification as required by subpart 4, item C.

After the initial submission, a dental hygienist or licensed dental assistant must attest to maintaining consecutive and

current CPR certification at the time of each license renewal.

E. A dental therapist who graduated from a board-approved dental therapy program in Minnesota prior to August 1, 2013, may administer nitrous oxide inhalation analgesia only after the dental therapist has submitted the information in subitems (1) and (2) to the board on forms provided by the board:

[For text of subitem (1), see M.R.]

(2) ~~a certified copy of the dental therapist's transcript and other official records from the institution verifying that the dental therapist has successfully completed~~ documentation of current CPR certification as required by subpart 4, item C.

After the initial submission, a dental therapist must attest to maintaining consecutive and current CPR certification at the time of each license renewal.

[For text of subps 6 to 11, see M.R.]

3100.8500 LICENSED DENTAL ASSISTANTS.

Subpart 1. **~~Duties~~ Procedures under general supervision.** A licensed dental assistant may perform the following procedures without the dentist being present in the dental office or on the premises if the procedures being performed are with prior knowledge and consent of the dentist:

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

G. take impressions ~~for casts~~ and ~~appropriate~~ bite registration~~, not to include impressions and bite registrations for final construction of fixed and removable prostheses~~;

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

L. take vital signs such as pulse rate and blood pressure as directed by a dentist; ~~and~~

M. obtain informed consent, according to part 3100.9600, subpart 9, for treatments authorized by the supervising dentist pursuant to the licensed dental assistant's scope of practice~~.~~;

N. remove and place ligature ties and remove and replace existing arch wires on orthodontic appliances; and

O. apply topical fluoride, including foam, gel, or varnish.

Subp. 1a. **~~Duties~~ Procedures under indirect supervision.** A licensed dental assistant, in addition to the services performed by an assistant described in part 3100.8400, subpart 1, may perform the following services if a dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed:

A. apply topical medications ~~such as, but not limited to, topical fluoride,~~ including bleaching agents~~,~~ and cavity varnishes ~~in appropriate dosages or quantities~~ as prescribed by a dentist;

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

I. ~~remove and~~ place ~~ligature ties and~~ initial arch wires on orthodontic appliances. A dentist must select and, if necessary, adjust arch wires prior to placement;

[For text of items J to O, see M.R.]

Subp. 1b. **~~Duties~~ Procedures under direct supervision.** A licensed dental assistant may perform the following services if a dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and evaluates the performance of the licensed dental assistant before dismissing the patient:

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

J. initiate and place an intravenous ~~infusion~~ line in preparation for intravenous medications and sedation while

under direct supervision of a dentist who holds a valid general anesthesia or moderate sedation certificate. Before initiating and placing an intravenous ~~infusion~~ line, a licensed dental assistant must have successfully completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training; and

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

Subp. 1c. ~~**Duties**~~ **Procedures under personal supervision.** A licensed dental assistant may concurrently perform supportive services if the dentist holds a valid general anesthesia or moderate sedation certificate, is personally treating a patient, and authorizes the licensed dental assistant to aid in ~~treatment~~ the physical management of medications, including the preparation and administration of medications into an existing intravenous line~~, an enteral agent, or emergency medications in an emergent situation~~. Before administering any medications or agents, a licensed dental assistant must have successfully completed board-approved allied dental personnel courses comprised of general anesthesia and moderate sedation training.

Subp. 2. **Other ~~duties~~ procedures prohibited.** A licensed dental assistant may not perform any dental treatment or procedure on patients not otherwise authorized by this chapter.

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

3100.8700 DENTAL HYGIENISTS.

Subpart 1. ~~**Duties**~~ **Principal procedures under general supervision.** A dental hygienist may perform the following procedures ~~without the dentist being present in the dental office or on the premises if the procedures being performed are with prior knowledge and consent of the dentist~~ under general supervision, as defined in part 3100.0100, subpart 21, item D:

A. ~~all services permitted under parts 3100.8400 and 3100.8500, subparts 1 and 1a, items A to L~~ preliminary charting of the oral cavity and surrounding structures, including case histories; initial and periodic examinations and assessments to determine periodontal status; and creation of a dental hygiene treatment plan in coordination with a dentist's treatment plan;

B. ~~complete prophylaxis to include scaling, root planing, and polishing of restorations~~ obtain informed consent, according to part 3100.9600, subpart 9, for treatments authorized by the supervising dentist pursuant to the dental hygienist's scope of practice;

C. ~~preliminary charting of the oral cavity and surrounding structures to include case histories, perform initial and periodic examinations and assessments to determine periodontal status, and formulate a dental hygiene treatment plan in coordination with a dentist's treatment plan~~ take photographs extraorally or intraorally;

D. ~~dietary analysis, salivary analysis, and preparation of smears for dental health purposes~~ take vital signs, including pulse rate and blood pressure;

E. make referrals to dentists, physicians, and other practitioners in consultation with a dentist;

F. complete debridement, prophylaxis, and nonsurgical periodontal therapy;

~~E.~~ G. etch ~~appropriate~~ enamel surfaces, application and adjustment of pit and fissure sealants;

~~F. removal of excess bond material from orthodontic appliances;~~

~~G. replacement, cementation, and adjustment of intact temporary restorations extraorally or intraorally;~~

~~H. removal of marginal overhangs;~~

~~I. make referrals to dentists, physicians, and other practitioners in consultation with a dentist;~~

~~J.~~ H. administer local anesthesia. Before administering local anesthesia, a dental hygienist must have successfully completed a didactic and clinical program sponsored by a dental or dental hygiene school accredited by the Commission on Dental Accreditation, resulting in the dental hygienist becoming clinically competent in the administration of local anesthesia;

~~K.~~ I. administer nitrous oxide inhalation analgesia according to part 3100.3600, subparts 4 and 5; ~~and~~

J. take radiographs;

K. apply topical medications, including topical fluoride, bleaching agents, cavity varnishes, and desensitizing agents;

L. ~~obtain informed consent, according to part 3100.9600, subpart 9, for treatments authorized by the supervising dentist pursuant to the dental hygienist's scope of practice.~~ place subgingival medicaments;

M. take impressions and bite registration;

N. fabrication and delivery of custom fitted trays;

O. nutritional counseling;

P. salivary analysis;

Q. remove marginal overhangs;

R. remove sutures;

S. place and remove periodontal dressings;

T. place and remove isolation devices or materials for restorative purposes;

U. polish restorations;

V. remove excess cement from inlays, crowns, bridges, or orthodontic appliances;

W. fabrication, placement, replacement, cementation, and adjustment of temporary crowns or restorations;

X. remove temporary crowns or restorations with hand instruments only;

Y. place and remove matrix systems and wedges; and

Z. place nonsurgical retraction material for gingival displacement. Before placing nonsurgical retraction material, a dental hygienist must have successfully completed a course in nonsurgical retraction material for gingival displacement at a dental, dental hygiene, or dental assisting school accredited by the Commission on Dental Accreditation.

Subp. 2. ~~**Duties under indirect supervision.**~~ **Restorative procedures under indirect supervision.** ~~A dental hygienist may perform the following procedures if a dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed:~~

~~A. restorative procedures permitted under Minnesota Statutes, section 150A.10, subdivision 4;~~

~~B. maintain and remove intravenous lines while under indirect supervision of a dentist who holds a valid general anesthesia or moderate sedation certificate. Before managing and removing intravenous lines, a dental hygienist must~~

~~have successfully completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training; and~~

~~C. monitor a patient during preoperative, intraoperative, and postoperative phases of general anesthesia or moderate sedation using noninvasive instrumentation such as pulse oximeters, electrocardiograms, blood pressure monitors, and capnography while under indirect supervision of a dentist who holds a valid general anesthesia or moderate sedation certificate. Before monitoring a sedated patient, a dental hygienist must have successfully completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training.~~

A dental hygienist may perform restorative procedures pursuant to Minnesota Statutes, section 150A.10, subdivision 4, and under indirect supervision, as defined in part 3100.0100, subpart 21, item C, if the dental hygienist has fulfilled either item A or B:

A. successfully graduated from a Minnesota dental hygiene program accredited by the Commission on Dental Accreditation that included training for restorative procedures and received a restorative procedures certificate from the program; or

B. successfully completed a board-approved course on restorative procedures and received a restorative procedures certificate from the course sponsor.

Subp. 2a. ~~**Duties under direct supervision.**~~ **Orthodontic procedures under general, indirect, or direct supervision.** ~~A dental hygienist may perform the following procedures if a dentist is in the office, personally diagnoses the condition to be treated, personally authorizes the procedure, and evaluates the performance of the dental hygienist before dismissing the patient:~~

~~A. etch appropriate enamel surfaces before bonding of orthodontic appliances by a dentist;~~

~~B. remove temporary crowns with hand instruments only;~~

~~C. fabricate, cement, and adjust temporary restorations;~~

~~D. place and remove matrix bands;~~

~~E. remove bond material from teeth with rotary instruments after removal of orthodontic appliances. Before utilizing rotary instruments for the removal of bond material, a dental hygienist must have successfully completed a course in the use of rotary instruments for the express purpose of the removal of bond material from teeth. The course must be one that is presented by a dental, dental hygiene, or dental assisting school accredited by the Commission on Dental Accreditation;~~

~~F. attach prefit and preadjusted orthodontic appliances;~~

~~G. remove fixed orthodontic bands and brackets;~~

~~H. initiate and place an intravenous infusion line in preparation for intravenous medications and sedation while under direct supervision of a dentist who holds a valid general anesthesia or moderate sedation certificate. Before initiating and placing an intravenous infusion line, a dental hygienist must have successfully completed board-approved allied dental personnel courses comprised of intravenous access and general anesthesia and moderate sedation training; and~~

~~I. place nonsurgical retraction material for gingival displacement. Before placing nonsurgical retraction material, a dental hygienist must have successfully completed a course in nonsurgical retraction material for gingival displacement at a dental, dental hygiene, or dental assisting school accredited by the Commission on Dental Accreditation.~~

If a dental hygienist has fulfilled the requirements of item A, subitems (1), (2), or (3), the dental hygienist may perform the procedures listed in item B under the level of supervision indicated, as defined in part 3100.0100, subpart 21, items B, C, and D.

A. A dental hygienist must have:

(1) been granted a Minnesota dental hygiene license from the board prior to September 1, 2019;

(2) successfully graduated from a Minnesota dental hygiene program accredited by the Commission on Dental Accreditation after September 1, 2019, that included training for orthodontic procedures and received an orthodontic procedures certificate from the program; or

(3) successfully completed a board-approved course comprised of orthodontic procedures and received an orthodontic procedures certificate from the course sponsor.

B. The dental hygienist may perform the following procedures under:

(1) general supervision:

(a) cut arch wires on orthodontic appliances;

(b) remove loose bands on orthodontic appliances;

(c) remove loose brackets on orthodontic appliances;

(d) remove excess bond material from orthodontic appliances;

(e) preselect orthodontic bands;

(f) place and remove elastic orthodontic separators;

(g) remove and place ligature ties and remove and replace existing arch wires on orthodontic appliances; and

(h) deliver vacuum-formed orthodontic retainers;

(2) indirect supervision: place initial arch wires on orthodontic appliances. A dentist must select and, if necessary, adjust arch wires prior to placement;

(3) direct supervision:

(a) etch enamel surfaces before bonding of orthodontic appliances by a dentist;

(b) remove bond material from teeth with rotary instruments after removal of orthodontic appliances;

(c) attach prefit and preadjusted orthodontic appliances; and

(d) remove fixed orthodontic bands and brackets.

Subp. 2b. ~~**Duties under personal supervision.**~~ **Sedation monitoring and intravenous procedures under indirect, direct, or personal supervision.** ~~A dental hygienist may concurrently perform supportive services if the dentist holds a valid general anesthesia or moderate sedation certificate and is personally treating a patient and authorizes the dental hygienist to aid in treatment including the administration of medications into an existing intravenous line, an enteral agent, or emergency medications in an emergent situation. Before administering any medications or agents, a dental hygienist must have successfully completed board-approved allied dental personnel courses comprised of general anesthesia and moderate sedation training.~~

If a dental hygienist has successfully completed board-approved allied dental personnel courses comprised of intrave-

nous access and general anesthesia and moderate sedation training and submitted to the board documentation of completion to receive a certificate from the board, the dental hygienist may perform the following procedures under either indirect, direct, or personal supervision, as defined in part 3100.0100, subpart 21, items A, B, and C, for a dentist who holds a valid general anesthesia or moderate sedation certificate:

A. indirect supervision:

(1) maintain and remove intravenous lines;

(2) monitor a patient during preoperative, intraoperative, and postoperative phases of general anesthesia or moderate sedation using noninvasive instrumentation, including pulse oximeters, electrocardiograms, blood pressures monitors, and capnography;

B. direct supervision: initiate and place an intravenous line in preparation for intravenous medications and sedation;

C. personal supervision: aid in the physical management of medications, including the preparation and administration of medications into an existing intravenous line.

Subp. 3. **Other ~~duties~~ procedures prohibited.** A dental hygienist may not perform any dental treatment or procedure on patients not authorized by this chapter.

3100.9600 RECORD KEEPING.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Dental and medical history.** Dental records must include information from the patient or the patient's parent or guardian on the patient's dental and medical history. The information must include a sufficient amount of data to support the recommended treatment plan. The dental and medical history must be updated to reflect the current status of the patient.

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

Subp. 10. **Progress notes.** Dental records must be legible and include a chronology of the patient's progress throughout the course of all treatment and postoperative visits. The chronology must include:

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

C. the treatment provider by license number, name, or initials; ~~and~~

D. when applicable, the identity of the collaborating dentist authorizing treatment by license number~~.~~; and

E. administration information for nitrous oxide inhalation analgesia, including indication for use, dosage, duration of administration, posttreatment oxygenation period prior to discharge, and patient status at discharge.

[For text of subps 11 to 14, see M.R.]

Office of Higher Education

Proposed Permanent Rules Relating to Higher Education Financial Assistance and Supplemental Student Loans; DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number 4425

Proposed Amendment to Rules Relating to the Higher Education Financial Assistance and Supplemental Student Loans., *Minnesota Rules*, 4830.0150 to 4850.0017

Introduction. The Minnesota Office of Higher Education intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Tuesday, September 25, 2018, the Office of Higher Education will hold a public hearing in room 10, State Office Building, 100 Rev Dr Martin Luther King Boulevard, St. Paul, Minnesota 55155, starting at 9:30 am on Monday, October 29, 2018. To find out whether the Office of Higher Education will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after September 25, 2018 and before October 29, 2018.

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

Marilyn Kosir
Minnesota Office of Higher Education
1450 Energy Park Drive, Suite 350
St. Paul Minnesota 55108
651 355-0600
marilyn.kosir@state.mn.us

You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking eComments website at *https://minnesotaoah.granicusideas.com/discussions.* Any questions about submitting comments via the Rulemaking eComments website should be directed to Katie Lin, Office of Administrative Hearings, at 651-361-7911 or ***katie.lin@state.mn.us***.

Subject of Rules and Statutory Authority. The proposed rules amendments are about the SELF Loan Program which is a state program of supplemental loans to postsecondary students. The SELF Loan is a long-term, low-interest student loan to Minnesota residents and non-residents attending participating SELF postsecondary educational institutions. Students are required to complete the Free Application for Federal Student Aid (FAFSA) before applying for the SELF Loan in order to ensure the student receives federal and state grant funds before taking on loan debt. As part of the student's overall financial aid package, the SELF Loan is intended to supplement other student loan options—particularly federal loans.

The SELF Loan provides a low-cost option for students to finance their education. The interest rate is not based on a person's credit history, as is the case for many private student loans. This is an advantage to borrowers in that they know the interest rate before applying. *Minnesota Statutes* 136A.1701, subdivision 10 prohibits the use of state money to fund student loans. As a result, it is imperative the SELF Loan program operate in a manner that allows students to benefit from the program while at the same time ensuring losses, especially those due to default, are minimized. The program needs to be self-sustaining with all expenses, including the cost of defaulted loans, covered by program earnings. Earnings are primarily interest paid by borrowers and cosigners.

The proposed rules amendments are intended to:

- reduce default risks,
- align statute and rule language, and
- provide more flexibility to respond to the needs of borrowers and cosigners.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 136A.16. 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 Tuesday, September 25, 2018, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Office of Higher Education hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Tuesday, September 25, 2018. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The Office of Higher Education will cancel the hearing scheduled for October 29, 2018 if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651 355-0600 after Tuesday, September 25, 2018 to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling 651 355-0600 or going on-line at ***http://www.ohe.state.mn.us/mPg.cfm?pageID=2261***.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Office of Higher Education will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Office of Higher Education will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Jeanne M. Cochran is assigned to conduct

the hearing. Judge Cochran's Legal Assistant Katie Lin 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 651-539-0310 or ***katie.lin@state.mn.us***.

Hearing Procedure. If the Office of Higher Education holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge **via the Office of Administrative Hearings Rulemaking eComments website at *https://minnesotaoah.granicusideas.com/discussions*** no later than 4:30 p.m. on the due date. All comments or responses received will be available for review **at the on the agency's website at *http://www.ohe.state.mn.us/mPg.cfm?pageID=2261***. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

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

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Or you can view and download this document free at ***http://www.ohe.state.mn.us/mPg.cfm?pageID=2261***

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

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

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

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

Date: August 6, 2018

Larry J. Pogemiller
Commissioner

4830.0150 TERMINATION PROCEDURE.

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

Subp. 2. **Notification.** The office shall send the institution written notification of the termination of the institution's eligibility to participate in a program. Termination shall be effective 90 days from the date of the written notification or after appeal proceedings are complete, whichever is later.

4850.0011 DEFINITIONS.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **Creditworthy cosigner.** "Creditworthy cosigner" means one who, based on either information provided by a national credit bureau or information available to the office, has:

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

C. no more than $300 combined total in unsatisfied credit or unsatisfied payment obligations including, but not limited to, charged-off loans, credit, medical, utility accounts, collection items, and tax or mechanics liens; ~~and~~

D. no more than five percent of total credit bureau balances past due, unless the amount past due is $300 or less~~.~~;

E. no current delinquency on any loan payments to the office;

F. no defaulted loan with the office which has not been paid in full in accordance with the requirements of the office; and

G. a required credit score, if established, under part 4850.0013.

[For text of subps 10 to 11a, see M.R.]

Subp. 12. **Delinquency.** "Delinquency" means the condition that exists when a borrower's scheduled payment of principal or interest or both is not received by the commissioner ~~after~~ or the office's agent by the due date.

[For text of subps 12a and 13, see M.R.]

Subp. 14. **Eligible school.** "Eligible school" means a school that meets the requirements for an eligible institution as defined in Minnesota Statutes, section 136A.155, and either:

~~A. meets the requirements for an eligible institution as defined in Minnesota Statutes, section 136A.15, subdivision 6; and~~

~~B.~~ A. signs an institutional loan participation agreement with the commissioner that lists the duties and responsibilities of both the school and the commissioner~~.~~; or

B. is designated by the office as a maintenance-only school. The office shall designate a school as a maintenance-only school if the school participates in the National Student Clearinghouse and the school is not certifying new SELF loans. Maintenance-only schools allow eligible students, as reported by the National Student Clearinghouse, to continue in the in-school period.

Subp. 15. **Eligible student.** "Eligible student" means a student who:

A. is enrolled in an eligible school in Minnesota, or is a Minnesota resident enrolled in an eligible school in another state~~,~~ or United States territory~~, or province~~ as defined in Minnesota Statutes, section ~~136A.002, subdivision 4~~ 136A.155;

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

C. is making satisfactory academic progress as defined ~~by the school~~ in Minnesota Statutes, section 136A.101, subdivision 10;

[For text of items D to H, see M.R.]
[For text of subps 16 to 23, see M.R.]

Subp. 24. **Late charge.** "Late charge" means a charge, not to exceed $20, that is assessed against borrowers each time a payment of principal and/or interest is ~~received by~~ not paid to the commissioner ~~more than~~ within 15 days after the due date.

[For text of subps 24a to 26, see M.R.]

Subp. 26a. **Office.** "Office" means the Minnesota Office of Higher Education or its predecessors or successors.

[For text of subps 27 to 30, see M.R.]

4850.0012 SCHOOL AGREEMENTS AND STUDENT APPLICATIONS.

Subpart 1. **Institutional loan participation agreement.** For an eligible school to certify new SELF loans, the eligible school and the commissioner must sign a loan participation agreement that will:

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

Subp. 2. **Termination.** The commissioner may terminate the agreement for participation in the SELF program with an eligible school upon determining:

A. ~~that~~ the school is not complying with ~~the rules in~~ parts 4850.0010 to 4850.0024; or

B. loans originated at the school that go into default exceed the guidelines established in the SELF Loan Operations Manual.

Termination can also occur in accordance with the terms of the Institutional Loan Participation Agreement.

All obligations of the school under the agreement shall continue in full force and effect with respect to all SELF loans then outstanding to students of the school. The termination of an agreement with a school shall be made pursuant to ~~part~~ parts 4830.0140 and 4830.0150.

[For text of subps 3 and 4, see M.R.]

4850.0013 CREDIT SCORE.

The commissioner may establish credit score requirements if the financial strength of the loan program, or the office's ability to obtain cost-effective financing options, has been affected or is anticipated to be affected by factors including current or projected market conditions, loan defaults, bond rating agency requirements, and credit-scoring definitions. The commissioner must review and adjust the credit score requirements at least every 12 months using current and projected market conditions. The required credit scores must be available to prospective borrowers on the Web site.

4850.0017 REPAYMENT PROCEDURES.

Borrowers or cosigners shall make payments of principal and interest according to the following schedule.

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

F. The commissioner shall grant forbearances in those instances when the borrower ~~experiences hardship in making payments of principal and/or interest, and when the cosigner has either died, become temporarily or permanently disabled, or for some other reason, such as unemployment or limited fixed income, demonstrated an inability to make payment. Such a forbearance shall be granted upon receipt of written documentation from the borrower and the cosigner relating to the unemployment or similar financial hardship case and is limited to 120 days, renewable upon further documentation for another 120 days.~~ is unable to make payment and has not exhausted the permitted number of occurrences. The forbearance shall be granted upon receipt of a written request from the borrower and the cosigner. The commissioner shall grant exceptions for obtaining signatures from both the borrower and the cosigner in certain situations, such as when there is no current contact information for one of the parties or there is an adversarial relationship between the parties. The commissioner shall set policies for the length of a permitted forbearance and the maximum number of

occurrences in a given loan repayment period. In setting policies, the commissioner shall take into consideration the financial strength of the loan program, the impact of policy changes on the office's ability to obtain cost-effective financing options, current or projected market conditions, loan defaults, and bond rating agency requirements.

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

Minnesota Pollution Control Agency (MPCA)

Industrial Division

Proposed Permanent Rules Relating to Underground Storage Tanks; DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Docket No. 68-9003-35384; Revisor's ID Number 4360

Proposed Amendment to Rules Governing Underground Storage Tanks, *Minnesota Rules*, Chapter 7150 Underground Storage Tanks (parts 7150.0010; 7150.0030; 7150.0090; 7150.0100; 7150.0205; 7150.0215; 7150.0216; 7150.0250; 7150.0300; 7150.0330; 7150.0340; 7150.0345; 7150.0400; 7150.0410; 7150.0430; 7150.0445; 7150.0450; 7150.0451; and 7150.0500), and

Repeal of *Minnesota Rules,* parts 7150.0010, subpart 4; 7150.0030, subparts 8, 23, 25a, 44a, and 49; 7150.0100, subparts 10 and 12; 7150.0211; 7150.0300, subparts 2 and 7; 7150.0330, subpart 2; 7150.0410, subparts 2 and 6; and 7150.0420

Plain English Summary. This notice is the Minnesota Pollution Control Agency's (MPCA) legal notice of its intent to adopt amended underground storage tank rules. The purpose of these rules, known as the "UST update rules," is to amend existing underground storage tank (UST) requirements to (1) align state rules with federal requirements, (2) establish stricter requirements for certain requirements outlined in the Subject of Rules section of this notice, (3) reorganize the requirements for improved information grouping, (4) clarify language, and (5) update requirements to reflect current industry standards.

This notice provides an opportunity for public comment and input on the proposed rules. Anyone who would like to comment on the proposed rule language must submit written comment or a written request for a hearing on the proposed rules by the deadline identified below. The Subject of Rules section provides further description of these proposed rules. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Thursday, October 11, 2018, one public hearing will be convened at 3:30 p.m. on Thursday, October 25, 2018. The hearing will continue until all parties have been heard or until the Administrative Law Judge (ALJ) adjourns it. The public hearing will be held at the following locations:

- MPCA Brainerd Office, 7678 College Road, Suite 105, Baxter, MN 56425
- MPCA Duluth Office, 525 Lake Avenue South, Suite 400, Duluth, MN 55802
- Marshall, 504 Fairgrounds Road, Suite 200, Marshall, MN 56258
- MPCA St. Paul Office, 520 Lafayette Road North, Saint Paul, MN 55155

The MPCA will hold the hearing simultaneously at the four locations listed above via videoconference. The ALJ will conduct the hearing from the Saint Paul location. MPCA staff will be present at all four locations to facilitate the process and to ensure that all persons attending will be able to see, hear, and speak during the hearing. Directions to these offices can be found on the MPCA webpage at: ***http://www.pca.state.mn.us/iryp3e4***.

To find out whether the MPCA will adopt the rules without a hearing or if it will hold the hearing, you should

contact the MPCA contact person listed below after October 11, 2018, and before October 25, 2018.

Availability of Rules. A copy of the proposed rules is published in the *State Register* after this notice, or they can be viewed on the MPCA public notice webpage: ***https://www.pca.state.mn.us/public-notices***, and on the underground storage tanks rulemaking webpage:
https://www.pca.state.mn.us/waste/underground-storage-tanks-ust-update-rulemaking. A free copy of the proposed rules is also available upon request by contacting Mary Blackstock
at 651-757-2207. Only one copy will be sent per request.

Subject of Rules. The United States Environmental Protection Agency (EPA) published final revisions to underground storage tank regulations on July 15, 2015, at Federal Register, volume 80, pages 41566-41683. Regulations are codified in title 40, Code of Federal Regulations, part 280 (40 CFR pt. 280). This federal action resulted in the need for the MPCA to revise state underground storage tank regulations to retain authority for implementing Minnesota's regulatory program and to avoid the need for regulated parties to comply with separate federal and state regulations. The MPCA may establish requirements that are equivalent to, or more stringent than, federal requirements. Some proposed revisions conform to federal requirements, while others establish stricter requirements to protect human health and the environment.

The MPCA is including three types of amendments in this rule revision:

1. Requirements equivalent to federal rules;
2. Requirements exceeding federal rules; and
3. Requirements that only relocate rules within the chapter, reformat rules for ease of reading, or provide simple clarification to the content.

The proposed amendments affect Minn. R. ch. 7150, and include requirements resulting from the final 2015 amendment of 40 CFR pt. 280 that address:

- Adding periodic operation and maintenance requirements for UST systems;
- Removing past deferrals for emergency generator tanks, airport hydrant systems, and field constructed tanks;
- Adding new release prevention and detection technologies;
- Updating codes of practice; and
- Editorial and technical corrections.

The proposed amendments will also clarify how new tank technologies apply to the regulations. The MPCA is proposing requirements that exceed federal rules in the following parts:

- Part 7150.0010, subp. 7. The proposed revision is a state-only requirement to require other potentially harmful substances to meet the compatibility requirements under proposed part 7150.0100, subp. 9. No other Minn. R. ch. 7150 requirements apply to tanks storing other potentially harmful substances.
- Part 7150.0090, subp. 9. The proposed revision establishes the requirement that the commissioner notify owners and operators of other regulated substances identified in the future that require a notice of compatibility.
- Part 7150.0100 subp. 9. The proposed amendments establish that if retrofit tanks are installed to meet current state and federal compatibility requirements, the retrofit tank must also have secondary containment.
- Part 7150.0100, subp. 13. The proposed rule language now requires shear valves of double-poppet construction to be used for newly installed shear valves. This is more restrictive than federal requirements.
- Part 7150.0205, subp. 1(C)(3)(b). The proposed revisions require that if a tank is new, replaced or retrofitted and is secondarily contained, the piping must also be secondarily contained. This requirement is already in effect under existing part 7150.0205, subp. 1(D)(3). The only addition to the existing rule is to include retrofit tanks because these types of systems are becoming more popular and requirements must be clarified.
- Part 7150.0205, subp. 6. Establishes that submersible pump sumps installed after December 22, 2007, must be integrity tested upon installation. The EPA rules do not address sump testing upon installation except for sumps installed that are part of a double-wall piping system required to conduct interstitial monitoring. This requirement was added to clarify that all sumps must be integrity tested upon installation regardless of whether they are part of a double-wall piping system. The requirements follow industry standards referenced in the rule and

manufacturers' instructions.

- The proposed amendments also indicate submersible pumps installed prior to December 22, 2007, be accessible for inspection and shall not be covered in soil or other obstacles that prevent visual inspections. This amendment is needed to conduct appropriate visual inspections to identify substandard equipment before leaks occur. This amendment also follows industry standards referenced in the rule and manufacturers' instructions.
- Part 7150.0205 subp. 7. This subpart previously described when underdispenser containment sumps must be installed. New language proposed in this section now provides clarification and the additional requirement that if concrete or base material under the dispenser is replaced or modified, underdispenser containment is required.
- Part 7150.0205, subp. 8. The MPCA proposes to add emergency stop requirements for consistency with applicable Minnesota State Fire Code requirements.
- Part 7150.0215, subp. 2(C) and 3(D). Proposed amendments clarify that repairs to cathodic protection systems must be completed within 60 days of a failing test. New proposed language also provides clarification for cathodic protection (CP) system repairs, and allowable design standards. The EPA rules do not specify CP repair requirements other than testing after a CP repair. The MPCA believes it is important to specify repair criteria in the proposed rule to ensure repairs are done consistently and to meet industry standards. The proposed amendments provide clarification only and do not add any additional requirements
- Part 7150.0216, subp. 1(B). The MPCA is establishing the requirement that testing wastes must be disposed of properly and documented. 40 CFR pt. 280 does not address the issue of proper disposal of testing material, but the topic is addressed in applicable federal and state hazardous waste regulations.
- Part 7150.0216, subp. 6. The MPCA is proposing to list the criteria of an "agency-approved tester" for the purpose of determining qualifications to test and/or inspect certain tank system components regulated under Minn. R. ch. 7150. EPA rules reference manufacturer specifications and PEI RP 1200 as acceptable methods to conduct the new testing/inspections. The specifications or methods require "qualified" people to perform the work. EPA rules do not address "qualified" people. Thus, the MPCA added "agency-approved tester" qualifications to assure testing is done correctly and consistently by qualified people.
- Part 7150.0250, subps. 1 and 4. The MPCA is proposing to create a new subpart under part 7150.0250 to address restoration and corrective actions. The MPCA has always required tank system repairs to function properly. This new section provides clarification and will ensure malfunctioning equipment will be addressed in a timely and consistent manner.
- Part 7150.0300, subp. 6, items A and B. The MPCA is proposing to require antisiphoning devices on piping that is positioned lower than the top of the tank.
- Part 7150.0340, subps. 2 and 3. The MPCA is proposing revisions that distinguish the line-leak detection requirements between unattended card-lock facilities and other facilities. Proposed amendments require line-leak detectors at unattended card-lock facilities to alert the operator to the presence of a leak by shutting off the flow of regulated substance. However, line-leak detectors at other facilities can be notified by restricting or shutting off the flow of a regulated substance or by trigging an alarm. EPA rules do not make the same distinction in the rule. The MPCA determined it was important to make this clarification because unattended card-lock facilities can be unattended for days before an alarm or restricted product flow would be noticed. However, stopping the product flow can be done immediately by an automatic line-leak detector when operating properly.
- Part 7150.0345, subp. 1. The MPCA is proposing amendments that require investigation of suspected releases within 24 hours. The EPA rules allow seven days to begin an investigation or another timeframe specified by the implementing agency. The EPA reviewed this proposed amendment and has indicated that the 24-hour investigation timeline appears acceptable.
- Part 7150.0410, subp. 3(D). The MPCA is proposing that when a tank is lined or retrofitted according to proposed part 7150.0205, subp. 1, the original tank upon which the lining is secured is considered permanently closed and a site assessment must be done according to proposed part 7150.0345, subp. 3. EPA does not address such systems in the permanent closure section of their rules. The MPCA determined it was important to include retrofit tanks in the proposed rules as these types of systems are becoming more popular.
- Part 7150.0450. The MPCA is proposing that retention records must be kept for five years, instead of the shorter one or three year retention periods required by EPA for monthly walkthrough inspection records; spill, overfill, and containment sump testing and inspection records; tank and piping leak detection testing results; and annual

leak detection equipment testing and inspections.

The MPCA is repealing obsolete *Minnesota Rules,* parts 7150.0010, subp. 4; 7150.0030, subps. 8, 23, 25a, 44a, and 49; 7150.0100, subp. 10 and 12; 7150.0211; 7150.0300, subps. 2 and 7; 7150.0330, subp. 2; 7150.0410, subps. 2 and 6; and 7150.0420.

Statutory Authority. The statutory authority to adopt the rules is Minnesota Statutes, section 116.49, Subdivision 1.

Comments. You have until **4:30 p.m. on Thursday, October 11, 2018**, 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 submitted **via the Office of Administrative Hearings Rulemaking eComments website at *https://minnesotaoah.granicusideas.com/discussions* or directly to the Administrative Law Judge** listed in the Notice of Hearing section below by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period. Any questions about submitting comments via the Rulemaking eComments website should be directed to Katie Lin, Office of Administrative Hearings, at 651-361-7911 or ***katie.lin@state.mn.us***. All comments received are public and will be available for review at the Office of Administrative Hearings.

Request for a Hearing. In addition to submitting comments, you may also request that the MPCA hold a hearing on the rules. You must make your request for a public hearing in writing by 4:30 p.m. on Thursday, October 11, 2018. Your written request must be submitted via ***https://minnesotaoah.granicusideas.com/discussions* or directly to the Administrative Law Judge.** You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the MPCA cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The MPCA will cancel the hearing scheduled for October 25, 2018, if 25 or more persons do not submit a request for a hearing as required under the Request for a Hearing section above. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether the hearing will be held. You may also call the MPCA contact person at 651-757-2527 after October 11, 2018, to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling 651-757-2527 or going on-line at ***https://www.pca.state.mn.us/waste/underground-storage-tanks-ust-update-rulemaking***.

N**otice of Hearing**. If 25 or more persons submit valid written requests for a public hearing on the rules, the MPCA will hold a hearing following the procedures in Minnesota Statutes, sections 14.131 to 14.20. The MPCA will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Jeanne Cochran is assigned to conduct the hearing. Judge Cochran's Legal Assistant Katie Lin 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) 539-0310 or ***katie.lin@state.mn.us***.

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

Statement of Need and Reasonableness. The statement of need and reasonableness (SONAR) contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. A print copy is available for the cost of reproduction by contacting the MPCA contact person identified below. The MPCA posted the SONAR on its public notice webpage at: ***https://www.pca.state.mn.us/public-notices***, and the underground storage tanks rulemaking webpage at: ***https://www.pca.state.mn.us/waste/underground-storage-tanks-ust-update-rulemaking***.

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

MPCA Contact Person. The MPCA contact person is Yolanda Letnes at 520 Lafayette Road North, St. Paul, Minnesota 55155, telephone 651-757-2527, toll free 1-800-657-3864 or email ***yolanda.letnes@state.mn.us***. TTY users may use their preferred telecommunications relay service.

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

Lobbyist Registration. Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

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

Date: 8/9/18

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

7150.0010 APPLICABILITY.

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

Subp. 2. **Exclusions.** The following ~~underground storage tank~~ UST systems are excluded from the requirements of this chapter:

A. ~~an underground storage tank~~ a UST system holding:

(1) hazardous wastes listed or identified under:

(a) chapter 7045 ~~or~~;

(b) Code of Federal Regulations, title 40, part 261~~,~~; or

(c) subtitle C of the Solid Waste Disposal Act, United States Code, title 42, section 6921 et seq.; or

(2) a mixture of such hazardous waste and other regulated substances;

B. a wastewater treatment tank system that is part of a wastewater treatment facility regulated under ~~United States Code, title 33, section 1317 or 1342~~ section 307(b) or 402 of the federal Clean Water Act;

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

K. a surface impoundment, pit, pond, or lagoon used for storing storm water, wastewater, or animal waste;

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

N. a storage tank situated in an underground area such as a basement, cellar, mineworking, drift, shaft, or tunnel if the storage tank is located upon or above the surface of the floor; and

O. an oil-water separator~~;~~.

~~P. underground storage tank systems containing radioactive material that are regulated under the Atomic Energy Act of 1954, United States Code, title 42, sections 2011 to 2296;~~

~~Q. an underground storage tank system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under Code of Federal Regulations, title 10, part 50, Appendix A; and~~

~~R. airport hydrant fuel distribution systems.~~

Subp. 3. [Repealed, 32 SR 1751]

Subp. 4. [See repealer.]

Subp. 5. **Heating oil tanks.** Parts 7150.0010; 7150.0030; 7150.0090, subparts 1, 2, 4, ~~and~~ 6, and 7; 7150.0100, subparts 7~~,~~ and 9~~, and 10~~; ~~and~~ 7150.0205, subparts 1 to 4~~;~~; 7150.0250, subpart 2; and 7150.0345, subpart 2, apply to ~~an underground storage tank~~ a UST system of over 1,100 gallons capacity used exclusively for storing heating oil for consumptive use on the premises where stored.

Subp. 6. **Partially excluded tank systems.** Parts 7150.0010, 7150.0030, and 7150.0090, subpart 2, apply to items A to D. Parts 7150.0100, subpart 9, and 7150.0205, subparts 1, item B; 2; 3, item B; and 4, apply to items A, C, and D:

A. wastewater treatment tanks not regulated under section 307(b) or 402 of the federal Clean Water Act;

B. aboveground storage tanks associated with:

(1) airport hydrant fuel distribution systems regulated under part 7150.0451; and

(2) underground storage tanks with field-constructed tanks regulated under part 7150.0451;

C. UST systems containing radioactive material regulated under the federal Atomic Energy Act of 1954, United States Code, title 42, sections 2011 to 2296; and

D. a UST system that is part of an emergency-generator system at facilities that generate nuclear power and are licensed by the Nuclear Regulatory Commission and subject to Nuclear Regulatory Commission requirements regarding design and quality criteria under Code of Federal Regulations, title 10, part 50.

Subp. 7. **Other potentially harmful substances.** Part 7150.0100, subpart 9, applies to underground storage tanks storing other potentially harmful substances.

7150.0030 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the ~~following~~ terms ~~and abbreviations~~ in this part have the meanings given them. Terms that are not specifically defined have the meanings given ~~them~~ in Minnesota Statutes, sections 115.01, 115C.02, and 116.46.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency or, if a regulated substance is released or spilled, the Minnesota duty officer pursuant to Minnesota Statutes, section 115E.09.

Subp. 2a. **Agency-approved tester.** "Agency-approved tester" means a person approved by the commissioner to inspect and test components of a UST system according to part 7150.0216, subpart 6, item A.

Subp. 2b. **Airport hydrant fuel distribution system.** "Airport hydrant fuel distribution system," also called an airport hydrant system, means a UST system that fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants or fill stands with fueling points.

Subp. 3. **Appurtenances.** "Appurtenances" means ~~devices~~ components of a UST system such as piping, fittings, flanges, valves, dispensers, and pumps used to distribute, meter, or control the flow of regulated substances to or from an underground storage tank.

Subp. 4. **Beneath the surface of the ground.** "Beneath the surface of the ground" means ~~beneath the ground~~ below the surface of the ground, concrete, or asphalt or otherwise covered with earthen materials.

Subp. 4a. **Business hours.** "Business hours" means a minimum of six hours each day, Monday through Friday, excluding holidays, during which business is conducted.

Subp. 5. **Cathodic protection.** "Cathodic protection" means using a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a ~~tank~~ UST system can be cathodically protected through the application of either ~~galvanic~~ sacrificial anodes or impressed current.

Subp. 6. ~~**Cathodic protection**~~ **Cathodic-protection tester.** "~~Cathodic protection~~ Cathodic-protection tester" means a person who has demonstrated an understanding of the principles and measurements of all common types of ~~cathodic protection~~ cathodic-protection systems as applied to buried or submerged metal piping and ~~tank~~ UST systems~~,~~ by passing a test on cathodic protection ~~test~~ given by ~~the National Association of Corrosion Engineers~~ NACE International or the Steel Tank Institute. ~~Such persons~~ The person must also have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and ~~tank~~ UST systems.

[For text of subp 7, see M.R.]

Subp. 8. [See repealer.]

Subp. 8a. **Class A operator.** "Class A operator" means an individual who has primary responsibility to operate and maintain the UST system.

Subp. 8b. **Class B operator.** "Class B operator" means an individual who has daily responsibility to operate and maintain the UST system.

Subp. 8c. **Class C operator.** "Class C operator" means an individual who has daily on-site presence and responsibility to handle emergencies and alarms pertaining to a spill or release from the UST system.

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

Subp. 11. **Connected piping.** "Connected piping" means underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a ~~tank~~ UST system through which regulated substances flow. For the purpose of determining how much piping is connected to an individual ~~underground storage tank~~ UST system, the piping that joins two ~~underground storage tank~~ UST systems is allocated equally between them.

[For text of subp 12, see M.R.]

Subp. 12a. **Containment sump.** "Containment sump" means a single- or double-walled liquid-tight container that:

A. protects the environment by containing leaks and spills of regulated substances from piping, dispensers, pumps, and related components in the containment area; and

B. is located at the top of the tank, such as tank top or submersible turbine pump sumps; underneath the dispenser, such as underdispenser containment sumps; or at other points in the piping run, such as transition or intermediate sumps.

[For text of subps 13 to 15, see M.R.]

Subp. 16. **Excavation zone.** "Excavation zone" means the volume containing the ~~tank~~ UST system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the ~~underground storage tank~~ UST system is placed at the time of installation.

[For text of subps 17 and 18, see M.R.]

Subp. 18a. **Field-constructed tank.** "Field-constructed tank" means a tank that is built or assembled at the tank site, but does not include a tank with a lining.

[For text of subps 19 to 21, see M.R.]

Subp. 22. **Hazardous ~~material~~ substance.**

A. "Hazardous ~~material~~ substance" means:

~~A.~~

(1) a substance listed in Code of Federal Regulations, title 40, part 302, including petroleum constituents under subpart 36, item C, but not including:

~~(1)~~

(a) a hazardous waste listed or identified under chapter 7045 or Code of Federal Regulations, title 40, part 261, and subtitle C of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); or

~~(2)~~

(b) petroleum under subpart 36, item A, B, or D; or

~~(3) a substance that is not liquid at a temperature of 60 degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute; or~~

~~B.~~

(2) any mixture of substances identified in ~~item A~~ subitem (1) and petroleum, unless the amount of the substance identified in ~~item A~~ subitem (1) is de minimis.

B. Substances identified in ~~items~~ item A ~~and B which~~ that also meet the definition of petroleum are considered hazardous ~~materials~~ substances.

Subp. 23. [See repealer.]

[For text of subps 24 and 25, see M.R.]

Subp. 25a. [See repealer.]

Subp. 25b. **Impressed current or impressed-current system.** "Impressed current" or "impressed-current system" means a method of corrosion protection that generates a cathodic current from a power source, such as a rectifier that converts alternating current to direct current, where the cathodic current flows from the anodes through the soil to the UST system and returns to the power source through an insulated wire attached to the UST system.

Subp. 25c. **Leak.** "Leak" means discharge of a regulated substance or any other potentially harmful substance from a point in a UST system that is not intended to be a discharge or dispensing point. A leak that reaches the environment is a release.

Subp. 25d. **Leak detection.** "Leak detection" has the meaning given under subpart 42.

Subp. 25e. **Lessee.** "Lessee" means a person that leases a UST system. A lessee is also an operator if the lessee is in control of the daily operation of the UST system.

Subp. 25f. **Lining or internal lining.** "Lining" or "internal lining" means a coating of noncorrosive material bonded to the interior surface of a tank.

Subp. 25g. **Liquid tight.** "Liquid tight" means that liquid is not able to leak from a component of a UST system and that subsurface water is not able to infiltrate a tank, pipe, or secondary-containment area.

[For text of subp 26, see M.R.]

Subp. 27. **Motor fuel.** "Motor fuel" means ~~petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or 2 diesel fuel, biodiesel, or any grade of gasohol, and is typically used in the operation of a motor engine~~ a complex blend of hydrocarbons used to operate a motor engine, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or a blend containing one or more of these substances.

[For text of subps 28 and 29, see M.R.]

Subp. 29a. **Noncorrodible material.** "Noncorrodible material" means a synthetic or processed material that is certified for use in UST systems and compatible with the substance being stored in a UST system and the surrounding environment.

[For text of subp 30, see M.R.]

Subp. 31. **Operational life.** "Operational life" means the period beginning when installation of the ~~tank~~ UST system has begun until the time the ~~tank~~ UST system is permanently closed under part 7150.0410.

Subp. 32. **Operator.**

A. "Operator" means a person who:

(1) ~~a person in~~ has control of or ~~having~~ responsibility for the daily operation of the ~~underground storage tank~~ UST system ~~or a person who was in~~;

(2) had control of or ~~had~~ responsibility for the daily operation of the tank immediately before discontinuation of ~~its~~ the tank's use~~. Operator also means~~;

(3) ~~a person who~~ is responsible under Minnesota Statutes, section 115C.021, for a release from an underground storage tank containing petroleum~~,~~; or

(4) ~~a person who~~ is responsible under Minnesota Statutes, section 115B.03, for a release from an underground storage tank containing a hazardous ~~material~~ substance.

B. Operator does not include a person who operates a tank if the tank is not regulated by this chapter.

Subp. 32a. **Other potentially harmful substances.** "Other potentially harmful substances" means substances that are not regulated substances when used as intended by the manufacturer but that may cause harm to human health and the environment if released from a leaking UST system because of the volume and nature of the release. Other potentially harmful substances does not include:

A. petroleum substances under standard temperature and pressure; or

B. hazardous substances.

Subp. 32b. **Out of service.** "Out of service" means the status of a UST system from which a regulated substance is not or has not been introduced or dispensed, pending a decision or action to close the UST system or begin reusing the UST system.

[For text of subp 33, see M.R.]

Subp. 34. **Owner.**

A. "Owner" means a person who:

(1) holds title to, controls, or possesses an interest in an underground storage tank~~, and a person who~~;

(2) held title to, controlled, or possessed an interest in the tank immediately before discontinuation of ~~its~~ the tank's use~~. Owner also means a person who~~;

(3) is responsible under Minnesota Statutes, section 115C.021, for a release from an underground storage tank containing petroleum~~, or a person who~~; or

(4) is responsible under Minnesota Statutes, section 115B.03, for a release from an underground storage tank containing a hazardous ~~material~~ substance.

B. Owner does not include a person who:

(1) owns a tank if the tank is not regulated by this chapter ~~and does not include a person who~~; or

(2) holds an interest in a tank solely for financial security, unless through foreclosure or other related actions the holder of a security interest has taken possession of the tank.

Subp. 34a. **Permanent closure.** "Permanent closure" means permanently taking a UST system out of service by

either closing it in place or removing it from the ground.

[For text of subp 35, see M.R.]

Subp. 36. **Petroleum.** "Petroleum" means one of the following substances:

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

D. petroleum-based substances that are comprised of a complex blend of hydrocarbons ~~derived from crude oil through processes of separation, conversion, upgrading, and finishing~~, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, and used oils.

Subp. 37. **Petroleum ~~underground storage tank~~ UST system.** "Petroleum ~~underground storage tank~~ UST system" means ~~an underground storage tank~~ a UST system that is used to contain petroleum or a mixture of petroleum with de minimis quantities of hazardous ~~materials~~ substances.

Subp. 38. **Pipe or piping.** "Pipe" or "piping" means a hollow cylinder or tubular conduit for conveying a regulated substance from one point to another within ~~an underground storage tank~~ a UST system that is made of nonearthen materials.

Subp. 38a. **Piping system.** "Piping system" means piping, secondary containment, leak-detection devices, tubing, flanges, gaskets, valves, fittings, flexible connectors, and other pipe appurtenances that mix, separate, distribute, meter, or control flow and any core components that allow the piping system to function as intended and in accordance with installation requirements. Piping system includes:

A. a pipe run, which is the portion of the pipe from the submersible pump to the furthest dispenser, or in the case of suction piping, from the top of the tank to the furthest dispenser, or in cases where piping enters a building, the first pipe joint inside the building. UST systems may have multiple pipe runs;

B. a pipe segment, which is the portion of pipe between components in a pipe run, such as from the pump to a dispenser or between two dispensers; and

C. a pipe section, which is the portion of a pipe segment that is limited to ten feet in length.

[For text of subp 39, see M.R.]

Subp. 39a. **Product.** "Product" means a regulated substance.

Subp. 40. **Regulated substance.** "Regulated substance" means a hazardous ~~material~~ substance or petroleum.

Subp. 41. **Release.** "Release" means a spilling, leaking, emitting, discharging, escaping, leaching, or disposing from ~~an underground storage tank~~ a UST system into the environment including spills associated with overfills and transfer operations as the regulated substance moves to or from ~~an underground storage tank~~ a UST system. ~~"Release"~~ does not include discharges or designed venting allowed under agency rules.

Subp. 42. **Release detection or leak detection.** "Release detection" or "leak detection" means determining whether a release of a regulated substance has occurred from the ~~underground storage tank~~ UST system:

A. into the environment; or

B. into the interstitial space between the ~~underground storage tank~~ UST system and its secondary barrier or between the UST system and its secondary containment ~~around it~~.

Subp. 43. **Repair.** "Repair" means ~~the correction or restoration to operating condition of an underground storage tank or appurtenance~~ to correct or restore a component of a UST system to the component's original design function or operating condition.

A. "Piping repair" includes ~~installation of~~ installing a single ~~run~~ section of up to ten feet of new piping to replace existing piping. ~~Piping repair involving installation of a single run of more than ten feet of new piping to replace existing piping constitutes replacement.~~

B. "Dispenser repair" includes ~~installation of~~ installing a new dispenser to replace an existing dispenser ~~so long as~~ if work is performed entirely on or above any shear valves and check valves. ~~Installation of a new dispenser to replace an existing dispenser constitutes replacement if the work is performed beneath any shear valves or check valves or on any flexible connectors or unburied risers.~~

C. "Tank repair" includes repairing a tank lining, patching or coating damaged areas, and repairing or replacing corrosion protection.

Subp. 43a. **Replace or replacement.** "Replace" or "replacement" means ~~the installation of~~ to install a new ~~underground storage tank or appurtenance~~ component for a UST system in substantially the same location as another ~~tank or appurtenance~~ component of a UST system in lieu of that ~~tank or appurtenance, not including installation of new piping in connection with certain repairs as described in subpart 43.~~ component. Replacement includes:

A. piping repair to install a single piping segment or an accumulation of piping segments of more than ten feet of new piping to replace existing piping;

B. installing a new dispenser if work is performed beneath any shear valve or check valve or on any flexible connector or unburied riser; and

C. installing a replacement submersible pump that involves removing the pump head from the riser.

Subp. 43b. **Retrofit tank.** "Retrofit tank" means a new tank installed in an existing host tank as an internal lining according to part 7150.0205, subpart 1.

[For text of subp 44, see M.R.]

Subp. 44a. [See repealer.]

Subp. 44b. **Sacrificial-anode system.** "Sacrificial-anode system" means a cathodic-protection system that uses zinc, magnesium, or other anodic metals buried near and connected to the metal surface that is being protected.

Subp. 44c. **Secondary containment or secondarily contained.** "Secondary containment" or "secondarily contained" means a release-prevention and release-detection system that is used for a UST system and that has an inner and outer barrier with an interstitial space that is monitored for leaks.

[For text of subp 45, see M.R.]

Subp. 45a. **Spill bucket.** "Spill bucket" means a containment structure designed to capture releases that may occur in the UST fill port when a regulated substance is transferred. "Spill containment," "spill container," and "spill catchment basin" have the same meaning as spill bucket.

[For text of subp 46, see M.R.]

Subp. 46a. **Sump.** "Sump" means an area belowground that is designed to provide access to components of a UST system such as pumps, valves, piping, and fittings. Sump includes a dirt sump, an uncontained sump, and a containment sump.

[For text of subps 47 and 48, see M.R.]

Subp. 49. [See repealer.]

Subp. 49a. **Unattended card-lock facility.** "Unattended card-lock facility" means a facility where dispensing a regulated substance during business hours is mechanically or electronically controlled without the constant on-site presence of a class A, B, or C operator.

Subp. 50. **Underground area.** "Underground area" means an underground room such as a basement, cellar, shaft, or vault providing enough space for physical inspection of the entire exterior of the tank or the tank's secondary containment, situated on or above the surface of the floor.

Subp. 50a. **Underground storage tank or UST.** "Underground storage tank" or "UST" means any one or combination of tanks, vessels, enclosures, structures, or internal linings that is used to contain an accumulation of regulated substances or other potentially harmful substances when the combined volume, including the volume of connected pipes, is ten percent or more beneath the surface of the ground. An underground storage tank does not include any tank described in part 7150.0010, subpart 2.

Subp. 51. **Underground ~~storage tank or underground storage tank~~ storage-tank system or UST system.**

A. "Underground ~~storage tank" or "underground storage tank~~ storage-tank system" or "UST system" means ~~any one or combination of containers including tanks, vessels, enclosures, or structures and underground appurtenances connected to them that is used to contain or dispense an accumulation of regulated substances, and the volume of which, including the volume of underground pipes connected to them, is ten percent or more beneath the surface of the ground. This term~~ an underground storage tank and any underground piping or equipment connected to an underground storage tank that is used to:

(1) dispense a regulated substance or other potentially harmful substance;

(2) provide for safe operation of the tank, piping, or appurtenances; or

(3) detect and prevent a release to the environment.

B. UST system does not include any ~~tank or~~ tanks, pipes, or appurtenances connected to a tank described in part 7150.0010, subpart 2.

Subp. 51a. **Unusual operating condition.** "Unusual operating condition" means:

A. a condition, equipment deficiency, or occurrence that:

(1) results in a release of a regulated substance;

(2) indicates the possibility of a leak from a UST system;

(3) creates a reasonable expectation that a leak from a UST system is probable; or

(4) may cause an undetected leak;

B. an unexplained presence of water in the tank; or

C. liquid in the interstitial space of secondary-containment systems.

[For text of subps 52 and 53, see M.R.]

7150.0090 NOTIFICATION AND CERTIFICATION.

Subpart 1. **Prenotification.** At least ten days before beginning any of the following activities, owners and operators must notify the ~~commissioner~~ agency in the manner prescribed by the commissioner of their intent to perform the activity:

A. installation ~~or~~, replacement, or repair of ~~an underground storage tank~~ a UST system, including tanks, piping, ~~or dispensers~~ linings, containment sumps, and corrosion protection systems, but excluding dispensers and exposed

components below grade that can be visually inspected;

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

D. inspection of a lining on an internally lined tank.

Subp. 2. **Notification of installation, replacement, or change in status.** ~~An owner or operator~~ Owners and operators who ~~brings an underground storage tank~~ bring a UST system~~, including tanks, piping, or dispensers,~~ or components such as tanks, retrofit tanks, piping, or dispensers into use or ~~makes~~ make a change in status must, within 30 days of bringing ~~such tank~~ the UST system into use or making a change in status, submit to the agency, in the manner prescribed by the commissioner, a notice of the existence of ~~such tank~~ the UST system or type of change in status, including the information required by Minnesota Statutes, section 116.48, subdivisions 1 and 3.

Subp. 3. **Certification by owners and operators.** Owners and operators of new and replacement ~~underground storage tank~~ UST systems, including tanks, retrofit tanks, piping, and dispensers, must sign and certify in the notification form compliance with the following requirements:

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

B. financial responsibility under Code of Federal Regulations, title 40, part 280, subpart H; ~~and~~

C. release detection according to parts 7150.0300 to 7150.0340~~.~~; and

D. corrosion protection according to part 7150.0215.

Subp. 4. **Certification by installers.** Owners and operators of new and replacement ~~underground storage tank~~ UST systems, including tanks, retrofit tanks, piping, or dispensers, must ensure that the installer signs and certifies in the notification form that:

A. all work was performed as specified by the manufacturer's instructions;

B. all work was performed according to the applicable codes of practice in ~~part~~ parts 7150.0205 and 7150.0500;

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

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

Subp. 7. **Notification of tank purchase.** A person who purchases property that the purchaser knows contains ~~an underground storage tank~~ a UST system must notify the ~~commissioner~~ agency within 30 days after closing the transaction, pursuant to subpart 2. The notification ~~shall~~ must include the change in ownership and verify that all operators, including lessees, have read this chapter and have sufficient knowledge in the operation and maintenance of ~~underground storage tank~~ UST systems.

Subp. 8. **Notification of compatibility.** Owners and operators of a UST system must notify the agency at least 30 days before storing a regulated substance containing more than ten percent ethanol, more than 20 percent biodiesel, or any other regulated substance identified by the commissioner as a substance that could degrade components of a UST system. Owners and operators must demonstrate to the commissioner that the components of the UST system are compatible with the product being stored in accordance with part 7150.0100, subpart 9.

Subp. 9. **Notification of other regulated substances.** The commissioner must notify owners and operators in writing or electronically if the commissioner identifies any other regulated substances that require notice of compatibility under subpart 8.

7150.0100 PERFORMANCE STANDARDS FOR ~~UNDERGROUND STORAGE TANK~~ UST SYSTEMS.

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

Subp. 7. **Installation.** Owners and operators must ensure that the person installing UST systems or components has been certified under chapter 7105. All ~~underground storage tank~~ UST systems must be properly installed according to the

manufacturer's instructions and one of the following codes of practice developed by a nationally recognized association or independent testing laboratory. The codes are incorporated by reference under part 7150.0500:

~~A. American Petroleum Institute, Installation of Underground Petroleum Storage Systems, API 1615 (1996);~~

~~B. Petroleum Equipment Institute, Recommended Practices for Installation of Underground Liquid Storage Systems, RP100 (2005);~~

~~C. American Society of Mechanical Engineers, Process Piping, B31.3 (2005); or~~

~~D. American Society of Mechanical Engineers, Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids, B31.4 (2006).~~

A. American Petroleum Institute, Installation of Underground Petroleum Storage Systems, API RP 1615;

B. National Fire Protection Association:

(1) Flammable and Combustible Liquids Code, NFPA 30; and

(2) Code for Motor Fuel Dispensing Facilities and Repair Garages, NFPA 30A; and

C. Petroleum Equipment Institute:

(1) Recommended Practices for the Installation of Marina Fueling Systems, PEI/RP1000-14; and

(2) Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP100-11.

Subp. 8. [Repealed, 32 SR 1751]

Subp. 9. **Compatibility.**

A. Owners and operators must use ~~underground storage tank~~ UST systems~~, spill catchment basins, submersible pump sumps, and dispenser sumps~~ made of ~~or lined with~~ materials that are compatible with the substance stored in the ~~underground storage tank~~ UST system. ~~Owners and operators storing alcohol blends may use the following guidance to comply with the requirements of this part: American Petroleum Institute, Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations, API 1626 (1985). The document is incorporated by reference under part 7150.0500.~~ Owners and operators storing a regulated substance containing more than ten percent ethanol, more than 20 percent biodiesel, or any other substance identified by the commissioner that could degrade components of a UST system must also comply with item B, if applicable, and item C or D.

B. Owners and operators must provide secondary containment for tanks retrofitted after the effective date of this part according to part 7150.0205, subpart 1.

C. Owners and operators must demonstrate compatibility of the UST system by showing:

(1) the equipment or component used in the UST system is certified or listed by an independent testing laboratory for use with the regulated substance; or

(2) the equipment's or component's manufacturer has issued a written affirmative statement of compatibility, specifying the range of biofuel blends the equipment or component is compatible with.

D. Owners and operators may demonstrate compatibility other than as specified in item C if they:

(1) provide information to the commissioner demonstrating the alternative option is no less protective of

human health and the environment than the options in item C to ensure that the UST system is not degrading and will not degrade; and

(2) obtain the commissioner's prior written approval of the alternative option.

E. When considering an alternative option under item D, the commissioner must consider the type of substance and concentration of the substance that can be safely stored as part of the alternative option. If the commissioner approves the alternative option, owners and operators must comply with any conditions imposed by the commissioner to ensure human health and the environment are protected.

Subp. 10. [See repealer.]

Subp. 11. **Spill and overfill release prevention.**

A. Owners and operators must ensure that releases due to spilling or overfilling do not occur. The owner or operator must ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling. One of the following codes of practice developed by a nationally recognized association or independent testing laboratory must be used to comply with this subpart. The codes are incorporated by reference under part 7150.0500:

~~(1) National Fire Protection Association, Flammable and Combustible Liquids Code, NFPA 30 (2003);~~

~~(2) National Fire Protection Association, Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA 385 (2007); or~~

~~(3) American Petroleum Institute, Bulk Liquid Stock Control at Retail Outlets, API 1621 (1987).~~

(1) American Petroleum Institute, Bulk Liquid Stock Control at Retail Outlets, API RP 1621;

(2) American Petroleum Institute, Loading and Unloading of MC 306/DOT 406 Cargo Tank Motor Vehicles, API RP 1007; and

(3) National Fire Protection Association, Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA 385.

B. ~~The owner and operator~~ Owners and operators must report, investigate, and clean up any spills and overfills according to Minnesota Statutes, section 115.061.

Subp. 12. [See repealer.]

Subp. 12a. **Containment sumps and spill buckets.** Owners and operators must ensure that containment sumps used for interstitial monitoring and spill buckets are liquid tight to prevent releases of regulated substances to the environment.

Subp. 13. **Shear valves.** Owners and operators must ensure all shear valves ~~shall be~~ are securely anchored and installed according to manufacturer recommendations and industry standards. Shear valves installed or repaired after the effective date of this part must be of a double-poppet design that prevents release of fuel from both sides of the shear valve if the shear valve breaks at the shear point.

Subp. 14. **Drop tubes.** Owners and operators must ensure that all underground storage tanks ~~shall~~ have a drop tube that extends to within six inches of the tank bottom.

7150.0205 DESIGN AND CONSTRUCTION.

Subpart 1. **Tanks.** ~~Each tank must be properly designed and constructed and any part underground that routinely~~

~~contains product must be protected from corrosion using one of the following methods, except that all hazardous materials tanks and all tanks, other than heating oil tanks, installed or replaced after December 22, 2007, must comply with item D. The corrosion protection methods must be in accordance with one of the codes of practice in subpart 2 developed by a nationally recognized association or independent testing laboratory.~~

A. Tanks that do not meet the requirements of this subpart must be permanently closed according to part 7150.0410.

~~A. The tank is constructed of fiberglass-reinforced plastic.~~

~~B. The tank is constructed of steel and cathodically protected in the following manner:~~

~~(1) the tank is coated with a suitable dielectric material;~~

~~(2) field-installed cathodic protection systems are designed by a corrosion expert;~~

~~(3) impressed current systems are designed to allow determination of current operating status as required in part 7150.0215, subpart 3, item A; and~~

~~(4) cathodic protection systems are operated and maintained according to part 7150.0215.~~

~~C. The tank is constructed of a steel and fiberglass-reinforced plastic composite.~~

~~D. The tank is secondarily contained.~~

~~(1) Secondary containment tanks shall use one of the following designs:~~

~~(a) the tank is of double-walled fiberglass-reinforced plastic construction;~~

~~(b) the tank is of double-walled steel construction, with cathodic protection of the outer wall meeting the requirements of item B;~~

~~(c) the tank is of double-walled steel construction with a fiberglass-reinforced plastic jacket; or~~

~~(d) the tank is of single-walled steel construction with a fiberglass-reinforced plastic jacket, which is designed to contain and detect a leak through the steel wall.~~

~~(2) All secondary containment tanks shall be capable of containing a release from the inner wall of the tank and shall be designed with release detection according to part 7150.0330, subpart 6.~~

~~(3) If a tank is replaced in accordance with this item, all piping appurtenant to the tank shall comply with subpart 3, item D.~~

~~E. The tank is internally lined.~~

~~(1) A tank with an internal lining as the sole method of corrosion protection shall be internally inspected and evaluated within ten years after lining, and every five years thereafter, and found to be structurally sound with the lining still performing according to original design specifications, as follows:~~

~~(a) internal inspections and evaluations shall be conducted in accordance with American Petroleum Institute, Interior Lining and Periodic Inspection of Underground Storage Tanks, API 1631 (2001), incorporated by reference under part 7150.0500;~~

~~(b) lining inspectors shall be approved by the manufacturer of the lining, if an approval process exists, or~~

~~shall be qualified by reason of training and experience in the application and inspection of type of internal lining to be inspected;~~

~~(c) the owner, operator, or lining inspector shall notify the commissioner at least ten days prior to performing an inspection according to part 7150.0090, subpart 1;~~

~~(d) inspections shall include thorough cleaning of the lining; visual inspection of the lining for cracking, blistering, perforation, disbonding, and excessive wear; ultrasonic thickness testing (steel tanks only); holiday (spark) testing for lining continuity; lining thickness measurement; lining hardness testing; and representative photographs of internal surfaces;~~

~~(e) inspections shall be primarily by manned entry. Video camera observation alone is not allowed;~~

~~(f) minor abnormal conditions of the lining, such as short cracks or localized disbonding, may be repaired, so long as the conditions do not constitute more than five percent of the lining surface area and the repairs will return the lining to substantially the original design specifications;~~

~~(g) if a repair to the tank or to the internal lining as allowed under unit (f) is performed, the tank must pass a tightness test at a 0.1 gallon per hour leak rate using equipment for automatic tank gauging or another test method, prior to or within 30 days after returning the tank to service;~~

~~(h) a written inspection report shall be produced that describes the results of all tests and evaluations required by unit (d), and the results of tightness testing under unit (g). The report shall identify any abnormal conditions found during the inspection and the measures taken to correct the conditions. The inspector shall certify in the report that, in the professional judgment of the inspector, the tank is structurally sound, the lining is performing according to original design specifications, and the tank and lining will maintain their integrity for at least five years under the anticipated conditions of use; and~~

~~(i) the inspection report under unit (h) shall be submitted to the commissioner within 60 days of the internal inspection.~~

~~(2) A tank with an internal lining as the sole method of corrosion protection shall be permanently closed and site assessment completed according to parts 7150.0410 and 7150.0420 if at any time the lining is found to have failed. Lining failure is defined as any abnormal conditions other than minor abnormal conditions described in subitem (1), unit (f). The lining may not be replaced, nor may such a tank be upgraded with cathodic protection or another corrosion protection method to meet the requirements of this subpart.~~

~~F. The tank construction and corrosion protection are determined by the commissioner to be designed to prevent the release or threatened release of a stored, regulated substance in a manner that is no less protective of human health and the environment than items A to E. The commissioner's determination under this item must be obtained in writing and the owners and operators must keep the determination for the life of the tank.~~

B. Owners and operators must ensure that any underground part of a tank that routinely contains product is properly designed, constructed, and protected from corrosion using one of the methods under this item. The tank must be:

(1) constructed of fiber-reinforced plastic, including:

(a) a costructural retrofit tank, with cathodic protection on corrodible structural supports; or

(b) a self-structural retrofit tank;

(2) constructed of steel and cathodically protected according to this subitem. All cathodic-protection systems under this subitem must be operated and maintained according to part 7150.0215. The tank must:

(a) be coated with a suitable dielectric material and a factory-installed sacrificial-anode system;

(b) have a field-installed cathodic-protection system designed and certified by a corrosion expert; or

(c) have an impressed-current system designed and certified by a corrosion expert that allows determination of current operating status as required under part 7150.0215, subpart 3;

(3) constructed of steel with a noncorrodible jacket of a design and thickness so that additional corrosion protection is not required;

(4) internally lined, provided that the tank is lined on or before December 22, 2007, according to part 7150.0215, subpart 4; or

(5) constructed and protected from corrosion using a method that prevents the release or threatened release of a stored, regulated substance and is no less protective of human health and the environment than the methods under subitems (1) to (4), as determined by the commissioner. The commissioner's determination under this subitem must be obtained in writing, and the owners and operators must keep the determination for the life of the tank.

C. Except for heating-oil tanks, owners and operators must:

(1) secondarily contain all hazardous-substance tanks;

(2) secondarily contain all tanks containing regulated substances, including retrofit tanks, installed or replaced after December 22, 2007; and

(3) ensure that:

(a) the secondary containment is capable of containing a release from the inner wall of a tank and designed with release detection according to part 7150.0330, subpart 6; and

(b) if a tank is replaced or retrofitted in accordance with this item, all piping appurtenant to the tank is secondarily contained and complies with subpart 3.

Subp. 2. **Codes of practice for tanks.** ~~Codes of practice for subpart 1 are described in items A to E.~~ The codes of practice in this subpart must be used to comply with subpart 1, as applicable. The codes are incorporated by reference under part 7150.0500.

~~A. The following codes of practice apply to subpart 1, item A:~~

~~(1) Underwriters Laboratories, Standard for Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures, UL 1316 (2006); or~~

~~(2) Underwriters' Laboratories of Canada, Standard for Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids, ULC-S615-98 (1998).~~

~~B. The following codes of practice apply to subpart 1, item B:~~

~~(1) Steel Tank Institute, Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks, STI-P3 (2006);~~

~~(2) Underwriters Laboratories, Standard for Safety for External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746 (2007);~~

~~(3) Underwriters' Laboratories of Canada, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, CAN/ULC-S603.1-03 (2003);~~

~~(4) Underwriters' Laboratories of Canada, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, CAN/ULC-S603-00 (2000);~~

~~(5) Underwriters' Laboratories of Canada, Isolating Bushings for Steel Underground Tanks Protected with External Corrosion Protection Systems, ULC-S631-05 (2005);~~

~~(6) National Association of Corrosion Engineers, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, RP0285-2002 (2002); or~~

~~(7) Underwriters Laboratories, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, UL 58 (1996).~~

~~C. The following codes of practice apply to subpart 1, item C:~~

~~(1) Underwriters Laboratories, Standard for Safety for External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746 (2007); or~~

~~(2) Steel Tank Institute, ACT-100 Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks, STI F894 (2006).~~

~~D. The following codes of practice apply to subpart 1, item D:~~

~~(1) Underwriters Laboratories, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, UL 58 (1996);~~

~~(2) Underwriters Laboratories, Standard for Safety for External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746 (2007);~~

~~(3) Steel Tank Institute, Recommended Practice for Interstitial Tightness Testing of Existing Underground Double Wall Steel Tanks, RP012 (2006); and~~

~~(4) Steel Tank Institute, Standard for Dual Wall Underground Steel Storage Tanks, STI F841 (2006).~~

~~E. The following code of practice applies to subpart 1, item E: American Petroleum Institute, Interior Lining and Periodic Inspection of Underground Storage Tanks, API 1631 (2001).~~

A. American Petroleum Institute, Interior Lining and Periodic Inspection of Underground Storage Tanks, API STD 1631.

B. NACE International, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, SP0285-2011.

C. Steel Tank Institute, Recommended Practice for Interstitial Tightness Testing of Existing Underground Double Wall Steel Tanks, R012.

D. Steel Tank Institute, ACT-100® Specification for External Corrosion Protection of FRP Composite Steel USTs, F894.

E. Steel Tank Institute, Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks, STI-P3®.

F. Steel Tank Institute, Standard for Dual Wall Underground Steel Storage Tanks, F841.

G. Steel Tank Institute, ACT-100-U® Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks, F961.

H. Steel Tank Institute, Specification for Permatank®, F922.

I. Underwriters' Laboratories of Canada, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, CAN/ULC-S603.1-11.

J. Underwriters' Laboratories of Canada, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, CAN/ULC-S603-14.

K. Underwriters' Laboratories of Canada, Standard for Isolating Bushings for Steel Underground Tanks Protected with External Corrosion Protection Systems, ULC-S631-05.

L. Underwriters' Laboratories of Canada, Standard for Fibre Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids, CAN/ULC-S615-14.

M. Underwriters Laboratories, Outline of Investigation for Underground Fuel Tank Internal Retrofit Systems, UL 1856.

N. Underwriters Laboratories, Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures, UL 1316.

O. Underwriters Laboratories, Standard for External Corrosion Protection Systems for Steel Underground Storage Tanks, UL 1746.

P. Underwriters Laboratories, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, UL 58.

Subp. 3. **Piping.** ~~The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion using one of the following methods, except that all hazardous materials piping and all piping, other than heating oil piping, installed or replaced after December 22, 2007, other than piping that conveys regulated substances under safe suction meeting the design requirements of part 7150.0300, subpart 6, item B, subitem (2), shall comply with item D. The corrosion protection methods in items A to D must be in accordance with one of the codes of practice in subpart 4 developed by a nationally recognized association or independent testing laboratory.~~

~~A. The piping is constructed of fiberglass-reinforced plastic.~~

~~B. The piping is constructed of steel and cathodically protected in the following manner:~~

~~(1) the piping is coated with a suitable dielectric material;~~

~~(2) field-installed cathodic protection systems are designed by a corrosion expert;~~

~~(3) impressed current systems are designed to allow determination of current operating status as required in part 7150.0215, subpart 3, item A; and~~

~~(4) cathodic protection systems are operated and maintained according to part 7150.0215.~~

~~C. The piping is constructed of a steel and fiberglass-reinforced plastic composite.~~

~~D. The piping is secondarily contained.~~

~~(1) Secondary containment piping shall use one of the following designs:~~

~~(a) the piping is of double-walled fiberglass-reinforced plastic construction;~~

~~(b) the piping is of double-walled steel construction, with cathodic protection of the outer wall meeting the requirements of item B;~~

~~(c) the piping is of double-walled steel construction with a fiberglass-reinforced plastic jacket;~~

~~(d) the piping is of single-walled steel construction with a fiberglass-reinforced plastic jacket, which is designed to contain and detect a leak through the steel wall; or~~

~~(e) the piping is of double-walled nonmetallic flexible construction.~~

~~(2) All secondary containment piping shall be capable of containing a release from the inner wall of the piping and shall be designed with release detection according to part 7150.0340, subpart 4.~~

~~E. The piping is of single-walled nonmetallic flexible construction.~~

~~F. The piping construction and corrosion protection are determined by the commissioner to be designed to prevent the release or threatened release of a stored regulated substance in a manner that is no less protective of human health and the environment than the requirements of items A to D. The commissioner's determination under this item must be obtained in writing and the tank owners and operators must keep the determination for the life of the tank.~~

A. Piping that does not meet the requirements of this subpart must be permanently closed according to part 7150.0410.

B. Owners and operators must ensure that piping that routinely contains product is properly designed, constructed, and protected from corrosion using one of the methods under this item. The piping must be:

(1) constructed of a noncorrodible material;

(2) constructed of steel and cathodically protected according to this subitem. All cathodic-protection systems under this subitem must be operated and maintained according to part 7150.0215. The piping must:

(a) be coated with a suitable dielectric material and a sacrificial-anode system designed and installed according to industry standards or under the control of a corrosion expert;

(b) have a field-installed cathodic-protection system designed and certified by a corrosion expert; or

(c) have an impressed-current system designed by a corrosion expert that allows determination of current operating status as required under part 7150.0215, subpart 3; or

(3) constructed and protected from corrosion using a method that prevents release or threatened release of a stored, regulated substance and is no less protective of human health and the environment than the methods under subitems (1) and (2), as determined by the commissioner. The commissioner's determination under this subitem must be obtained in writing, and the owners and operators must keep the determination for the life of the tank.

C. Except for heating-oil piping and piping that conveys product under suction and meets the design requirements of part 7150.0300, subpart 6, item B, subitem (2), owners and operators must:

(1) secondarily contain hazardous substance piping;

(2) secondarily contain all piping containing regulated substances installed or replaced after December 22, 2007; and

(3) ensure that:

(a) the secondary containment is capable of containing a release from the inner wall of the piping and is designed with release detection according to part 7150.0340, subpart 4; and

(b) all secondarily contained piping installed after December 22, 2007, has secondary containment meeting the requirements of subparts 6 and 7 at each end of the piping segment, except for:

i. secondarily contained piping entering a building, provided that the building will contain a release until it can be detected and remedied; or

ii. transition joints approved for direct burial by the manufacturer when connecting secondarily contained piping to a single-wall pipe.

Subp. 4. **Codes of practice for piping.** ~~Codes of practice for subpart 3 are described in items A and B~~ The codes of practice under this subpart must be used to comply with subpart 3, as applicable. The codes are incorporated by reference under part 7150.0500.

~~A. The following codes of practice apply to subpart 3, item A:~~

~~(1) Underwriters Laboratories, Emergency Breakaway Fittings, Swivel Connectors and Pipe-Connection Fittings for Petroleum Products and LP-Gas, UL 567 (2004);~~

~~(2) Underwriters' Laboratories of Canada, Standard for Flexible Underground Hose Connectors for Flammable and Combustible Liquids, CAN/ULC-S633-99 (1999); or~~

~~(3) Underwriters' Laboratories of Canada, Guide for Glass-Fiber-Reinforced Plastic Pipe and Fittings for Flammable Liquids, ULC Subject C107C-M1984 (1984).~~

~~B. The following codes of practice apply to subpart 3, item B:~~

~~(1) National Fire Protection Association, Flammable and Combustible Liquids Code, NFPA 30 (2003);~~

~~(2) American Petroleum Institute, Installation of Underground Petroleum Storage Systems, API 1615 (1996);~~

~~(3) American Petroleum Institute, Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API 1632 (1996); or~~

~~(4) National Association of Corrosion Engineers, Control of External Corrosion on Underground or Submerged Metallic Piping Systems, SP0169-2007 (2007).~~

A. American Petroleum Institute, Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API RP 1632.

B. NACE International, Control of External Corrosion on Underground or Submerged Metallic Piping Systems, SP0169-2013.

C. NACE International, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, SP0285-2011.

D. Steel Tank Institute, Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, R892.

E. Underwriters' Laboratories of Canada, Standard for Nonmetallic Underground Piping for Flammable and Combustible Liquids, CAN/ULC S660-08.

F. Underwriters Laboratories, Standard for Nonmetallic Underground Piping for Flammable Liquids, UL 971.

G. Underwriters Laboratories, Outline of Investigation for Metallic Underground Fuel Pipe, UL 971A.

Subp. 5. **~~Spill and overfill prevention~~ Spill-prevention and overfill-prevention equipment.**

A. Except as provided in item B, to prevent spilling and overfilling associated with product transfer to the ~~underground storage tank~~ UST system, owners and operators must use ~~the following spill and overfill prevention equipment~~:

(1) ~~spill prevention~~ spill-prevention equipment that ~~will prevent~~ prevents release of product to the environment when the transfer hose is detached from the fill pipe~~,~~; for example, a spill ~~catchment basin~~ bucket; and

(2) ~~overfill prevention~~ one of the following types of overfill-prevention equipment ~~that will~~:

(a) equipment that automatically ~~shut~~ shuts off flow into the tank when the tank is no more than 95 percent full~~; or~~. Any flow-restricting overfill device in a vent line must be entirely removed when an automatic shutoff device is used to prevent releases from the tank;

(b) ~~alert~~ equipment that alerts the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm audible to the transfer operator~~.~~, provided that:

i. all tank openings are liquid tight when used in conjunction with flow-restricting devices in vent lines and high-level alarms;

ii. flow-restricting devices used in vent lines are not installed on UST systems after the effective date of this part;

iii. flow-restricting devices in vent lines are not allowed on suction systems with air eliminators;

iv. flow-restricting devices used in vent lines are not used in conjunction with overfill devices installed in the drop tube; and

v. flow-restricting devices in vent lines are not used in conjunction with coaxial stage 1 vapor-recovery systems; and

(c) vent-restriction devices in vent lines or auto-shutoff devices must not be used on tanks equipped with remote fill pipes or on UST systems where product is delivered under pressure.

B. Owners and operators are not required to use the ~~spill and overfill prevention~~ spill-prevention and overfill-prevention equipment specified in item A if:

[For text of subitem (1), see M.R.]

(2) the ~~underground storage tank~~ UST system is filled by transfers of no more than 25 gallons at one time.

The commissioner's determination under subitem (1) must be obtained in writing, and the tank owners and operators must keep the determination for the life of the tank.

C. Before placing a UST system into service, the owners and operators must:

(1) test spill buckets for liquid tightness according to part 7150.0216, subparts 1 and 4; and

(2) test overfill devices for proper function according to part 7150.0216, subparts 1 and 5.

Subp. 6. **Submersible ~~pumps~~ pump sumps.**

A. After December 22, 2007, owners and operators must provide any new or replacement submersible pump~~, including replacement pump head, shall be provided~~ with secondary containment around and beneath the pump head. Secondary containment ~~shall~~ must be:

(1) designed to contain a ~~release~~ leak from the pump head and any ~~connectors, fittings, and valves beneath the pump head~~ appurtenance or leak-detection device until the release can be detected and removed;

(2) designed with liquid-tight sides, bottom, ~~cover,~~ and points of penetration;

(3) constructed of fiberglass-reinforced plastic or other synthetic material of comparable thickness and durability; ~~and~~

(4) compatible with the stored substance~~.~~; and

(5) tested liquid tight before backfilling the secondary containment and placing the UST system into service according to part 7150.0216, subparts 1 and 4.

B. Any submersible pump installed before December 22, 2007, and not in a secondarily contained sump used for interstitial monitoring must be accessible for visual inspection and must not be covered by soil, water, or other obstacles that prevent visual inspections.

C. The following ~~code~~ codes of practice ~~may~~ are incorporated by reference under part 7150.0500 and must be used to meet the requirements of this subpart, as applicable:

(1) Underwriters' Laboratories of Canada, Under-Dispenser Sumps, ~~ULC/ORD-C107.21-1992 (1992). The code is incorporated by reference under part 7150.0500.~~ ULC/ORD-C107.21; and

(2) Underwriters Laboratories, Outline of Investigation for Containment Sumps, Fittings and Accessories for Fuels, UL 2447.

Subp. 7. **~~Dispensers~~ Dispenser sumps.**

A. ~~After December 22, 2007, any new dispenser, and any replacement dispenser where work is performed beneath any shear valves or check valves or on any flexible connectors or unburied risers, shall be provided with secondary containment beneath the dispenser. Secondary containment shall be:~~ Owners and operators must install secondary containment under a dispenser if:

(1) ~~designed to contain a release from the dispenser and any connectors, fittings, and valves beneath the dispenser until the release can be detected and removed~~ the dispenser is part of a new UST system;

(2) ~~designed with liquid-tight sides, bottom, and points of penetration~~ new or replacement piping is connected to the dispenser;

(3) ~~constructed of fiberglass-reinforced plastic or other synthetic material of comparable thickness and durability; and~~ a dispenser is replaced with work performed below the shear valves; or

(4) ~~compatible with the stored substance~~ the concrete or base material under the dispenser is replaced, repaired,

or modified.

B. Secondary containment must be:

(1) designed to contain a leak from the dispenser and any components of a UST system in or under the dispenser until the leak can be detected and remedied;

(2) designed with liquid-tight sides, bottom, and points of penetration;

(3) constructed of fiberglass-reinforced plastic or other synthetic material of comparable thickness and durability;

(4) compatible with the stored substance; and

(5) tested liquid tight before backfilling the secondary containment and placing the dispenser into service according to part 7150.0216, subparts 1 and 4.

C. Owners and operators must ensure that underdispenser containment installed after the effective date of this part allows for visual inspection and access to the components in the containment system.

D. Owners and operators performing dispenser repair are not required to install secondary containment.

E. The following ~~code~~ codes of practice ~~shall~~ are incorporated by reference under part 7150.0500 and must be used to meet the requirements of this subpart, as applicable:

(1) Underwriters' Laboratories of Canada, Under-Dispenser Sumps, ~~ULC/ORD-C107.21-1992 (1992). The code is incorporated by reference under part 7150.0500.~~ ULC/ORD-C107.21; and

(2) Underwriters Laboratories, Outline of Investigation for Containment Sumps, Fittings and Accessories for Fuels, UL 2447.

Subp. 8. **Emergency stops.** Owners and operators must have an emergency disconnect switch that is readily available to persons dispensing a regulated substance to disconnect electric power to pumps and dispensers, in accordance with the Minnesota State Fire Code, in the event of an emergency.

7150.0215 ~~OPERATION AND MAINTENANCE OF CATHODIC~~ OPERATING AND MAINTAINING CORROSION PROTECTION.

Subpart 1. **~~General~~ Operating and maintaining cathodic protection.** ~~Cathodic protection~~ Owners and operators of a UST system must operate and maintain cathodic-protection systems ~~must be operated and maintained~~ to continuously provide cathodic protection to the metal components of the parts of the tank and piping that routinely contain regulated substances and are in contact with the ground.

Subp. 2. **~~Sacrificial anode~~ Sacrificial-anode systems.** ~~Sacrificial anode cathodic protection systems~~ Owners and operators with a sacrificial-anode system for cathodic protection must ~~be tested~~ test for proper operation according to the following requirements:

A. systems must be tested by a ~~cathodic protection~~ cathodic-protection tester:

(1) within six months of installation and at least every three years thereafter~~,~~; and

(2) within six months after any repairs and at least every three years thereafter;

B. ~~the criteria that are~~ one of the codes of practice under subpart 5 must be used to determine that cathodic

protection is adequate as required by this subpart ~~must be according to National Association of Corrosion Engineers, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, RP0285-2002 (2002), incorporated by reference under part 7150.0500~~; and

C. ~~systems designed with external testing stations must be tested using a voltmeter according to this subpart, but do not require testing by a cathodic protection tester.~~ repairs to sacrificial-anode systems must be conducted within 60 days of failing test results and must be:

(1) conducted according to one of the industry standards under subpart 5 by a certified tank contractor under chapter 7105, a cathodic-protection tester, or a corrosion expert; or

(2) conducted according to the design and recommendations of a corrosion-protection expert by a certified tank contractor under chapter 7105, a cathodic-protection tester, or a corrosion expert.

Subp. 3. **~~Impressed current~~ Impressed-current systems.** ~~Impressed current cathodic protection systems~~ Owners and operators with an impressed-current system for cathodic protection must ~~be tested~~ test for proper operation according to the following requirements:

A. the rectifier must be read every 60 days to ensure that current is being delivered to the system, and the voltage and amperage readings ~~shall~~ must be recorded;

B. systems must be tested by a corrosion expert or a ~~cathodic protection~~ cathodic-protection tester:

(1) within six months of installation and at least annually thereafter~~,~~; and

(2) within six months after any repairs and at least annually thereafter; ~~and~~

C. ~~the criteria that are~~ one of the codes of practice under subpart 5 must be used to determine that cathodic protection is adequate as required by this subpart ~~must be according to National Association of Corrosion Engineers, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, RP0285-2002 (2002), incorporated by reference under part 7150.0500.~~; and

D. repairs to the impressed-current system must be conducted:

(1) within 60 days of a failing test result;

(2) by a certified tank contractor under chapter 7105, a cathodic-protection tester, or a corrosion expert; and

(3) in accordance with the design and written approval of a corrosion expert.

Subp. 4. **Internally lined tanks.**

A. Owners and operators must ensure that a tank with an internal lining for corrosion protection is internally inspected and evaluated within ten years after lining and every five years thereafter and found to be structurally sound with the lining performing according to original design specifications as follows:

(1) internal inspection and evaluation must be conducted according to American Petroleum Institute, Interior Lining and Periodic Inspection of Underground Storage Tanks, API 1631, incorporated by reference under part 7150.0500;

(2) the lining inspector must be approved by the manufacturer of the lining, if an approval process exists, or must be qualified by training and experience in the application and inspection of the type of internal lining to be inspected;

(3) the owners, operators, or lining inspector must notify the agency at least ten days before performing an inspection according to part 7150.0090, subpart 1;

(4) inspections must include a thorough cleaning of the lining; visual inspection of the lining for cracking, blistering, perforation, disbonding, and excessive wear; ultrasonic thickness testing; holiday (spark) testing for lining continuity; lining thickness measurement; lining hardness testing; and representative photographs of internal surfaces;

(5) inspections must be primarily by manned entry. Video-camera observation alone is not allowed;

(6) minor abnormal conditions of the lining, such as short cracks or localized disbonding, may be repaired if the conditions do not constitute more than five percent of the lining surface area and the repairs will return the lining to substantially the original design specifications; and

(7) if a repair to the tank or to the internal lining as allowed under subitem (6) is performed, the tank must pass a tightness test according to part 7150.0330, subpart 4, before or within 30 days after returning the tank to service.

B. A written inspection report must be produced that describes the results of all tests and evaluations required by item A, subitem (4), and the results of tightness testing under item A, subitem (7). The report must identify any abnormal conditions found during the inspection and the measures taken to correct the conditions. The inspector must certify in the report that, in the professional judgment of the inspector, the tank is structurally sound, the lining is performing according to original design specifications, and the tank and lining will maintain their integrity for at least five years under the anticipated conditions of use. The inspection report must be submitted to the agency within 60 days after the internal inspection.

C. A tank with an internal lining as the sole method of corrosion protection must be permanently closed and site assessment completed according to parts 7150.0345 and 7150.0410 if at any time abnormal conditions other than minor abnormal conditions described in item A, subitem (6), are found to exist. The lining may not be replaced, nor may the tank be upgraded with cathodic protection or another corrosion-protection method to meet the requirements of this subpart.

Subp. 5. **Codes of practice.** The following codes of practice for operating and maintaining cathodic protection must be used to comply with this part, as applicable, and the codes are incorporated by reference under part 7150.0500:

A. NACE International, Control of External Corrosion on Underground or Submerged Metallic Piping Systems, SP0169-2013;

B. NACE International, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, SP0285-2011;

C. NACE International, Measurement Techniques Related to Criteria for Cathodic Protection of Underground Storage Tank Systems, TM101-2012;

D. NACE International, Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems, TM0497-2012;

E. Petroleum Equipment Institute, Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP100-11;

F. Steel Tank Institute, Cathodic Protection Testing Procedures for sti-P3® UST's, R051;

G. Steel Tank Institute, Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems, R892; and

H. Steel Tank Institute, Recommended Practice for the Addition of Supplemental Anodes to sti-P3® UST's, R972.

7150.0216 OPERATING, MAINTAINING, AND TESTING UST SYSTEMS.

Subpart 1. **General.**

A. Owners and operators must maintain, test, operate, and inspect tanks, piping, and associated components of a UST system as described in this part and in accordance with:

(1) requirements of the manufacturer;

(2) the following codes of practice developed by a nationally recognized association and incorporated by reference under part 7150.0500:

(a) Petroleum Equipment Institute, Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities, PEI/RP1200; and

(b) Petroleum Equipment Institute, Recommended Practices for the Inspection and Maintenance of UST Systems, PEI/RP900; or

(3) requirements determined by the commissioner to be equivalent and no less protective of human health and the environment than subitems (1) and (2).

B. Wastes from testing, such as hydrostatic testing water, must be properly disposed of according to state and local regulations. Documentation demonstrating that testing wastes were properly disposed of according to state and local regulations must be maintained according to part 7150.0450.

Subp. 2. **Periodic operation and maintenance inspections.**

A. Owners and operators of a UST system must ensure the proper maintenance and operation of the UST system. At a minimum, owners and operators must conduct a monthly walk-through inspection of the UST system. During the inspection, the owners and operators must:

(1) visually check dispenser sumps, spill buckets, transition sumps, and submersible pump sumps for leaks and equipment defects;

(2) investigate and remedy the source of any spill, drip, or leak from the UST system;

(3) remove any liquid or debris from containment sumps used for interstitial monitoring and spill buckets;

(4) remove any liquid or debris from sumps to allow the piping, pump head, and other appurtenances in the sump to be inspected;

(5) ensure that release-detection equipment is operating with no alarms or other unusual operating conditions present and that records of release detection are reviewed and current;

(6) ensure that riser caps are tight and that there are no obstructions in the fill risers that would prevent an overfill device from functioning properly; and

(7) ensure that the bottom of the tank is monitored for water to the nearest one-eighth of an inch through electronic or manual gauging at least once a month.

B. Submersible pump sumps are exempt from inspections under item A if the sump is secondarily contained and equipped with a leak-sensing device that alerts the operator of a regulated substance or water in the sump and the sump sensor is tested annually for proper function.

C. Spill buckets are exempt from inspections under item A if the UST system receives deliveries at intervals greater than 30 days and the spill bucket is inspected before and immediately after each delivery. Owners and operators must maintain delivery records to verify infrequent deliveries.

D. Owners and operators must maintain records of inspections under this subpart. Records must include a list of each area checked, whether each area checked was compliant or needed action taken, and a description of any compliance actions taken.

Subp. 3. **Release-detection equipment.**

A. Owners and operators must test and maintain release-detection equipment to ensure that the equipment can detect a release from any part of the UST system that routinely contains product.

B. Owners and operators must annually test electronic, mechanical, and handheld components of release-detection equipment for serviceability and proper operation. Beginning no later than October 13, 2020, owners and operators must annually inspect components listed under item C using an agency-approved tester.

C. As applicable to the facility, testing under this subpart must, at a minimum, include the following components and criteria:

(1) for automatic tank gauges and other controllers, test alarms, verify system configuration, and test battery backup.

(2) for probes and sensors, inspect for residual buildup, ensure floats move freely, ensure the shaft is not damaged, ensure cables are free of kinks and breaks, and test alarm operability and communication with controller;

(3) for automatic line-leak detectors, test the operation to meet the criteria under part 7150.0340, subpart 2, item D;

(4) for vacuum pumps and pressure gauges, ensure proper communication with sensors and controllers;

(5) for spill buckets and containment sumps, visually inspect spill buckets and containment sumps used for interstitial monitoring, including seals at piping, electrical, and other penetration points, for deficiencies; and

(6) for handheld leak-detection materials, ensure that any measuring sticks, fuel-finding pastes, or other handheld items used for leak detection are in a functional condition.

Subp. 4. **Spill buckets and containment sumps.**

A. Owners and operators must ensure spill buckets and containment sumps used for interstitial monitoring of piping prevent releases to the environment by:

(1) testing spill buckets and containment sumps at least once every three years to ensure the equipment is liquid tight; or

(2) monitoring spill buckets and containment sumps that are double walled monthly to ensure the integrity of both walls, checking for leaks into the interstitial area or equipment.

B. Any automatic leak-sensing device used to monitor spill bucket or containment sump interstitial areas must be tested annually for proper function.

C. Beginning no later than October 13, 2020, testing under items A, subitem (1), and B must be performed by an agency-approved tester.

Subp. 5. **Overfill-prevention equipment.** Owners and operators must ensure overfill-prevention equipment is inspected at least every three years. The inspection must ensure that the overfill-prevention equipment is set to activate at the correct level and will activate when a regulated substance reaches that level. Beginning no later than October 13, 2020, inspections under this subpart must be performed by an agency-approved tester.

Subp. 6. **Agency-approved testers.**

A. To become agency-approved testers, individuals must:

(1) apply to the commissioner for approval every four years in a format prescribed by the commissioner. The application must include the applicant name, mailing address, telephone number, and information demonstrating compliance with subitems (2) and (3);

(2) be certified by the manufacturers of components of a UST system being tested and the manufacturers of equipment used to test UST systems, if the manufacturers offer certification; and

(3) meet one of the following criteria:

(a) be an employee of an agency-certified tank contractor under chapter 7105; or

(b) be an employee of an independent company that specializes in testing UST systems, is not affiliated with the owner or operator of the UST system being tested, and has comprehensive general liability insurance with pollution liability coverage no less than $1,000,000.

B. The commissioner must deny an application for an agency-approved tester or suspend, restrict, or revoke approval of an agency-approved tester if the commissioner finds the applicant or tester:

(1) failed to meet the approval requirements in item A;

(2) failed to comply with inspection and testing requirements in this chapter;

(3) submitted false or misleading information to obtain or renew agency approval under this part or certification under chapter 7105; or

(4) engaged in fraudulent activities related to records, test results, or repairs while performing duties as an agency-approved tester.

C. The commissioner must provide written notice by mail to the subject of the action under item B describing, as applicable, the effective date of the action, the basis for the action under item B, the facts supporting the action, and the specific steps necessary to become an approved tester. The notice must contain a statement that any request for a contested case hearing must, within ten calendar days exclusive of the day of service, be filed as a written request with the commissioner. If a contested case hearing is requested, the action is stayed pending the outcome of the hearing. If the individual does not request a hearing, the subject of the action forfeits any opportunity for a hearing. An agency-approved tester or applicant whose approval is revoked or denied may not apply for approval for one year after the effective date of revocation or denial.

7150.0250 RESTORATION, CORRECTIVE ACTIONS, AND REQUIRED PERMANENT CLOSURE.

Subpart 1. **Unusual operating conditions.**

A. Owners and operators must immediately investigate and remedy all unusual operating conditions in a UST system. The owner or operator must take the UST system out of service unless:

(1) the unusual operating condition is investigated and resolved in accordance with this chapter;

(2) any defective components are isolated from the UST system to prevent a leak; or

(3) any defective components or equipment are repaired by a person certified under chapter 7105.

B. The owner or operator must report unresolved unusual operating conditions that may have resulted in a leak or that indicate a release has occurred according to part 7150.0345, subpart 2.

Subp. 2. **Repairs.**

A. Owners and operators must maintain a UST system according to the manufacturer's instructions. If instructions are not available, owners and operators must maintain the functions of a UST system as intended by the manufacturer or according to industry standards. Repairs must ensure that releases due to structural failures, equipment failures, or corrosion do not occur while storing regulated substances in a UST system or while operating the UST system.

B. Within 30 days after completing a repair, owners and operators must ensure that:

(1) a repaired tank passes a tightness test according to part 7150.0330, subpart 4;

(2) repaired piping passes a tightness test according to part 7150.0340, subpart 3, item A; and

(3) repaired secondary-containment areas of tanks, piping used for interstitial monitoring, and containment sumps used for interstitial monitoring or piping passes an integrity test according to part 7150.0216, subpart 4.

C. Subitems (1) to (3) are codes of practice for repaired secondary-containment areas of tanks, piping, or containment sumps used for interstitial monitoring. The codes are incorporated by reference under part 7150.0500 and must be used to comply with this part:

(1) Fiberglass Tank and Pipe Institute, Field Test Protocol for Testing the Annular Space of Installed Underground Fiberglass Double and Triple-Wall Tanks with Dry Annular Space, RP 2007-2;

(2) Steel Tank Institute, Recommended Practice for Interstitial Tightness Testing of Existing Underground Double Wall Steel Tanks, R012; and

(3) Petroleum Equipment Institute, Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities, PEI/RP1200.

D. Within six months after a cathodic-protection system is repaired, the cathodic-protection system must be tested according to part 7150.0215 to ensure that it is operating properly. Impressed-current systems must be repaired according to part 7150.0215, subpart 3, item D. Sacrificial-anode systems must be repaired according to part 7150.0215, subpart 2, item C.

E. Within 30 days of any repair to spill-prevention or overfill-prevention equipment, the repaired spill-prevention or overfill-prevention equipment must be tested or inspected to ensure it is operating properly according to part 7150.0216.

F. Within 30 days of any repair to components of a UST system that are used for leak detection, the repaired or replaced component must be tested or inspected to ensure it is operating properly according to part 7150.0216.

G. Owners and operators must ensure repairs to UST systems are properly conducted according to one of the codes of practice in this item developed by a nationally recognized association or independent testing laboratory and incorporated by reference under part 7150.0500, except that repairs to fiber-reinforced plastic tanks may be made by the manufacturer's authorized representative.

(1) American Petroleum Institute, Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, API RP 1632.

(2) American Petroleum Institute, Repairing Hazardous Liquid Pipelines, API RP 2200.

(3) American Petroleum Institute, Interior Lining and Periodic Inspection of Underground Storage Tanks, API STD 1631.

(4) Fiberglass Tank and Pipe Institute, Remanufacturing of Fiberglass Reinforced Plastic (FRP) Underground Storage Tanks, RP T-95-1.

(5) NACE International, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, SP0285-2011.

(6) National Fire Protection Association, Flammable and Combustible Liquids Code, NFPA 30.

(7) National Fire Protection Association, Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair, NFPA 326.

(8) National Leak Prevention Association, Entry, Cleaning, Interior Inspection, Repair, and Lining of Underground Storage Tanks, NLPA 631, Chapter A.

(9) Steel Tank Institute, Recommended Practice for the Addition of Supplemental Anodes to sti-P3® UST's, R972.

Subp. 3. **Replacement.**

A. Components of a UST system that do not meet the performance standards in part 7150.0100 must be repaired or replaced. Owners and operators must replace:

(1) any component that has corrosion that may cause the component to not function as intended by the manufacturer or that may cause a release of a regulated substance; and

(2) any component not functioning properly according to this chapter.

B. The entire piping run, not including a submersible pump or any dispenser, must be replaced with secondary-containment piping according to part 7150.0205, subpart 3, if:

(1) metal segments are found to have pitting-type corrosion damage;

(2) metal or noncorrodible piping segments have released a regulated substance;

(3) pipe segments are found to have degraded because of age, incompatibility, or poor installation practices; or

(4) 50 percent or more of the piping run is replaced.

C. Piping may be repaired and the entire piping run need not be replaced if:

(1) the piping is secondarily contained according to part 7150.0205, subpart 3;

(2) a release is due to an external, onetime cause, such as damage during excavation; or

(3) a release occurring on a piping appurtenance, such as a flex connector, shear valve, or check valve, did not

occur as a result of corrosion.

Subp. 4. **Required permanent closure.** Owners and operators must ensure that a tank system or pipe system is permanently closed according to part 7150.0410 and a site assessment is completed according to part 7150.0345, subpart 3, if:

A. a tank has shifted upward from its original burial position to the extent that the UST has caused a bulge in the concrete or cover material over the tank or components secured to the top of the UST are contacting access covers, unless repairs can be made to the UST system to prevent the tank from shifting and ensure that the UST system has not been, nor will be, damaged;

B. a UST that is not secondarily contained has released a regulated product to the environment, unless the UST can be retrofitted according to part 7150.0205, subpart 1; or

C. the inner or outer shell of a secondarily contained UST, including retrofit tanks, or pipe is not liquid tight, unless the tank or pipe can be repaired according to subpart 2.

7150.0300 RELEASE DETECTION.

Subpart 1. **General.** With the exception of emergency generator tanks that must comply with parts 7150.0300 to 7150.0340 by October 13, 2020, owners and operators of ~~underground storage tank~~ UST systems must provide a method, or combination of methods, of release detection for tanks, piping, dispensers, and submersible pumps that:

A. can detect a ~~release~~ leak from any part of the tank and the connected underground piping, dispensers, and submersible pumps that routinely contains product;

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

C. meets the performance standards in part 7150.0330 or 7150.0340. The performance of release detection equipment, as certified by an independent testing laboratory or a nationally recognized association, must be documented with written specifications supplied by the equipment manufacturer or installer. Methods of release detection for tanks and piping must be capable of detecting the leak rate or quantity specified for that method in parts 7150.0330 and 7150.0340.

Subp. 2. [See repealer.]

[For text of subps 3 and 4, see M.R.]

Subp. 5. **Tanks.** Tanks must be monitored at least every 30 days for ~~releases~~ leaks using one of the following methods or combination of methods, except that hazardous ~~materials~~ substance tanks and tanks installed on or after December 22, 2007, must comply with item B:

A. automatic tank gauging according to part 7150.0330, subpart 5~~, combined with inventory control in accordance with part 7150.0330, subpart 2~~;

B. interstitial monitoring according to part 7150.0330, subpart 6;

C. ~~inventory control according to part 7150.0330, subpart 2, subject to the following conditions:~~ statistical inventory reconciliation according to part 7150.0330, subpart 6a;

~~(1) tank tightness testing shall be performed according to part 7150.0330, subpart 4, within five years after installation; and~~

~~(2) inventory control shall be discontinued within ten years after tank installation and another method of release detection shall be substituted;~~

~~D. for tanks with capacities of greater than 1,000 gallons and less than 2,000 gallons, manual tank gauging ac-~~

~~cording to part 7150.0330, subpart 3, subject to the following conditions:~~

~~(1) tank tightness testing shall be performed according to part 7150.0330, subpart 4, within five years after installation; and~~

~~(2) manual tank gauging shall be discontinued within ten years after tank installation and another method of release detection shall be substituted;~~

~~E.~~ D. for tanks with capacities of 1,000 gallons or less, manual tank gauging according to part 7150.0330, subpart 3; or

~~F.~~ E. another method of release detection according to part 7150.0330, subpart 7.

Subp. 6. **Piping.** ~~Underground~~ Piping that routinely contains regulated substances must be monitored for releases using one of the ~~following~~ methods or combination of methods~~, except that piping installed on or after December 22, 2007, must comply with item A, subitem (3) or (4)~~ under items A to C:

A. This item applies to pressure piping. Underground piping that conveys regulated substances under pressure must use one of the ~~following~~ methods~~:~~ under this item, except that piping installed on or after December 22, 2007, must comply with subitem (3). Piping that is positioned lower than the top of the tank must be equipped with an antisiphon device and use one of the methods under this item:

[For text of subitem (1), see M.R.]

(2) line leak detection conducted according to part 7150.0340, subpart 2, and monthly line tightness testing conducted according to part 7150.0340, subpart 3, item B; or

(3) line leak detection conducted according to part 7150.0340, subpart 2, and ~~monthly~~ interstitial monitoring conducted according to part 7150.0340, subpart 4~~, item A, subitem (2); or~~.

~~(4) continuous interstitial monitoring conducted according to part 7150.0340, subpart 4, item A, subitem (1).~~

B. This item applies to suction piping.

(1) Except as described in subitem (2), underground piping that conveys regulated substances under suction must be equipped with an antisiphon device if piping is positioned lower than the top of the tank and:

(a) have a line tightness test conducted at least every three years if it can detect a 0.1 gallon per hour leak rate at ~~one and one-half times the operating pressure~~ 50 pounds per square inch; or

[For text of unit (b), see M.R.]

[For text of subitem (2), see M.R.]

C. ~~Other methods.~~ Another method of release detection may be used according to part 7150.0340, subpart 5.

Subp. 7. [See repealer.]

7150.0330 METHODS OF RELEASE DETECTION FOR TANKS.

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

Subp. 2. [See repealer.]

Subp. 3. **Manual tank gauging.**

A. Manual tank gauging must ~~be conducted in the following manner~~ comply with this subpart:

~~A.~~

(1) ~~tank liquid level~~ measurements ~~are~~ of the level of liquid in a tank must be taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;

~~B.~~

(2) level measurements ~~are~~ must be based on an average of two consecutive stick readings at both the beginning and ending of the period; and

~~C.~~

(3) the equipment used ~~is~~ must be capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch.

B. A leak is suspected ~~and subject to the requirements of Minnesota Statutes, section 115.061,~~ if the variation between beginning and ending measurements under item A exceeds the weekly or monthly standards in the following table:

Tank Capacity	Weekly Standard (one-test)	Monthly Standard (four-test avg.)	Minimum Duration of Test
~~If manual tank gauging is the ONLY leak detection method used:~~			
up to 550 gallons	10 gallons	5 gallons	36 hours
551-1,000 gallons (when largest tank is 64" x 73")	9 gallons	4 gallons	44 hours
1,000 gallons (if tank is 48" x 128")	12 gallons	6 gallons	58 hours
~~If manual tank gauging is combined with Tank Tightness Testing:~~			
~~1,001-2,000 gallons~~	~~26 gallons~~	~~13 gallons~~	~~36 hours~~

[For text of subp 4, see M.R.]

Subp. 5. **Automatic tank gauging.** ~~Equipment for~~ Use of automatic tank gauging that tests for the loss of product ~~and conducts inventory control~~ must ~~meet the following requirements~~ comply with this subpart:

A. the automatic product level monitor test ~~can~~ must be able to detect a 0.2 gallon per hour leak rate from any part of the tank that routinely contains product; and

B. ~~inventory control is conducted according to the requirements of subpart 2.~~ owners and operators must ensure testing is performed with the system operating in one of the following modes:

(1) in-tank static testing conducted at least once every 30 days; or

(2) continuous in-tank leak detection operating without interruption or operating to allow the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.

Subp. 6. **Interstitial monitoring.**

A. Interstitial monitoring of ~~secondary containment~~ secondary-containment tanks ~~shall~~ must be conducted:

(1) continuously, by ~~means of~~ an automatic leak-sensing device that signals the operator of the presence of any liquid in the interstitial space; or

(2) monthly, by ~~means of~~ a procedure capable of detecting the presence of any liquid in the interstitial space.

B. The interstitial space ~~shall~~ must be maintained free of water, debris, or anything that could interfere with leak detection capabilities.

C. ~~On an annual basis,~~ Any automatic leak-sensing device ~~shall~~ must be annually tested for proper function.

Subp. 6a. **Statistical inventory reconciliation.**

A. A release-detection method based on applying statistical principles to inventory data must:

(1) report a quantitative result with a calculated leak rate;

(2) report a test result of pass, fail, or inconclusive;

(3) be capable of detecting a leak rate of 0.2 gallons per hour or a release of 150 gallons within 30 days; and

(4) use a threshold that does not exceed one-half the minimum detectable leak rate.

B. An inconclusive test result under item A, subitem (2), means the requirements of part 7150.0300, subpart 5, have not been met and the test results must be investigated according to part 7150.0345, subpart 1, item B.

Subp. 7. **Other methods.** Any other type of ~~release detection~~ release-detection method, or combination of methods, can be used if:

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

B. ~~the owner~~ owners and ~~operator~~ operators can demonstrate to the commissioner that the method can detect a release as effectively as any of the methods allowed in this part and obtain the commissioner's prior written approval of the method. In comparing methods, the commissioner ~~shall~~ must consider the size of release that the method can detect and the frequency and reliability with which ~~it~~ a release can be detected. If the method is approved by the commissioner, ~~the owner~~ owners and ~~operator~~ operators must comply with any conditions imposed by the commissioner on ~~its~~ the method's use to ensure the protection of human health and the environment.

7150.0340 METHODS OF RELEASE DETECTION FOR PIPING.

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

Subp. 2. **Automatic ~~line leak~~ line-leak detectors.** ~~Methods that continuously alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping, or by triggering an audible or visual alarm, may be used only if they~~

A. An automatic line-leak detector must be able to detect leaks of three gallons per hour at ~~ten pounds per square inch~~ ten-pounds-per-square-inch line pressure within one hour. ~~An annual test of the operation of any line leak detector must be conducted. Testing shall:~~

~~A. be conducted by a person:~~

~~(1) certified under chapter 7105;~~

~~(2) approved by the manufacturer of the equipment to test the detector; or~~

~~(3) qualified by reason of training or experience to test the detector;~~

~~B. comply with the manufacturer's testing requirements;~~

~~C. involve creation of a physical leak in a piping segment; and~~

~~D. verify the leak detection threshold of three gallons per hour at ten pounds per square inch line pressure within one hour.~~

B. At facilities where an operator is present during business hours, the leak-detection system must alert the operator of a leak by restricting or shutting off the flow of a regulated substance through piping or by triggering an audible or visual alarm.

C. At unattended card-lock facilities, the leak-detection system must alert the operator of a leak by shutting off the flow of a regulated substance.

D. The operation of any line-leak detector must be tested annually according to part 7150.0216. Testing must:

(1) be conducted by an agency-approved tester;

(2) create a physical leak or simulate a leak in the pipe system; and

(3) verify the leak-detection threshold of three gallons per hour at ten-pounds-per-square-inch line pressure within one hour.

Subp. 3. **Line tightness testing.** A periodic test of piping ~~may~~ must be conducted:

A. annually by an agency-approved tester, if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure; or

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

Subp. 4. **Interstitial and sump monitoring.**

A. Interstitial monitoring of ~~secondary containment~~ secondary-containment piping ~~shall~~ must be conducted:

(1) continuously, by ~~means of~~ an automatic leak-sensing device that signals the operator of the presence of any regulated substance in the interstitial space or sump; or

(2) monthly, by ~~means of~~ a procedure, such as visual monitoring, capable of detecting the presence of any regulated substance in the interstitial space or sump.

B. The interstitial space or sump ~~shall~~ must be maintained free of water, debris, or anything that could interfere with leak detection capabilities.

C. ~~On an annual basis, any sump shall be visually inspected for integrity of sides and floor and tightness of piping penetration seals. Any automatic~~ Sumps and leak-sensing ~~device shall~~ devices must be inspected and tested ~~for proper function~~ annually according to part 7150.0216, subpart 3.

Subp. 5. **Other methods.** Any other type of ~~release detection~~ release-detection method, or combination of methods, may be used if:

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

B. ~~the owner and operator~~ owners and operators can demonstrate to the commissioner that the method can detect a release as effectively as any of the methods allowed in subparts 2 to 4 and obtain the commissioner's prior written approval of the method. In comparing methods, the commissioner ~~shall~~ must consider the size of release that the method can detect and the frequency and reliability with which ~~it~~ a release can be detected. If the method is approved by the commissioner, ~~the owner~~ owners and ~~operator~~ operators must comply with any conditions imposed by the commissioner on the method's use to ensure the protection of human health and the environment.

REPORTING, INVESTIGATING, AND CONFIRMING RELEASES

7150.0345 REPORTING, INVESTIGATING, AND CONFIRMING RELEASES.

Subpart 1. **Investigating and confirming.**

A. Owners and operators must immediately investigate, confirm, and remedy all suspected releases.

B. Within 24 hours of discovering an unusual operating condition while conducting leak detection according to part 7150.0330 or 7150.0340, owners and operators must investigate the condition by:

(1) conducting a visual inspection of aboveground and exposed below-grade components of a UST system for leaks and deficiencies; and

(2) if applicable, repeating any leak test that indicated an unusual operating condition, conducted according to part 7150.0330, subpart 5, 6, or 6a, or 7150.0340, subpart 2, item A; 3, item B; or 4, item A.

C. Within 24 hours of discovering an unusual operating condition or confirming an unusual operating condition according to item B, subitem (2), the owners and operators must initiate:

(1) tightness testing according to part 7150.0330, subpart 4, or 7150.0340, subpart 3, item A, on the component suspected of leaking; and

(2) if applicable, integrity testing, using an agency-approved tester, of interstitial and secondary-containment areas used for leak detection.

D. If the investigation under item B or the testing under item C indicates that the UST system is not leaking, owners and operators may resume leak testing the UST system according to part 7150.0300.

E. If testing confirms a leak, owners and operators must immediately remove the regulated substance from the leaking component to prevent further releases and must repair, replace, upgrade, or permanently close the UST system.

Subp. 2. **Reporting releases or suspected releases.** A person who has knowledge of a release from a UST system must immediately notify the Minnesota duty officer upon discovering the release by calling 1-800-422-0798 and must begin recovering the substance according to Minnesota Statutes, section 115.061. Notice under this subpart is also required if:

A. the owners and operators discover a release of a regulated substance at the underground tank site or in the surrounding area;

B. an unusual operating condition exists, unless:

(1) the system component is immediately repaired or replaced; and

(2) for secondarily contained systems, any liquid in the interstitial space not used for monitoring is immediately removed; or

C. monitoring results from a release-detection method or alarm indicates a release may have occurred, unless:

(1) the monitoring device or alarm is found to be defective and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial results;

(2) the leak is contained in a secondary-containment space and:

(a) any liquid in the secondary-containment space not used for monitoring is immediately removed; and

(b) any defective system equipment or component is immediately repaired or replaced; or

(3) the alarm is investigated and determined to be a nonrelease event.

Subp. 3. **Assessing site; permanent closure or status change.**

A. Before completing a tank or piping system closure according to part 7150.0410 or changing the status of storing a nonregulated substance, owners and operators must measure, by laboratory analysis, for the presence of a release.

B. Sampling under item A must be according to the commissioner's requirements. The requirements must be based upon where contamination is most likely to be present, taking into consideration the method of closure, nature of the stored substance, type of backfill, depth to groundwater, and other factors relevant to identifying the presence of a release.

C. If contaminated soils, contaminated groundwater, or free product as a liquid or vapor is discovered by measurement under this subpart or by any other means, the Minnesota duty officer must be immediately notified by calling 1-800-422-0798 and corrective action must be started according to Minnesota Statutes, section 115.061.

~~OUT-OF-SERVICE UNDERGROUND STORAGETANK SYSTEMS AND~~ UST SYSTEM CLOSURE

7150.0400 TEMPORARY CLOSURE.

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

Subp. 2. **Tanks out of service less than 90 days.** When ~~an underground storage tank~~ a UST system is out of service for less than 90 days, owners and operators must continue operation and maintenance of corrosion protection according to part 7150.0215, and any release detection according to parts 7150.0300 to 7150.0340. Release detection is not required as long as the ~~underground storage tank~~ UST system is empty. The ~~underground storage tank~~ UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters, or one inch, of residue remains in the system as measured through any part of the ~~tank~~ UST system.

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

Subp. 4. **Tanks out of service one year.** When ~~an underground storage tank~~ a UST system is out of service for one year or more, owners and operators must permanently close the ~~underground storage tank~~ UST system according to part 7150.0410, unless the owner or operator requests an extension of the closure period by submitting an application for an extension on a form approved by the commissioner and the commissioner approves the extension in writing based on compliance with this part. Conditions of extension ~~shall~~ must include record keeping requirements according to part 7150.0450 and the continued operation and maintenance of ~~cathodic~~ corrosion protection according to part 7150.0215. The ~~underground storage tank~~ UST system may not be returned to service without the written approval of the commissioner, based on compliance with the applicable requirements of this chapter.

Subp. 5. **Tanks out of service five years.** All ~~underground storage tank~~ UST systems must be permanently closed if the ~~tank~~ UST system is out of service for five years or more.

7150.0410 PERMANENT CLOSURE AND CHANGE IN STATUS TO STORAGE OF NONREGULATED SUBSTANCES.

Subpart 1. **Requirements.** In addition to the requirements of the most current Minnesota Fire Code, owners and operators must comply with ~~the provisions in~~ subparts ~~2~~ 3 to 7 relating to permanent closure or change in status to storage of nonregulated substances.

Subp. 2. [See repealer.]

Subp. 3. **Permanent closure.**

A. To permanently close a ~~tank~~ piping system, owners and operators must empty and clean ~~it~~ the piping by removing all liquids. To permanently close a UST system, owners and operators must empty and clean the tank and piping by removing all liquids and accumulated sludges ~~from the tank and piping~~.

B. All tanks and piping ~~taken out of service~~ permanently closed must ~~also~~ be ~~either~~:

(1) removed from the ground; or

(2) completely filled in with an inert solid material and free of voids that could allow flammable or hazardous vapors or liquids to accumulate in the voids.

C. A site assessment must be conducted according to part 7150.0345, subpart 3, for all tanks and piping permanently closed.

D. When a tank is retrofitted according to part 7150.0205, subpart 1, the original tank upon which the retrofitted tank is secured is considered permanently closed and a site assessment must be conducted according to part 7150.0345, subpart 3.

Subp. 4. **~~Storage of~~ Storing nonregulated substances.** Continued use of ~~an underground storage tank~~ a UST system to store a nonregulated substance is considered a change in status. Before a change in status to storage of a nonregulated substance, owners and operators must empty and clean the tank and piping by removing all liquid and accumulated sludge and conduct a site assessment according to part ~~7150.0420~~ 7150.0345, subpart 3.

Subp. 5. **Certification of ~~closers~~ closure.** Owners and operators must ensure that persons performing permanent closures under subpart 3 or changes in status under subpart 4:

A. are in compliance with certification requirements imposed by chapter 7105~~. Such persons must~~;

B. furnish copies of current certificates issued by the ~~agency~~ commissioner to the owner and operator before beginning a permanent closure ~~under subpart 3~~ or a change in status ~~under subpart 4.~~; and

C. certify on the notification form required under part 7150.0090, subpart 2, that the methods used to perform the permanent closure or change in status complied with this part.

Subp. 6. [See repealer.]

Subp. 7. **Cleaning and closure procedures.** The cleaning and closure procedures listed in one of the following documents must be used ~~as guidance for complying~~ to comply with this part. The documents are incorporated by reference under part 7150.0500:

A. American Petroleum Institute, Closure of Underground Petroleum Storage Tanks, API RP 1604 ~~(1996)~~;

B. American Petroleum Institute, Interior Lining and Periodic Inspection of Underground Storage Tanks, API STD 1631 ~~(2001)~~; ~~or~~

C. American Petroleum Institute, Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks, API STD 2015 ~~(2001).~~;

D. American Petroleum Institute, Guidelines and Procedures for Entering and Cleaning Petroleum Storage Tanks, API RP 2016;

E. National Fire Protection Association, Standard for the Safeguarding of Tanks and Containers for Entry, Clean-

ing, or Repair, NFPA 326; and

F. National Institute for Occupational Safety and Health, Criteria for a Recommended Standard: Working in Confined Spaces, DHEW (NIOSH) Publication No. 80-106.

7150.0430 PREVIOUSLY CLOSED ~~UNDERGROUND STORAGE TANK~~ UST SYSTEMS.

When directed by the commissioner, ~~the owner~~ owners and ~~operator~~ operators of ~~an underground storage tank~~ a UST system permanently closed before December 22, 1988, must assess the excavation zone according to part ~~7150.0420~~ 7150.0345, subpart 3, and close the ~~underground storage tank~~ UST system according to part 7150.0410 if releases from the underground storage tank may, in the judgment of the commissioner, pose a current or potential threat to human health and the environment.

OPERATOR REQUIREMENTS, REPORTING, AND RECORD KEEPING

7150.0445 CLASS A, B, AND C OPERATOR REQUIREMENTS.

Subpart 1. **General.**

A. Owners and operators of a UST system are responsible for ensuring that class A, B, and C operators fulfill their responsibilities under this chapter.

B. Class A, B, and C operators must be the owner or operator of the UST system or a designated employee of the owner or operator.

C. Owners or operators of a UST system must designate a class A, B, and C operator for the UST system, except that owners or operators are not required to designate a class C operator for unattended card-lock facilities.

D. During business hours, a class A, B, or C operator must be on site during operation of the UST system except at unattended card-lock facilities. Unattended card-lock facilities must post a legible sign in a conspicuous location with the facility name, facility address, telephone numbers for the facility owner and operator, and telephone number for local emergency response.

E. Each individual that meets the definition of a class C operator must be designated as a class C operator.

Subp. 2. **Class A operator responsibilities.** The class A operator is responsible for managing resources and personnel to achieve and maintain compliance with this chapter. At a minimum, a class A operator must be knowledgeable about the purpose, methods, and function of:

A. spill and overfill prevention;

B. release detection;

C. corrosion protection;

D. emergency response;

E. product and equipment compatibility;

F. notification under part 7150.0090, subpart 2;

G. temporary and permanent closure;

H. testing, reporting, and record keeping for UST systems;

I. environmental and regulatory consequences of releases;

J. financial responsibility; and

K. training.

Subp. 3. **Class B operator responsibilities.**

A. The class B operator is responsible for daily operation and maintenance of the UST system. The class B operator must be on site at least once each month to ensure proper operation and maintenance of the UST systems, except that the class B operator of an unattended card-lock facility must be on site at least once each week.

B. Each month, the class B operator must validate that:

(1) release-detection monitoring is being performed according to parts 7150.0300 to 7150.0340;

(2) reporting is being performed and records are being maintained according to part 7150.0450;

(3) spill-, overfill-, and corrosion-protection systems are in place and operating according to part 7150.0205;

(4) cathodic-protection testing is being performed according to part 7150.0215;

(5) unusual operating conditions or release-detection system indications are being reported and investigated according to Minnesota Statutes, section 115.061; and

(6) routine operation and maintenance activities are being done according to part 7150.0216.

C. At a minimum, a class B operator must be knowledgeable about the purpose, methods, and function of:

(1) operating and maintaining the UST system;

(2) spill and overfill prevention;

(3) release detection and related reporting;

(4) corrosion protection;

(5) emergency response;

(6) product and equipment compatibility;

(7) testing, inspection, and record keeping for UST systems;

(8) environmental and regulatory consequences of a release; and

(9) training requirements for class C operators.

Subp. 4. **Class C operator responsibilities.** The class C operator must be:

A. on site daily and responsible for handling emergencies and alarms pertaining to a spill or release from a UST system, including reporting spills and releases;

B. trained by a class A or B operator before assuming responsibility for the tank system; and

C. trained to take action according to this chapter in response to emergencies or alarms caused by spills or releases resulting from operating the UST system or from dispensing activities.

Subp. 5. **Class A and B operator examinations.**

A. Class A and B operators must pass an agency-administered examination with a score of 75 percent or higher to verify knowledge of the UST system. Class A and B operators must pass the agency-administered examination within 30 days after being designated by the owner or operator of the UST system.

B. A class B operator must retake the examination under item A within 30 days after a change in any of the following components of a UST system:

(1) tank or piping construction material;

(2) tank or piping release-detection method; or

(3) type of cathodic-protection system.

C. Notwithstanding item A, if a designated class A or B operator is certified in another state as a class A or B operator for underground storage tanks, the owner or operator may apply to the commissioner for a waiver of the examination requirement in item A. To get approval of a waiver application, the owner or operator must submit to the commissioner a copy of the designated class A or B operator's current certification issued by another state and information to demonstrate that the other state's operator certification examination is equivalent in content to the agency-administered examination under item A. The commissioner must approve in writing a waiver application that complies with this item and demonstrates the required equivalency. Owners and operators are subject to the commissioner's conditions of approval and to the other requirements in this part, including the reexamination requirements in item B and the training and reexamination requirements in subpart 6, item B.

Subp. 6. **Class A and B operator training requirements.**

A. If the class A or B operator does not receive a passing score of 75 percent or higher on the examination under subpart 5, the class A or B operator must attend an agency-approved training course and retake and pass an agency-administered examination with a score of 75 percent or higher. The class A or B operator must pass the examination within 60 days after the commissioner notifies the class A or B operator of a failing score on the original examination.

B. If the commissioner determines that the owner or operator of a UST system has violated part 7150.0205, subpart 5; 7150.0215; 7150.0216; 7150.0300; 7150.0330; 7150.0340; or 7150.0400, the class B operator of the UST system must attend an agency-approved training course and retake and pass an agency-administered examination with a score of 75 percent or higher. The class B operator must pass the examination within 30 days after the commissioner notifies the class B operator of the requirement.

Subp. 7. **Training course approval.**

A. A person seeking to train class A or B operators must apply for agency approval of the training course according to this subpart.

B. A training provider must submit to the commissioner an application on a form provided by the commissioner. The application must contain:

(1) the course sponsor's name, address, and telephone number;

(2) a list of states that approve the training course at the time the application is submitted;

(3) the course curriculum, including topics to be covered and length of the training;

(4) a letter from the course sponsor that explains how the course meets the requirements of this chapter;

(5) a copy of all course materials, such as student manuals, instructor notebooks, and handouts;

(6) a copy of the certificate that will be issued to students who attend the course; and

(7) other information determined relevant by the commissioner for evaluating whether the course will train operators to meet the requirements of this chapter.

C. Training must provide the knowledge necessary for class A or B operators to monitor and maintain UST systems in a manner that complies with this chapter, prevents releases to the environment, minimizes the size of accidental releases through early detection, and mitigates damage from releases with proper emergency response.

D. The commissioner must suspend or revoke approval of a training course if the commissioner finds that the course no longer provides training that meets the requirements of this chapter.

E. Except as provided in item D, approval of a training course is effective until the commissioner determines that the training course does not meet the requirements of this chapter. Upon making the determination, the commissioner must notify the approved training provider that changes in the course are required to maintain commissioner approval. The training provider must then submit a revised training course to the commissioner for approval.

7150.0450 REPORTING AND RECORD KEEPING.

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

Subp. 2. **Reporting.** Owners and operators must submit the following information to the commissioner within the applicable time frames:

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

C. reports of all releases under part 7150.0345 and Minnesota Statutes, section 115.061, including suspected releases, spills and overfills, and confirmed releases;

[For text of items D and E, see M.R.]

F. inspection reports for internally lined tanks under part ~~7150.0205~~ 7150.0215, subpart ~~1~~ 4, ~~item E, subitem (1)~~ items A and B.

Subp. 3. **Record retention.** Owners and operators must maintain the following information in a legible manner for the specified time frame:

A. the commissioner's determination under part 7150.0205, subpart 1, item ~~F~~ B, subitem (5); subpart 3, item ~~F~~ A, subitem (3); or subpart 5, item B, subitem (1), that alternative ~~corrosion protection~~ equipment for corrosion protection or spill and overfill prevention ~~equipment~~ may be used, ~~shall~~ must be maintained for the life of the ~~tank~~ UST system;

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

C. documentation of ~~underground storage tank system~~ repairs for UST systems, including the nature of each repair~~,~~ and results of required integrity testing~~, and any commissioner's written determination~~ under part ~~7150.0100, subpart 10, item C~~ 7150.0250, subpart 2, ~~shall~~ must be maintained for the life of the ~~tank~~ UST system;

D. documentation of compliance with release detection requirements under parts 7150.0300 to 7150.0340, as follows:

(1) all written performance claims pertaining to any release detection system used~~,~~ and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, including documentation of ~~"safe suction" design according to~~ suction piping meeting the design requirements of part 7150.0300, subpart 6, item B,

subitem (2), must be maintained for as long as the system is being used to comply with the requirements of this chapter;

(2) the results of any ~~sampling,~~ testing~~,~~ or monitoring must be maintained for at least ~~ten~~ five years, including:

(a) monthly ~~tank inventory control according to part 7150.0330, subpart 2~~ statistical inventory reconciliation results according to part 7150.0330, subpart 6a;

[For text of unit (b), see M.R.]

(c) ~~monthly or annual~~ tank tightness testing according to part 7150.0330, subpart 4;

[For text of unit (d), see M.R.]

(e) monthly interstitial monitoring of ~~secondary containment~~ secondary-containment tanks according to part 7150.0330, subpart 6, item A~~, subitem (2)~~;

[For text of units (f) to (i), see M.R.]

(j) monthly interstitial monitoring of ~~secondary containment~~ secondary-containment piping according to part 7150.0340, subpart 4;

(k) monthly results of an alternative ~~piping release detection~~ method for detecting releases in piping according to part 7150.0340, subpart 5; and

~~(l) monthly sump and basin monitoring according to part 7150.0300, subpart 7; and~~

~~(m)~~ (l) annual testing of any automatic leak-sensing device in any secondarily contained tank according to part 7150.0330, subpart 6, item C, or submersible pump sump according to part 7150.0340, subpart 4, item C;

(3) written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on site must be maintained for at least ~~ten~~ five years after the servicing work is completed. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer must be retained as long as the system is being used to comply with the requirements of this chapter; and

[For text of subitem (4), see M.R.]

E. documentation that shows that testing wastes generated during sump and spill-bucket testing have been disposed of properly in accordance with state and local regulations must be maintained for at least five years after the testing;

~~E.~~ F. results of the site assessment conducted at permanent closure or change in status to a nonregulated substance under part ~~7150.0420~~ 7150.0345 and any other records that are capable of demonstrating compliance with closure requirements under parts 7150.0400 and 7150.0410~~. The results of the site assessment required in part 7150.0420~~ must be maintained for at least three years after completion of permanent closure or change in status in one of the following ways:

(1) at the facility by the owners and operators who took the ~~underground storage tank~~ UST system out of service;

(2) at the facility by the current owners and operators of the ~~underground storage tank~~ UST system site; or

(3) by mailing these records to the commissioner if the records cannot be maintained at the closed facility;

~~F.~~ G. certification that the facility's class A operator and class B operator have passed the operator examination requirements or documentation of current certification in another state if the commissioner has approved a waiver of the agency-administered examination~~. Certifications on current personnel~~ must be kept until closure of the facility~~. Certifications on former personnel must be kept for at least three years from the date of the employee's termination~~ or until the

class A or B operator is no longer employed at the facility, whichever occurs first;

~~G.~~ H. records of monthly or weekly on-site presence of the class B operator according to part ~~7150.0211~~ 7150.0445, subpart ~~5~~ 3, must be kept for at least ~~ten~~ five years; ~~and~~

~~H.~~ I. records that document that the class C operator has received the training required in part ~~7150.0211~~ 7150.0445, subpart ~~6~~ 4, including the date of training, who performed the training, and the contents of the training~~. Training records on current personnel~~ must be kept until closure of the facility~~. Training records on former personnel must be kept for at least three years from the date of the employee's termination.~~ or until the class C operator is no longer employed at the facility, whichever occurs first;

J. results of the following testing, inspections, and monitoring must be maintained for at least five years:

(1) periodic operation and maintenance inspections according to part 7150.0216, subpart 2;

(2) leak-detection equipment inspections and testing according to part 7150.0216, subpart 3;

(3) testing or monitoring spill buckets or containment sumps according to part 7150.0216, subpart 4;

(4) overfill-prevention equipment inspection and testing according to part 7150.0216, subpart 5; and

(5) any other documentation of compliance with part 7150.0216; and

K. documentation that the components of the UST system are compatible with the substance stored according to part 7150.0100, subpart 9, must be maintained for the life of the UST system.

[For text of subp 4, see M.R.]

7150.0451 UST SYSTEMS WITH FIELD-CONSTRUCTED TANKS AND AIRPORT HYDRANT FUEL DISTRIBUTION SYSTEMS.

Code of Federal Regulations, title 40, part 280, subpart K, as amended, entitled "UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems," is incorporated by reference.

7150.0500 INCORPORATION BY REFERENCE.

Subpart 1. **Scope.** For purposes of this chapter ~~7150~~, the documents in subpart 2 are incorporated by reference. These documents are not subject to frequent change. They can be found at the Minnesota Pollution Control Agency Library, 520 Lafayette Road, Saint Paul, Minnesota 55155, ~~at the addresses indicated,~~ or through the Minitex interlibrary loan system. If any of the documents are amended, ~~and if the amendments are incorporated by reference or otherwise made a part of federal technical rules at Code of Federal Regulations, title 40, part 280,~~ then the amendments to documents are also incorporated by reference in this chapter.

Subp. 2. **Referenced standards.** The documents referenced throughout this chapter are listed in items A to ~~H~~ J:

~~A. American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017.~~

~~(1) B31.3, Process Piping (2005); and~~

~~(2) B31.4, Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids (2006).~~

~~B.~~ A. American Petroleum Institute~~, 1220 L Street Northwest, Washington, D.C. 20005.~~:

(1) API RP 1007, Loading and Unloading of MC 306/DOT 406 Cargo Tank Motor Vehicles (2001);

(2) API RP 1604, Closure of Underground Petroleum Storage Tanks (1996);

~~(2)~~ (3) API RP 1615, Installation of Underground Petroleum Storage Systems ~~(1996)~~ (2011);

~~(3)~~ (4) API RP 1621, Bulk Liquid Stock Control at Retail Outlets ~~(1987)~~ (1993);

~~(4) API 1626, Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations (1985);~~

(5) API STD 1631, Interior Lining and Periodic Inspection of Underground Storage Tanks (2001);

(6) API RP 1632, Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems (1996);

(7) API STD 2015, Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks ~~(2001)~~ (2014); ~~and~~

(8) API RP 2200, Repairing ~~Crude Oil, Liquefied Petroleum Gas, and Product~~ Hazardous Liquid Pipelines ~~(1994).~~ (2015); and

(9) API RP 2016, Guidelines and Procedures for Entering and Cleaning Petroleum Storage Tanks (2001).

B. Fiberglass Tank and Pipe Institute:

(1) RP T-95-1, Remanufacturing of Fiberglass Reinforced Plastic (FRP) Underground Storage Tanks (1995); and

(2) RP 2007-2, Field Test Protocol for Testing the Annular Space of Installed Underground Fiberglass Double and Triple-Wall Tanks with Dry Annular Space (2007).

C. ~~National Association of Corrosion Engineers, Publications Department, P.O. Box 218340, Houston, Texas 77218.~~ NACE International:

(1) ~~SP0169-2007~~ SP0169-2013, Control of External Corrosion on Underground or Submerged Metallic Piping Systems ~~(2007)~~ (2013); ~~and~~

(2) ~~RP0285-2002~~ SP0285-2011, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection ~~(2002).~~ (2011);

(3) TM0101-2012, Measurement Techniques Related to Criteria for Cathodic Protection of Underground Tank Systems (2012); and

(4) TM0497-2012, Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems (2012).

D. National Fire Protection Association~~, Batterymarch Park, Quincy, Massachusetts 02269.~~:

(1) NFPA 30, Flammable and Combustible Liquids Code ~~(2003)~~ (2015); ~~and~~

(2) NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages (2015);

(3) NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids ~~(2007).~~ (2012); and

(4) NFPA 326, Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair (2015).

E. National Leak Prevention Association, NLPA 631, Chapter A, Entry, Cleaning, Interior Inspection, Repair, and

Lining of Underground Storage Tanks (1991).

F. National Institute for Occupational Safety and Health, DHEW (NIOSH) Publication No. 80-106, Criteria for a Recommended Standard: Working in Confined Spaces (1979).

~~E.~~ G. Petroleum Equipment Institute~~, P.O. Box 2380, Tulsa, Oklahoma 74101~~:

(1) ~~RP100~~ PEI/RP 100-11, Recommended Practices for Installation of Underground Liquid Storage Systems ~~(2005).~~ (2011);

(2) PEI/RP900, Recommended Practices for the Inspection and Maintenance of UST Systems (2008);

(3) PEI/RP1000-14, Recommended Practices for the Installation of Marina Fueling Systems (2014); and

(4) PEI/RP1200, Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities (2017).

~~F.~~ H. Steel Tank Institute~~, 570 Oakwood Road, Lake Zurich, Illinois 60047.~~:

~~(1) STI-P3, Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks (2006);~~

~~(2)~~ (1) ~~STI~~ F841, Standard for Dual Wall Underground Steel Storage Tanks (2006);

~~(3)~~ (2) ~~STI~~ F894, ACT-100® Specification for External Corrosion Protection of FRP Composite Steel ~~Underground Storage Tanks (2006)~~ USTs (2015); ~~and~~

(3) F922, Specification for Permatank® (2014);

(4) F961, ACT-100-U® Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks (2015);

(5) STI-P3®, Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks (2015);

~~(4)~~ (6) R012, Recommended Practice for Interstitial Tightness Testing of Existing Underground Double Wall Steel Tanks ~~(2006).~~ (2007);

(7) R051, Cathodic Protection Testing Procedures for sti-P3® UST's (2006);

(8) R892, Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems (2006); and

(9) R972, Recommended Practice for the Addition of Supplemental Anodes to sti-P3® UST's (2010).

~~G.~~ I. Underwriters Laboratories Inc.~~, 333 Pfingsten Road, Northbrook, Illinois 60062.~~:

(1) UL 58, Standard for Steel Underground Tanks for Flammable and Combustible Liquids (1996);

(2) ~~UL 567, Emergency Breakaway Fittings, Swivel Connectors and Pipe-Connection Fittings for Petroleum Products and LP-Gas (2004)~~ UL 971, Standard for Nonmetallic Underground Piping for Flammable Liquids (1995);

(3) UL 971A, Outline of Investigation for Metallic Underground Fuel Pipe (2006);

~~(3)~~ (4) UL 1316, ~~Standard for~~ Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures (2006); ~~and~~

~~(4)~~ (5) UL 1746, Standard for ~~Safety for~~ External Corrosion Protection Systems for Steel Underground Storage Tanks (2007)~~.~~;

(6) UL 1856, Outline of Investigation for Underground Fuel Tank Internal Retrofit Systems (2013); and

(7) UL 2447, Outline of Investigation for Containment Sumps, Fittings and Accessories for Fuels (2012).

~~H.~~ J. Underwriters' Laboratories of Canada~~, 7 Crouse Road, Scarborough, Ontario, Canada M1R 3A9.~~:

~~(1) CAN/ULC-S603.1-03, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids (2003);~~

~~(2)~~ (1) ~~CAN/ULC-S603-00~~ CAN/ULC-S603-14, Standard for Steel Underground Tanks for Flammable and Combustible Liquids ~~(2000)~~ (2014);

(2) CAN/ULC-S603.1-11, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids (2011);

(3) ~~ULC-S615-98~~ CAN/ULC-S615-14, Standard for Fibre Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids ~~(1998)~~ (2014);

(4) ULC-S631-05, Standard for Isolating Bushings for Steel Underground Tanks Protected with External Corrosion Protection Systems (2005);

(5) ~~CAN/ULC-S633-99, Standard for Flexible Underground Hose Connectors for Flammable and Combustible Liquids (1999);~~ CAN/ULC S660-08, Standard for Nonmetallic Underground Piping for Flammable and Combustible Liquids (2008); and

~~(6) ULC Subject C107C-M1984, Guide for Glass-Fiber-Reinforced Plastic Pipe and Fittings for Flammable Liquids (1984);~~

~~(7)~~ (6) ULC/ORD-C107.21~~-1992~~, Under-Dispenser Sumps (1992)~~; and~~.

~~(8) ULC/ORD-C971-2005, Nonmetallic Underground Piping for Flammable and Combustible Liquids (2005).~~

TERM CHANGE. The term "underground storage tank system" is changed to "UST system," together with any necessary grammatical changes, wherever the term appears in Minnesota Rules, chapter 7150.

REPEALER. Minnesota Rules, parts 7150.0010, subpart 4; 7150.0030, subparts 8, 23, 25a, 44a, and 49; 7150.0100, subparts 10 and 12; 7150.0211; 7150.0300, subparts 2 and 7; 7150.0330, subpart 2; 7150.0410, subparts 2 and 6; and 7150.0420, are repealed.

Adopted Rules

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

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

Minnesota Department of Health

Adopted Permanent Rules Relating to Health Risk Limits

The rules proposed and published at State Register, Volume 42, Number 30, pages 823-839, January 22, 2018 (42 SR 823), are adopted with the following modifications:

4717.7860 HEALTH RISK LIMITS TABLE.

Subp. 3. **Acetochlor.**

CAS number: 34256-82-1

Year Adopted: 2018

Volatility: Nonvolatile

	Acute	Short-term	Subchronic	Chronic	Cancer
HRL (µg/L)	ND	30	30	20	NA
RfD (mg/kg-day)	--	0.016	0.012	0.0039	--
RSC	--	0.5	0.2	0.2	--
SF (per mg/kg-day)	--	--	--	--	--
ADAF or $AF_{lifetime}$	--	--	--	--	--
Intake Rate (L/kg-day)	--	0.285	0.070	0.044	--
Endpoints	--	developmental, hepatic (liver) system, thyroid (E)	hepatic (liver) system, male reproductive system, nervous system, renal (kidney) system	hepatic (liver) system, male reproductive system, nervous system, renal (kidney) system, respiratory system	--

Subp. 14b. **~~Perfluorobutyrate~~ Perfluorobutanoate (PFBA).**

CAS number: 45048-62-2; 375-22-4

Year Adopted: 2018

Volatility: Nonvolatile

	Acute	Short-term	Subchronic	Chronic	Cancer
HRL (µg/L)	ND	7	7 (2)	7 (2)	NA
RfD (mg/kg-day)	--	0.0038	(2)	(2)	--
RSC	--	0.5	(2)	(2)	--
SF (per mg/kg-day)	--	--	--	--	--
ADAF or $AF_{lifetime}$	--	--	--	--	--
Intake Rate (L/kg-day)	--	0.285	(2)	(2)	--
Endpoints	--	hepatic (liver) system, thyroid (E)	hepatic (liver) system, thyroid (E)	hepatic (liver) system, thyroid (E)	--

Subp. 15. **Perfluorooctane sulfonate (PFOS) and salts.**

CAS number: 45298-90-6; 1763-23-1; 29081-56-9; 2795-39-3; 70225-14-8; and 29457-72-5

Year Adopted: ~~2018~~ 2009

Volatility: Nonvolatile

	Acute	Short-term	Subchronic	Chronic	Cancer
HRL (µg/L)	ND	~~0.027~~ ND	~~0.027~~ ND	~~0.027~~ 0.3	NA
RfD (mg/kg-day)	--	~~0.0000051~~ --	~~0.0000051~~ --	~~0.0000051~~ 0.00008	--
RSC	--	~~0.5~~ --	~~0.5~~ --	~~0.5~~ 0.2	--
SF (per mg/kg-day)	--	--	--	--	--
ADAF or $AF_{lifetime}$	--	--	--	--	--
Intake Rate (L/kg-day)	--	~~*~~ --	~~*~~ --	~~*~~ 0.049	--
Endpoints	--	~~developmental, hepatic (liver) system, immune system, thyroid (E)~~ --	~~developmental, hepatic (liver) system, immune system, thyroid (E)~~ --	developmental,hepatic (liver) system, ~~immune system,~~ thyroid (E)	--

~~* 95th percentile water intake rates (Tables 3-1 and 3-3), or upper percentile breast milk intake rates (Table 15-1), Environmental Protection Agency (EPA) Exposure Factors Handbook, 2011.~~

Subp. 16. ~~**Perfluorooctanoic acid**~~ **Perfluorooctanoate (PFOA) and salts.**

CAS number: 45285-51-6; 335-67-1; 335-66-0; 3825-26-1; 2395-00-8; 335-93-3; and 335-95-5

Year Adopted: 2018

Volatility: Nonvolatile

	Acute	Short-term	Subchronic	Chronic	Cancer
HRL (µg/L)	ND	0.035	0.035	0.035	NA
RfD (mg/kg-day)	--	0.000018	0.000018	0.000018	--
RSC	--	0.5	0.5	0.5	--
SF (per mg/kg-day)	--	--	--	--	--

	Acute	Short-term	Subchronic	Chronic	Cancer
ADAF or $AF_{lifetime}$	--	--	--	--	--
Intake Rate (L/kg-day)	--	*	*	*	--
Endpoints	--	developmental, hepatic (liver) system, immune system, renal (kidney) system	developmental, hepatic (liver) system, immune system, renal (kidney) system	developmental, hepatic (liver) system, immune system, renal (kidney) system	--

* 95th percentile water intake rates (Tables 3-1 and 3-3), or upper percentile breast milk intake rates (Table 15-1), Environmental Protection Agency (EPA) Exposure Factors Handbook, 2011.

Subp. 18b. **Thiamethoxam.**

CAS number: 153719-23-4

Year Adopted: 2018

Volatility: Nonvolatile

	Acute	Short-term	Subchronic	Chronic	Cancer
HRL (µg/L)	ND	400	200	200 (3)	NA
RfD (mg/kg-day)	--	0.25	0.057	(3)	--
RSC	--	0.5	0.2	(3)	--
SF (per mg/kg-day)	--	--	--	--	--
ADAF or $AF_{lifetime}$	--	--	--	--	--
Intake Rate (L/kg-day)	--	0.285	0.070	(3)	--
Endpoints	--	developmental, female reproductive system, hepatic (liver) system	male reproductive system	male reproductive system	--

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders. as well as Emergency Executive Orders. The governor's authority is specified in the Constitution of the State of Minnesota, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order 18-12: Providing for Assistance to the Minnesota Interagency Fire Center

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

Whereas, a wildfire is actively burning in Beltrami County and ground access to the fire area is very difficult; and

Whereas, with strong winds and low humidity, the fire danger in northwest Minnesota is categorized as “very high” and those conditions will persist for the next several days; and

Whereas, these conditions make it imperative to suppress this wildfire as quickly as possible; and

Whereas, the Minnesota Department of Natural Resources requires additional wildfire assets, especially aircraft, to accomplish this rapid suppression; and

Whereas, the MIFC has requested wildfire suppression support from the Minnesota National Guard;

Now, Therefore, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about August 23, 2018 in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to support wildfire suppression in Minnesota.
2. The Adjutant General of Minnesota is authorized to purchase, lease, or contract for goods and services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay, and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in Minnesota Statutes, sections 192.49, subdivisions 1 and 2; 192.52; and 192.54, and as otherwise permitted by law.

Pursuant to Minnesota Statutes, section 4.035, subdivision 2, this Emergency Executive Order is effective immediately and must be filed with the Secretary of State and published in the State Register as soon as possible after its issuance. It remains in effect until such date as elements of the military forces of the State are no longer required.

In Testimony Whereof, I have set my hand on this 23rd day of August 2018.

Mark Dayton
Governor

Filed According to Law:

Steve Simon
Secretary of State

Commissioner's Orders

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

Department of Natural Resources

Commissioner's Order: Designation of "No Registration Weekend" for All-Terrain Vehicles

Date: August 6, 2018

Statutory authority: Minnesota Statutes, section 84.922, subdivision 13

BACKGROUND

WHEREAS, Minnesota Statutes, section 84.922, subdivision 13, requires the Commissioner of Natural Resources to designate one "no registration weekend" each year for all-terrain vehicles.

WHEREAS, during the designated "no registration weekend" an all-terrain vehicle may be operated on state and grant-in-aid all-terrain vehicle trails without a registration or a nonresident state trail pass, notwithstanding the requirements of Minnesota Statutes, section 84.922, subdivision 1, and Minnesota Statutes, section 84.9275, subdivision 1.

WHEREAS, the designation must be by written order published in the State Register.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including but not limited to Minnesota Statutes, section 84.922, subdivision 13, that September 7, September 8 and September 9, 2018 then forthwith the weekend of the second Saturday in the month of June, are designated a "no registration weekend". During this time, an all-terrain vehicle may be operated on state and grant-in-aid all-terrain vehicle trails without the registration required by Minnesota Statutes, section 84.922, subdivision 1. Nonresidents may operate an all-terrain vehicle on state and grant-in-aid all-terrain vehicle trails without possessing a state trail pass issued under Minnesota Statutes, section 84.9275.

Date: August 10, 2018

Tom Landwehr, Commissioner

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

Division of Health Regulation – Managed Care Systems Section

Notice of Application for Essential Community Provider Status

NOTICE IS HEREBY GIVEN that an application for designation as an Essential Community Provider (ECP) has been submitted to the Commissioner of Health Lutheran Social Service of Minnesota, 2400 Park Avenue South, Minneapolis, Minnesota 55404. Lutheran Social Service offers clinical services at the following Minnesota locations: 507 22nd Avenue East, Suite 1, Alexandria; 710 South 2nd Street, Mankato; 715 11th Street North, Suite 401, Moorhead; 731 Western Avenue, Fergus Falls; 211 West Holmes Street, Suite 302, Detroit Lakes; 22 Wilson Avenue North East, Suite 110, Saint Cloud; 2400 Park Avenue South, Minneapolis; 716 East Street North East, Brainerd; 800 Waconia Parkway North, Waconia; 700 South Snelling Saint Paul; 7401 County Road 101, Maple Grove; 1207 South West Prairie Avenue, Fairbault; and 401 3rd Avenue NE, Waseca.

An ECP is a health care provider that serves high-risk, special needs, and underserved individuals. In order to be designated as an ECP, a provider must demonstrate that it meets the requirements of *Minnesota Statutes* Section 62Q.19 and *Minnesota Rules* Chapter 4688. The public is allowed 30 days from the date of the publication of this notice to submit written comments on the application. The commissioner will approve or deny the application once the comment period and compliance review is complete.

For more information contact:

Anne Kukowski
Managed Care Systems Section
Division of Health Regulation
Minnesota Department of Health
P.O. Box 64882
St. Paul, MN 55164-0882
651-201-5173

Department of Human Services

Economic Assistance and Employment Supports Division

MFIP Transitional Standard with Supplemental Nutrition Assistance Program (SNAP) Cost of Living (COLA) Adjustment for October 1, 2018

Minnesota Statute 256J.24, Subd. 5a requires the Commissioner of Human Services to adjust the food portion of the Minnesota Family Investment Program (MFIP) Transitional Standard on October 1 of each year to reflect the COLA to the Supplemental Nutrition Assistance Program (SNAP). The statute also requires the Commissioner to annually publish the adjusted Transitional Standard for assistance unit sizes one to ten. The Transitional Standard consists of a cash and food portion. The MFIP Transitional Standard and cash and food portions effective October 1, 2018 are listed below.

Family Size	1	2	3	4	5	6	7	8	9	10	Over 10
Transitional Standard	$420	$751	$985	$1,200	$1,386	$1,603	$1,749	$1,930	$2,109	$2,283	$172
Cash Portion	$250	$437	$532	$621	$697	$773	$850	$916	$980	$1,035	$53
Food Portion	$170	$314	$453	$579	$689	$830	$899	$1,014	$1,129	$1,248	$119

Department of Labor and Industry

Construction Codes and Licensing Division

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Administration of the State Building Code, *Minnesota Rules*, Chapter 1300; Revisor's ID Number R-04508

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its possible amendment to *Minnesota Rules*, chapter 1300, the administration chapter of the State Building Code. The Department is considering rule amendments to coordinate the administrative rule chapter with the other rule chapters that comprise the Minnesota State Building Code, and other amendments necessary to administer the State Building Code in Minnesota.

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

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

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

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

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

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

The Department is also interested in determining whether the cost of complying with the rule in the first year after the rule takes effect will cost or exceed $25,000 for any small city or small business under *Minnesota Statutes*, section 14.127, subdivision 1. A small city is a statutory or home rule charter city that has less than ten full-time employees and a small business means a business that has less than 50 full-time employees.

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

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to: Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road N. St. Paul, MN 55155, phone (651) 284-5006, fax: (651) 284-5749, and email to ***dli.rules@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.

Date: August 10, 2018

Ken B. Peterson, Commissioner
Department of Labor and Industry

Department of Labor and Industry

Construction Codes and Licensing Division

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Adoption of the *International Building Code*, *Minnesota Rules*, Chapter 1305; Revisor's ID Number R-04509

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its possible amendment to *Minnesota Rules*, chapter 1305, "Adoption of the *International Building Code*." The Department is considering rule amendments that incorporate by reference the 2018 edition of the *International Building Code*, with amendments, and other amendments necessary to administer and enforce the code requirements for non-residential construction.

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

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

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

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

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

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

The Department is also interested in determining whether the cost of complying with the rule in the first year after the rule takes effect will cost or exceed $25,000 for any small city or small business under *Minnesota Statutes*, section 14.127, subdivision 1. A small city is a statutory or home rule charter city that has less than ten full-time employees and a small business means a business that has less than 50 full-time employees.

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

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to: Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155, phone (651) 284-5006, fax: (651) 284-5749, and email to ***dli.rules@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.

Date: August 10, 2018

Ken B. Peterson, Commissioner
Department of Labor and Industry

Department of Labor and Industry

Construction Codes and Licensing Division

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Elevators and Related Devices, *Minnesota Rules*, Chapter 1307; Revisor's ID Number R-04517

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its possible amendment to *Minnesota Rules*, chapter 1307, "Elevators and Related Devices." The existing *Minnesota Rules* chapter 1307 incorporates chapter 30 of the 2012 edition of the *International Building Code* ("IBC") and incorporates by reference several standards published by the American Society of Mechanical Engineers ("ASME"). The Department is considering rule amendments to repeal *Minnesota Rules,* part 1307.0095, "Chapter 30 of the *International Building Code*; Elevators and Conveying Systems." The Department intends to incorporate Chapter 30 by reference in Minnesota Rules, chapter 1305, "Adoption of the *International Building Code*" during its adoption of the 2018 IBC. The proposed rule amendments also add references to standards not previously incorporated in the existing rule, ANSI MH29.1-2012, Safety Requirements for Industrial Scissors Lifts and ANSI/ALI ALCTV-2017, Standard for Automotive Lifts –Safety Requirements for Construction, Testing and Validation. The Department is also considering any other amendments that are necessary to administer and enforce the Minnesota Elevator Code.

Persons Affected. The amendment to the rules would likely affect elevator inspectors, elevator contractors, elevator manufacturers, building officials, building inspectors, fire officials, fire inspectors, building owners and managers, and the general public.

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

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

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

Minnesota Statutes, section 326B.187, specifically states that the Commissioner may adopt rules for the following purposes:

"(1) to establish minimum qualifications for elevator inspectors that must include possession of a current elevator constructor electrician's license issued by the department and proof of successful completion of the national elevator industry education program examination or equivalent experience;
(2) to establish minimum qualifications for limited elevator inspectors;
(3) to establish criteria for the qualifications of elevator contractors;
(4) to establish elevator standards under sections 326B.106, subdivisions 1 and 3, and 326B.13;
(5) to establish procedures for appeals of decisions of the commissioner under chapter 14 and procedures allowing the commissioner, before issuing a decision, to seek advice from the elevator trade, building owners or managers, and others knowledgeable in the installation, construction, and repair of elevators; and
(6) to establish requirements for the registration of all elevators."

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.

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

The Department is also interested in determining whether the cost of complying with the rule in the first year after the rule takes effect will cost or exceed $25,000 for any small city or small business under Minnesota Statutes, section 14.127, subdivision 1. A small city is a statutory or home rule charter city that has less than ten full-time employees and a small business means a business that has less than 50 full-time employees.

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

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to: Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road N. St. Paul, MN 55155, phone (651) 284-5006, fax: (651) 284-5749, and email to: ***dli.rules@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.

Date: August 20, 2018

Ken B. Peterson, Commissioner
Department of Labor and Industry

Department of Labor and Industry

Construction Codes and Licensing Division

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Adoption of the *International Residential Code*, *Minnesota Rules*, Chapter 1309; Revisor's ID Number R-04510

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its possible amendment to *Minnesota Rules*, chapter 1309, *International Residential Code*. The Department is considering rule amendments that incorporate by reference the 2018 edition of the *International Residential Code*, with amendments, and any other amendments that are necessary to administer and enforce the code for residential construction.

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

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

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

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

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

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

The Department is also interested in determining whether the cost of complying with the rule in the first year after the rule takes effect will cost or exceed $25,000 for any small city or small business under *Minnesota Statutes*, section 14.127, subdivision 1. A small city is a statutory or home rule charter city that has less than ten full-time employees and a small business means a business that has less than 50 full-time employees.

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

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to: Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road N. St. Paul, MN 55155, phone (651) 284-5006, fax: (651) 284-5749, and email to: ***dli.rules@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.

Date: August 10, 2018

Ken B. Peterson, Commissioner
Department of Labor and Industry

Department of Labor and Industry

Construction Codes and Licensing Division

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Adoption of the *International Existing Building Code, Minnesota Rules*, Chapter 1311; Revisor's ID Number R-04511

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its possible amendment to *Minnesota Rules*, chapter 1311, "Rehabilitation of Existing Buildings." The Department is considering rule amendments that incorporate by reference the 2018 edition of the *International Existing Building Code*, with amendments, and any other amendments necessary to administer and enforce the code for rehabilitation of existing buildings.

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

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

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

Minnesota Statutes, section 326B.106, subdivision 1, requires, in part, that the Commissioner "shall by rule and in consultation with the Construction Codes Advisory Council establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control." That statutory provision also requires that the code "include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model buildings codes generally accepted and in use throughout the United States, including a code for building conservation."

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.

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

addition to other rules, regardless of what state or federal agency has adopted the other rules.

The Department is also interested in determining whether the cost of complying with the rule in the first year after the rule takes effect will cost or exceed $25,000 for any small city or small business under *Minnesota Statutes*, section 14.127, subdivision 1. A small city is a statutory or home rule charter city that has less than ten full-time employees and a small business means a business that has less than 50 full-time employees.

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

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to: Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road N. St. Paul, MN 55155, phone (651) 284-5006, fax: (651) 284-5749, and email to: ***dli.rules@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.

Date: August 10, 2018

Ken B. Peterson, Commissioner
Department of Labor and Industry

Department of Labor and Industry

Construction Codes and Licensing Division

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Adoption of Commercial Provisions of the *International Energy Conservation Code*, *Minnesota Rules*, Chapter 1323; Revisor's ID Number R-04513

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its possible amendment to *Minnesota Rules*, chapter 1323, "Commercial Energy Code." The Department is considering rule amendments that incorporate by reference the commercial provisions of the 2018 edition of the *International Energy Conservation Code*, with amendments, and any other amendments necessary to administer and enforce the Commercial Energy Code.

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

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

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

Minnesota Statutes, section 326B.106, subdivision 1, requires, in part, that the Commissioner "shall by rule and in consultation with the Construction Codes Advisory Council establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control." That statutory provision also requires that the code "include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must also conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation."

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.

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

The Department is also interested in determining whether the cost of complying with the rule in the first year after the rule takes effect will cost or exceed $25,000 for any small city or small business under *Minnesota Statutes*, section 14.127, subdivision 1. A small city is a statutory or home rule charter city that has less than ten full-time employees and a small business means a business that has less than 50 full-time employees.

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

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to: Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155, phone (651) 284-5006, fax: (651) 284-5749, and email to: ***dli.rules@state.mn.us***.

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Date: August 10, 2018

Ken B. Peterson, Commissioner
Department of Labor and Industry

Department of Labor and Industry

Construction Codes and Licensing Division

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Minnesota Accessibility Code, *Minnesota Rules*, Chapter 1341; Revisor's ID Number R-04514

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its possible amendment to *Minnesota Rules*, chapter 1341, "Accessibility for Buildings and Facilities." The Department is considering rule amendments that incorporate by reference chapter 11 of the 2018 edition of the *International Building Code* with amendments and section 305 of the 2018 edition of the *International Existing Building Code* with amendments. The Department is also considering any other amendments necessary to administer and enforce the Minnesota Accessibility Code.

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

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

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

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

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

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

The Department is also interested in determining whether the cost of complying with the rule in the first year after the rule takes effect will cost or exceed $25,000 for any small city or small business under *Minnesota Statutes*, section 14.127, subdivision 1. A small city is a statutory or home rule charter city that has less than ten full-time employees and a small business means a business that has less than 50 full-time employees.

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

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules

should be directed to: Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155, phone (651) 284-5006, fax: (651) 284-5749, and email to: ***dli.rules@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.

Date: August 10, 2018

Ken B. Peterson, Commissioner
Department of Labor and Industry

Department of Labor and Industry

Construction Codes and Licensing Division

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Adoption of the *International Mechanical and Fuel Gas Codes*, *Minnesota Rules*, Chapter 1346; Revisor's ID Number R-04515

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its possible amendment to *Minnesota Rules*, chapter 1346, "Minnesota Mechanical and Fuel Gas Codes." The Department is considering rule amendments to incorporate by reference the 2018 editions of the *International Mechanical Code* and the *International Fuel Gas Code*, with amendments, and any other amendments necessary to administer and enforce Minnesota's mechanical and fuel gas codes.

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

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

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

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

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

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

The Department is also interested in determining whether the cost of complying with the rule in the first year after the rule takes effect will cost or exceed $25,000 for any small city or small business under *Minnesota Statutes*, section 14.127, subdivision 1. A small city is a statutory or home rule charter city that has less than ten full-time employees and a small business means a business that has less than 50 full-time employees.

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

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to: Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155, phone (651) 284-5006, fax: (651) 284-5749, and email to: ***dli.rules@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.

Date: August 10, 2018

Ken B. Peterson, Commissioner
Department of Labor and Industry

Department of Labor and Industry

Construction Codes and Licensing Division In cooperation with the State Fire Marshal Division, Department of Public Safety

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Adoption of the *International Fire Code*, *Minnesota Rules*, Chapter 7511; Revisor's ID Number R-04516

Subject of Rules. The Minnesota Department of Labor and Industry, in cooperation with the State Fire Marshal Division, requests comments on its possible amendment to *Minnesota Rules*, chapter 7511, "Fire Code." The Department is considering rule amendments that incorporate by reference the 2018 edition of the *International Fire Code*, with amendments, and any other amendments necessary to administer and enforce the fire code in Minnesota.

Persons Affected. The amendment to the rules would likely affect fire inspection personnel, building inspection personnel, fire protection contractors, building contractors, architects, engineers, building owners and managers, homeowners, and the general public.

Statutory Authority. *Minnesota Statutes*, section 326B.02, subdivision 6, requires that the Commissioner of Labor and Industry, consistent with the recommendations of the State Fire Marshal, "shall adopt a State Fire Code and make amendments thereto in accordance with the Administrative Procedure Act in chapter 14. The code and its amendments shall conform insofar as practicable to model fire codes generally accepted and in use throughout the United States, with consideration given to existing statewide specialty codes presently in use in the state of Minnesota. Statewide specialty codes and model codes with necessary modifications may be adopted by reference in accordance with section 14.07, subdivision 4."

Minnesota Statutes, section 299F.011, subdivision 3, requires that the Commissioner of Public Safety "shall adopt rules as may be necessary to administer and enforce the code, specifically including but not limited to rules for inspection of buildings and other structures covered by the code and conforming the code to the governmental organization of Minnesota state agencies, political subdivisions and local governments."

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.

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

The Department is also interested in determining whether the cost of complying with the rule in the first year after the rule takes effect will cost or exceed $25,000 for any small city or small business under *Minnesota Statutes*, section 14.127, subdivision 1. A small city is a statutory or home rule charter city that has less than ten full-time employees and a small business means a business that has less than 50 full-time employees.

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

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155, phone (651) 284-5006, fax: (651) 284-5749, and email to *dli.rules@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.

Date: August 10, 2018

Ken B. Peterson, Commissioner
Department of Labor and Industry

Date: August 10, 2018

Bruce West, State Fire Marshal
Department of Public Safety

Teachers Retirement Association
Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on **Wednesday, September 19, 2018 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.

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/*

Department of Commerce
Division of Energy Resources
Notice of Grant Availability for Applied Research and Development Projects

The Minnesota Department of Commerce, Division of Energy Resources seeks proposals from organizations or individuals interested in applied research and development projects that serve to accelerate the development and adoption of new energy efficient technologies and innovative program strategies in Minnesota. The information obtained from this effort is intended to inform electric and natural gas utility Conservation Improvement Program (CIP) development and state energy policy.

The full RFP and required forms will be available for download on the Department's website (***https://mn.gov/commerce/industries/rfp/***) through Monday, December 10, 2018. Responders may also request a hard copy of the RFP by mail from this office. Requests for hard copies must be received by the Department no later than 12:00 p.m. (Noon) Central Time (CT), on Wednesday, December 5, 2018.

The RFP and forms can be obtained from:

Preferred Method: ***https://mn.gov/commerce/industries/rfp/***

U.S. Postal Service: Grants Staff
Minnesota Department of Commerce
Division of Energy Resources
85 Seventh Place East, Suite 280
Saint Paul, MN 55101

A Notice of Intent to propose in response to this RFP must be submitted by electronic means and received by the Department no later than 11:59 p.m. CT, Friday, September 28, 2018. Only a Responders who submits a Notice of Intent and whose intended project meets eligibility requirements will be invited to submit a full proposal.

Full proposals must be submitted by electronic means and received by the Department no later than **11:59 p.m. CT, Monday, December 10, 2018. Late proposals will not be considered**. Instructions for submitting proposals are detailed in the RFP.

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.

Department of Employment and Economic Development (DEED)

Notice of Grant Opportunity

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at ***https://mn.gov/deed/about/contracts/***

Minnesota Department of Health

Medical Education and Research Costs (MERC) Grant Opportunity

The Minnesota Department of Health is accepting MERC grant applications for clinical training provided in **fiscal year 2017** though Minnesota sponsoring institution's with accredited teaching programs providing clinical training for: advanced practice nursing, clinical social workers, community health workers, community paramedics, dental students/residents, dental therapists/advanced dental therapists, chiropractic students, medical students/residents, pharmacy students/residents, physician assistants, and psychologists.

Grant application materials and details regarding eligibility are available on the Minnesota Department of Health website: ***http://www.health.state.mn.us/divs/hpsc/hep/merc/mcapinfo.html***.

Applications are due no later than **October 31, 2018**.

State Contracts

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

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

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements: $0 - $5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600 $5,000 - $25,000 should be advertised in the *State Register* for a period of at least seven calendar days; $25,000 - $50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above $50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Minnesota State Colleges and Universities (Minnesota State)

Notice of Request for Proposal (RFP) for Property Appraisal Services

The State of Minnesota, acting by and through its Board of Trustees of the Minnesota State Colleges and Universities ("Minnesota State"), on behalf of the System Office, is soliciting proposals from interested, qualified professionals for the above referenced project.

A full Request for Proposal (RFP and attachments) is available on the Minnesota State website at: http://www.minnstate.edu/vendors/index.html (see "Facilities Consultant & Contractor Opportunities").

Minnesota State will hold a mandatory pre-proposal vendors conference on Tuesday, September 11, 2018 from 1:00-3:00 p.m. CST via web conference. All potential or interested responders are required to attend the conference in order for their proposal to be reviewed. Please register your attendance in advance by sending an email notification to Keswic Joiner at ***Keswic.Joiner@minnstate.edu***. Any questions should be directed by email only to Keswic Joiner at ***Keswic.Joiner@minnstate.edu***. Sealed proposals must be received at the following address not later than **Tuesday, October 9, 5:00 p.m. CST**; late responses will not be considered:

Institution:	Minnesota State System Office
Name:	Kathy Kirchoff
E-mail address:	***Kathy.Kirchoff@minnstate.edu***
Mailing Address:	30 7th Street East, Suite 350, St. Paul, Minnesota 55101

Minnesota State reserves the right to cancel this solicitation if it is considered to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota State Colleges and Universities (Minnesota State)

Bemidji State University

Notice of Request for Bid (RFB) for Strength and Conditioning Equipment

Bemidji State University is soliciting bids for strength and conditioning equipment. The full Request for Bid/Bid Form can be downloaded at: ***https://www.bemidjistate.edu/offices/business-services/procurement/rfps-and-bids/***

Questions regarding this RFB should be directed to Tracy Dill at ***Tracy.Dill@bemidjistate.edu*** by 4:00 p.m. on Tuesday, September 4, 2018. Responses to the questions will be posted to the BSU RFP website the following day.

Please submit your **original, signed, sealed bid** to:

Ron Beckstrom
Director of Business Services
Bemidji State University
Business Services #5
1500 Birchmont Drive
Bemidji, MN 56601

Sealed bids must be received NO later than **2:00 PM, Monday, September 10, 2018;** late responses will not be considered. Faxed or e-mailed bids will be rejected.

Bemidji State University reserves the right to reject any or all bids, to waive any irregularities or informalities, and to cancel the solicitation if it is considered to be in its own best interest. This Request for Bid does not obligate Bemidji State University to award a purchase order or contract.

Minnesota State Colleges and Universities (Minnesota State)

Rochester Community and Technical College

Notice of Request for Proposal (RFP) for the Snow Plowing for the 2018/2019 Season

NOTICE IS HEREBY GIVEN that Rochester Community and Technical College is accepting Requests for Proposals to provide for the snow plowing/sanding/salting on the Rochester Community and Technical College parking lots located at 851 30th Ave SE and 1926 College View Road, Rochester MN.

To receive a copy of the RFP, send an e-mail to ***june.meitzner@rctc.edu*** or fax your request to 507-285-7104.

Proposals are due back no later than **Thursday September 13, 2018 4:00 P.M. CT** and are to be addressed to June Meitzner, Rochester Community and Technical College 851 30th Ave SE Rochester, MN 55904; Room SS153. Late responses will not be considered. Faxes are not acceptable.

Minnesota State is not obligated to complete the proposed project and reserves the right to cancel this solicitation.

Minnesota State Colleges and Universities (Minnesota State)

Winona State University

Request for Proposals for Faculty-led India Travel Study Program

Notice is hereby given that Winona State University is seeking proposals for Faculty-led India Travel Study Program entitled "India Interdisciplinary Community Solutions". Proposal specifications are available by contacting Laura Mann, Purchasing Director, PO Box 5838, 106 Somsen Hall, Winona, MN 55987 or via email to ***lmann@winona.edu***. Sealed proposals must be received by Laura Mann, Purchasing Director, at Winona State University, PO Box 5838 or 175 West Mark Street, Business Office, Somsen Hall 106, Winona, MN 55987, by **Sept 18, 2018 at 3:00 pm CST.** Winona State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

Minnesota Sports Facilities Authority

Advertisement for Proposals for Air Purification Equipment and Installation - U.S. Bank Stadium

1. Proposals - Submit proposals for Air Purification Equipment and Installation - U.S. Bank Stadium, Minneapolis, Minnesota, to James Farstad, Executive Director, Minnesota Sports Facilities Authority, MSFA office on or before **5:00pm on September 20, 2018**.

2. Work Includes – Provide the design services, labor, materials, tools, equipment, transportation, management, commissioning, and services including other incidentals necessary for installing air purification equipment/systems for U.S. Bank Stadium.

3. Examining Documents – Documents will be available for review after August 20, 2018, at the office of the MSFA, 1005 4th Street South, 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.

Michael Vekich, Chair
Minnesota Sports Facilities Authority

Minnesota Sports Facilities Authority

Request for Bids for Sale of Equipment

1. Bids – Submit sealed bids to Minnesota Sports Facilities Authority (MSFA) for the purchase of used/new equipment, Minneapolis, MN, to James Farstad, U.S. Bank Stadium by **September 14, 2018 by 12:00 p.m.**

2. Phase 1 of the equipment sale includes all-in-one concession carts, cold food station, refrigerator/hand sink combination stand, and desert carts. A complete equipment list, photos and bid specifications can be found at ***www.MSFA.com***, under the "About" tab's RFP's link.

3. Pre-bid inspection – items will be available for inspection at U.S. Bank Stadium on Wednesday, September 5, and Thursday September 6, 2018 by appointment. To schedule an appointment please email: ***Jenn.Hathaway@msfa.com***

4. Items must be claimed by October 5, 2018.

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notices Regarding Professional/Technical (P/T) Contracting

P/T Contracting Opportunities: MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. 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.

Taxpayers' Transportation Accountability Act (TTAA) Notices: MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

MnDOT's Prequalification Program: MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

MnDOT Consultant Services website: ***www.dot.state.mn.us/consult***

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please all the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.

University of Minnesota/ Department of Administration

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Classroom and Lab Improvements: University of Minnesota, Crookston (State Designer Selection Board Project No. 18-08)

The State of Minnesota, acting through its Board of Trustees for the University of Minnesota, through the State Designer Selection Board, 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 ***https://mn.gov/admin/government/construction-projects/sdsb/projects/*** (click 18-08).

A **mandatory** informational meeting is scheduled for **Thursday, August 30, 2018 at 11:00am CT at the Selvig Hall, Room 308, 2900 University Avenue, Crookston, MN 56716**.

Any questions should be directed by email only, to Amanda Aspenson at ***aspenson@umn.edu***. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **Tuesday, September 4, 2018 no later than 12:00 PM Central Time.**

Proposals must be delivered to Jennifer Barber, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 (651.201.2389) not later than **12:00 noon on Monday, September 10, 2018**. Late responses will not be considered.

The University of Minnesota 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.

University of Minnesota/ Department of Administration

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Humanities Instructional and Blakely Hall Classroom Improvements – University of Minnesota, Morris (State Designer Selection Board Project No. 18-09)

The State of Minnesota, acting through its Board of Trustees for the University of Minnesota, through the State Designer Selection Board, 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 ***https://mn.gov/admin/government/construction-projects/sdsb/projects/*** (click 18-09).

A **mandatory** informational meeting is scheduled for **Thursday, September 6, 2018 at 10:00am CT at the 600 East 4th Street Morris, MN, 56267, Camden Hall Room 10**.

Any questions should be directed by email only, to Amanda Aspenson at ***aspenson@umn.edu***. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **Monday, September 10, 2018 no later than 12:00 PM Central Time.**

Proposals must be delivered to Jennifer Barber, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 (651.201.2389) not later than **12:00 noon on Monday, September 17, 2018**. Late responses will not be considered.

The University of Minnesota 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.

Non-State Public Bids, Contracts & Grants

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

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

Dakota County

Notice of Request for Letters of Interest (LOI) to Identify Home and Community Based Service Providers to License and Operate Up to Three Community Residential Settings

Notice is hereby given that Dakota County Community Services is seeking to contract with one or more community agencies in providing services up to three (3) licensed community Residential Settigns (CRS) located throughout Dakota County.

The three CRS homes are currently owned by the State of Minnesota and services are provided by Minnesota State Operated Community Services (MSOCS). State operated residential programs for people with disabilities are being directed to focus on serving individuals whose needs are so complex or behaviors so challenging that they cannot be served by other providers. This change in focus has been driven by Minnesota's Olmstead Plan, the recommendations from the Office of the Legislative Auditor (OLA), and in directives from the Minnesota Legislature. The individuals at these homes do not require that intensive level of care and can be well supported by other providers. Therefore, MSOCS, in partnership with Dakota County, will be transferring operation of the homes to a private sector service provider.

Dakota County's Social Services Department is seeking to identify qualified HCBS providers interested in leasing the properties from the State of Minnesota and providing 245D services to the residents choosing to remain in the homes and any future residents. The CRS beds and licensure for each home will transition to the chosen provider(s). The staff currently working at each site will remain employees of MSOCS. The new provider(s) will need to hire their own staff for each home. Responding providers may express interest in one, two or all three homes.

Please note this is not a Request for Proposal; rather, Dakota County's interest is to identify providers who provide similar services and are interested in partnering with Dakota County Social Services to implement this transition. Dakota

County will not be liable for any expenses incurred by the potential provider in connection with preparation or submittal of the LOI.

The selected Respondents will be expected to enter into a contractual agreement with Dakota County.

To access the complete LOI online, or to acquire additional information about Dakota County visit our website at: ***https://www.co.dakota.mn.us/Government/DoingBusiness/BidProposalsInformation/Pages/transition-of-community-residential-settings.aspx***

Contact: Julia Wallis Holmoe
Dakota County Social Services
Dakota County Northern Services Center
1 Mendota Road West, Suite 300
West St. Paul, MN 55118-4773

Email: ***Julia.WallisHolmoe@co.dakota.mn.us***

On **Tuesday, September 4, 2018 at 11:00 a.m. CST** Dakota County will be hosting a Responder's Meeting at the Dakota County Northern Service Center, Room 110A. RSVP to: ***Julia.WallisHolmoe@co.dakota.mn.us***

Deadline for proposals is 4:30 p.m. CST on Friday, September 14, 2018. No late proposal will be considered.

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2018 Concourse G Energy Efficiency Projects P1

Airport Location: **Minneapolis-St. Paul International Airport**
Project Name: **2018 Concourse G Energy Efficiency Projects P1**
MAC Contract No: **106-2-877**
Bids Close At: **2:00 p.m. on Tuesday, September 11, 2018**

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 the removal and replacement of light fixtures and the subsequent modifications to ACT ceilings. Work also includes separating the existing light fixtures from mechanical ductwork and installing new separate diffusers tied to this ductwork. Also includes the installation of JACEs, installing lighting controls, and painting of diffusers.

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 Targeted Group Businesses on this project is 5%.

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

Availability pf Bidding Documents: Bidding Documents are on file for inspection at the office of Alliiance; 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: Alliiance. 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 August 20, 2018, at MAC's web address of ***http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx*** (construction bids).

Metropolitan Airports Commission (MAC)
Notice of Call for Bids for 2018 IVISN P8

Airport Location: **Minneapolis-St. Paul International Airport**
Project Name: **2018 IVISN P8**
MAC Contract No: **106-2-857**
Bids Close At: **2:00 p.m. on Tuesday, September 11, 2018**

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 the removal of existing cameras and installation of new cameras at Terminal 1-Lindbergh POC Interview Rooms, Concourses E, Concourse F, and Hub Core with associated structural, electrical and technology work. Camera scope also includes Terminal 2-Humphrey Purple Parking Ramp with associated structural, elelctrical and technology 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 Targeted Group Businesses on this project is 5%.

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

Availability of Bidding Documents: Bidding Documents are on file for inspection at the office of Alliiance; 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: Alliiance. 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 August 20, 2018, at MAC's web address of ***http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx*** (construction bids).

Metropolitan Airports Commission (MAC)
Notice of Call for Bids for 2018 Telecommunications Room Equipment Continuity (TREC) P8

Airport Location: **Minneapolis-St. Paul International Airport**
Project Name: **2018 Telecommunications Room Equipment Continuity (TREC) P8**
MAC Contract No: **106-2-858**
Bids Close At: **2:00 p.m. on Tuesday, September 11, 2018**

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 conisists of minor demolition, hollow metal doors and frames, interior finishes, and associated mechanical, electrical and technology work for remodeling of Telecommunications Rooms.

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 Targeted Group Businesses on this project is 5%.

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

Availability of Bidding Documents: Bidding Documents are on file for inspection at the office of Alliiance; 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: Alliiance. 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 August 20, 2018, at MAC's web address of ***http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx*** (construction bids).

Metropolitan Airports Commission (MAC)

Public Notice for Qualifications Statements for Professional Consultant Services for Airport Land Assessment at Minneapolis-St. Paul International Airport

The Metropolitan Airports Commission (MAC) is requesting qualifications statements from firms interested in providing service as MAC's Land Assessment Consultant as set forth in the Request for Qualifications.

To obtain a copy of the Request for Qualifications, please go to the following website ***http://www.metroairports.org/business/solicitations/*** and look under Request for Qualifications. The RFQ will be released on or about August 20, 2018. MAC contact for the RFQ is Karen Racek at 612-467-0514 or ***karen.racek@mspmac.org***. Questions regarding the RFQ are due to MAC no later than 5:00 p.m. CST on September 13, 2018. Submission of qualifications statements is due on or before **5:00 p.m. CST on November 9, 2018**.

Minnesota's Bookstore