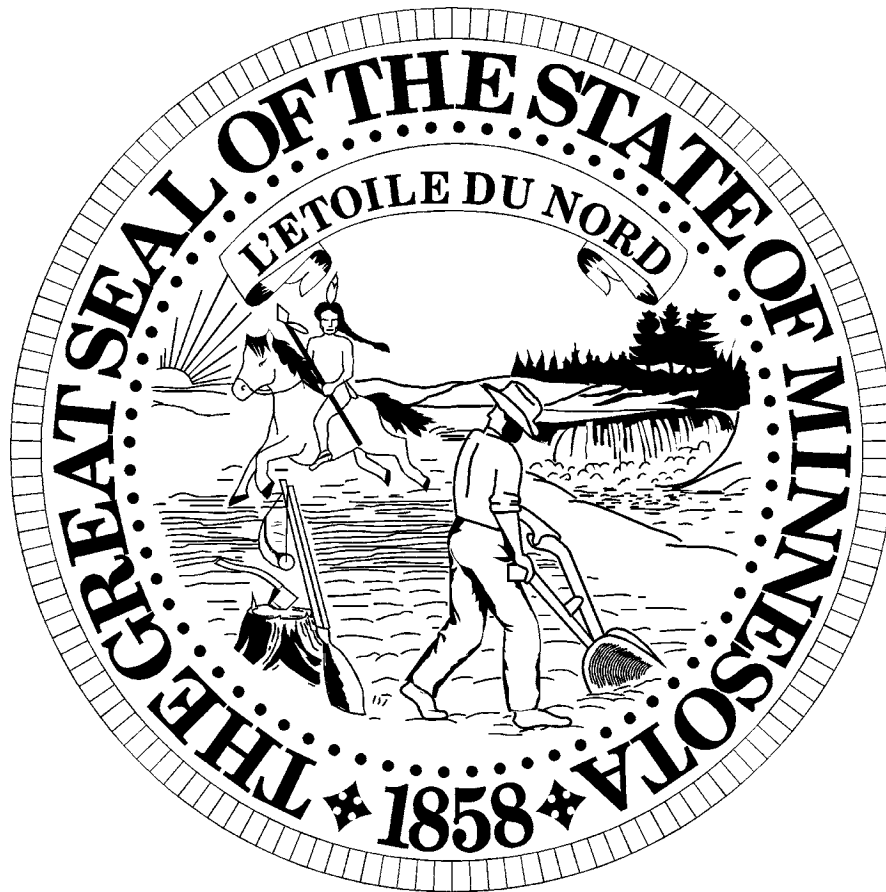


Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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

Monday 29 June 2020

Volume 44, Number 53

Pages 1523 - 1558

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
- Executive Orders of the Governor
- Commissioners' Orders
- Contracts for Professional, Technical and Consulting Services
- Adopted Rules
- Appointments
- Revenue Notices
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- Exempt Rules
- Proclamations
- Official Notices
- State Grants and Loans
- Expedited Rules
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Printing Schedule and Submission Deadlines

Vol. 44 Issue Number	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)
#1	Monday 6 July	Noon Tuesday 30 June	Noon Thursday 25 June
#2	Monday 13 July	Noon Tuesday 7 July	Noon Thursday 2 July
#3	Monday 20 July	Noon Tuesday 14 July	Noon Thursday 9 July
#4	Monday 27 July	Noon Tuesday 21 July	Noon Thursday 16 July

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Facilities Management
Division: Christopher A. Guevin
(651) 201-2350

Attorney General:
Keith Ellison (651) 296-3353

Auditor: Julie Blaha
(651) 296-2551

Secretary of State: Steve Simon (651) 296-2803

Minnesota's Bookstore:
Justin Patrick (651) 201-3203

Editor: Sean Plemmons
(651) 201-3204
sean.plemmons@state.mn.us

Subscriptions Manager:
Loretta J. Diaz (651) 201-3202
loretta.diaz@state.mn.us

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<https://www.federalregister.gov/>

Minnesota Rules: Amendments and Additions.....1526

Proposed Rules

Department of Health

Division of Environmental Health

Proposed Permanent Rules Governing Wells and Borings; 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 RD41921527

Expedited Emergency Rules

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: 2020 Spring Update to Prohibition on Feeding Deer1544

Official Notices

Minnesota Board of Animal Health

REQUEST FOR COMMENTS on Planned Amendments to Rules Governing Farmed Cervidae, *Minnesota Rules*, 1721.0370 to 1721.0420; Revisor's ID Number R-046491546

Department of Human Services (DHS)

Health Care Administration

Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program1548

Department of Labor and Industry

NOTICE OF HEARING for Possible Amendments to Rules Governing the Minnesota Residential Energy Code, *Minnesota Rules*, Chapter 1322; Revisor ID # R-04512; OAH Docket # 8-9001-367761548

Workers' Compensation Division

Notice of August 31, 2020, Effective Date of Required Electronic Filing of Non-EDI Workers' Compensation Reports or Documents by Web Form, Upload or XML Attachment1550

Minnesota Department of Transportation (MnDOT)

Office of Transportation System Management (OTSM)

Notice of Solicitation for Public Review and Comment on the Draft State Transportation Improvement Program (STIP) for State Fiscal Years 2021-2022-2023-2024 (July 1, 2020 through June 30, 2024)1552

State Grants & Loans

Department of Human Services

Behavioral Health Division

Notice of Request for Proposals to PeaceTime Emergency Relief for Community Mental Health Services and Supports1553

Department of Labor and Industry (DLI)

Construction Codes and Licensing Division

Notice of Request for Proposals for the Building Official Training Grant Program1554

State Contracts

Minnesota State Colleges and Universities (Minnesota State)

Non-Construction Related Bid and Contracting Opportunities1555

Department of Economic Development (DEED)

Vocational Rehabilitation Services

Request for Proposals for Career Counseling Information and Referral Services1555

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notices Regarding Professional/Technical (P/T) Contracting1556

Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2020 MSP Campus Building Roof Replacements1556

Notice of Call for Bids for 2020-2022 Glycol Recovery Program1557

Notice of Call for Bids for 2020 Terminal 2 RAC Plate Barrier Improvements1558



Minnesota Rules: Amendments and Additions

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

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

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

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

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. 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 44 - Minnesota Rules

(Rules Appearing in Vol. 44 Issues #1-26 are in Vol. 44, #26 - Monday 23 December 2019)

Volume 44, #53

Monday 30 December - Monday 29 June

Board of Accountancy		Department of Natural Resources	
1105.1100; .1800; .2000; .3700; .4000 (adopted).....	763	6240.0600 (expedited emergency).....	899
Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design		6230; 6236; 6240 (expedited emergency).....	900
1800.2500; .3505; .3910 (adopted).....	987	6264.0300; .0400 (adopted exempt).....	933
Board of Cosmetology		6232.4800 (expedited emergency).....	939
2105.0215; .0360 (adopted).....	941	6266.0500 (adopted expedited).....	327, 941
Department of Education		6264.0050 (adopted expedited).....	1153
3501.0820 (proposed).....	797	6264.0400 (adopted expedited).....	1261
Board of Electricity		6232.2800; .3000; .3100; .3200; .3300 (expedited emergency).....	1343
1315.0200 (proposed).....	1021	6232.4300; .4400; .4500 (expedited emergency).....	1413
Department of Health		6230.0100; .0400; .0600; .0700; 6234.0800; 6240.0100; .0200; .0250; .0610; .1850; .2000 (expedited emergency).....	1491
4654.0800 (proposed expedited).....	801	6232.4800 (expedited emergency).....	1527
4720.0030 (adopted).....	483, 1026	Board of Podiatric Medicine	
4725 (proposed).....	1527	6900.0010; .0160; .0210; .0300 (proposed repeal).....	825
Department of Labor and Industry		Pollution Control Agency	
1323.0402 (adopted).....	763	7005.0100 (adopted).....	1026
1309.0303; .0310; .0602 (adopted).....	764	7050.0420 (adopted).....	1416
1307 (proposed).....	821	Racing Commission	
5208.1500 (adopted exempt).....	664, 865	7870; 7877; 7879; 7897 (adopted).....	725, 1026
5205.0010 (proposed exempt).....	1024	7869; 7876; 7877; 7883; 7884; 7890; 7891; 7892; 7897 (adopted).....	741, 1047
1346.0401; .0403; .0508 (adopted).....	1085	Department of Revenue	
5221.6700 (expedited).....	1266	8121.0300; .0400; .0500 (adopted exempt).....	760
Lottery		8106.0700; .0800 (adopted exempt).....	957
7856.4030 (adopted).....	827	1950.1020; .1030; .1035; .1040; .1050; .1060; .1080 (proposed)..	1079
		Board of School Administrators	
		3512 (adopted).....	1385

Proposed Rules

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

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

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, 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.

Department of Health

Division of Environmental Health

Proposed Permanent Rules Governing Wells and Borings; 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 RD4192

Proposed Amendment to Rules Governing Bored Geothermal Heat Exchangers, *Minnesota Rules*, chapter 4725, parts 4725.0100 to 4725.7050

Introduction. The Department of Health (Department) 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 July 31, 2020, the Department will hold a public hearing in conference room B144, Orville Freeman Building, 625 Robert Street North, St. Paul, Minnesota 55155. An Administrative Law Judge will conduct the hearing starting at 9:30 a.m. on Tuesday, August 11, 2020. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after July 31, 2020 and before August 11, 2020.

Proposed Rules

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 Nancy La Plante at Minnesota Department of Health, 625 Robert Street North, P.O. Box 64975, St. Paul, Minnesota 55164-0975, office 651-201-3651, fax 877-434-9853, and nancyjo.laplante@state.mn.us. The proposed rules can be reviewed on the Office of Administrative Hearings website or on the Department's website at *Proposed Rules (PDF)* (www.health.state.mn.us/communities/environment/water/docs/wells/bgheproposedrules.pdf).

You may also submit written comments and review submitted comments via the *Office of Administrative Hearings Rulemaking eComments website* (<https://minnesotaoah.granicusideas.com>).

A free copy of the rules is available upon request from the agency contact person listed above.

Subject of Rules and Statutory Authority. The proposed rules are about bored geothermal heat exchangers. The statutory authority to adopt the rules is *Minnesota Statutes*, section 103I, subdivisions 1, 3, and 5. A copy of the proposed rules is published in the *State Register*.

The 2013 Minnesota Legislature amended various subdivisions of *Minnesota Statutes*, section 103I. The statutory amendment replaced the term "vertical heat exchanger" with the term "bored geothermal heat exchanger" and defined a "bored geothermal heat exchanger" as a "closed-loop piping system, installed in a boring, which circulates a heat transfer fluid to transfer heat to or from the earth for heating and cooling purposes." Before these changes, the Department regulated geothermal heat exchanger systems installed in vertical borings. The Department's regulatory authority now includes regulating construction and material requirements for geothermal heat exchanger systems installed using any drilling method, including directional drilling. The Department's authority also governs licensing all bored geothermal heat exchanger contractors, and registering all bored geothermal heat exchanger equipment. This means that the Department now regulates all bored geothermal heat exchanger systems in the same way, regardless of the orientation of the boring in which they are installed.

Comments. You have until 4:30 p.m. on Friday, July 31, 2020, 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 Office of Administrative Hearings 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 Department hold a hearing on the rules. You must make your request for a public hearing in writing to the agency contact person listed above. The agency contact person must receive your request by 4:30 p.m. on Friday, July 31, 2020. 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 Department 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 Department might modify the proposed rules, either as a result of public comment or as a result

Proposed Rules

of the rule hearing process. The Department 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 Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled for August 11, 2020, 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 651-201-3651 after July 31, 2020 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 Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department 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 Kimberly Middendorf is assigned to conduct the hearing. Judge Middendorf can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone 651-361-7875, and fax 651-539-0310.

Hearing Procedure. If the Department 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.

All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. The Office of Administrative Hearings strongly encourages all persons submitting comments and responses do so using the *Office of Administrative Hearings Rulemaking eComments website* (<https://minnesotaoah.granicusideas.com>). If using the eComments website is not possible, you may submit post-hearing comments in person, via United States mail, or by facsimile addressed to Judge Middendorf at the address or facsimile number listed in the Notice of Hearing section above.

All comments or responses received will be available for review at the *Office of Administrative Hearings Rulemaking eComments website* (<https://minnesotaoah.granicusideas.com>). 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) 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. The SONAR is also on the agency's website at *SONAR (PDF)* (www.health.state.mn.us/communities/environment/water/docs/wells/bghesonar.pdf).

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 No. 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 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 Department 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 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.

Proposed Rules

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: June 15, 2020

Jan K. Malcolm
Commissioner of Health

4725.0100 DEFINITIONS.

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

Subp. 1a. **Absorption area.** "Absorption area" has the meaning in part 7080.1100, subpart 2, ~~as proposed in State Register, Volume 31, Number 33, page 1025, published on February 12, 2007, and not yet adopted,~~ and includes the area of soil designed to absorb sewage effluent.

[For text of subps 1b to 21d, see M.R.]

Subp. 21e. **Bored geothermal heat exchanger.** "Bored geothermal heat exchanger" has the meaning given in Minnesota Statutes, section 103I.005, subdivision 1a, and includes bored geothermal heat exchanger piping installed in a boring for thermal conductivity testing. Bored geothermal heat exchanger does not include a closed-loop piping system installed in a boring 15 feet or less below the established ground surface.

Subp. 21f. **Bored geothermal heat exchanger contractor.** "Bored geothermal heat exchanger contractor" means a person issued a limited well/boring contractor's license for constructing, repairing, and sealing bored geothermal heat exchangers.

Subp. 21g. **Bored geothermal heat exchanger piping.** "Bored geothermal heat exchanger piping" means the pipe and fittings of a bored geothermal heat exchanger installed and buried below the ground surface and includes:

- A. the pipe loop installed in a bore hole;
- B. the buried pipe between a bore hole and a header or manifold;
- C. the buried header or manifold; and
- D. buried supply and return pipe between a buried header or manifold and the heat pump.

Subp. ~~21e~~ 21h. **Boring.** "Boring" has the meaning given in Minnesota Statutes, section 103I.005, subdivision 2, and includes environmental bore holes, bored geothermal heat exchangers, and elevator borings, except that for the purposes of this chapter, "boring" does not include exploratory borings regulated under chapter 4727.

[For text of subps 22 to 23, see M.R.]

Subp. 23a. **Community water system.** "Community water system" has the meaning given in Code of Federal Regulations, title 40, section 141.2, and means a public water system ~~which~~ that serves at least 15 service connections used by year-round residents, or regularly serves at least 25 year-round residents.

[For text of subps 23b to 24g, see M.R.]

Subp. 24h. **Directional drilling.** "Directional drilling" means a drilling method that utilizes a steerable drill bit to cut a bore hole for installing underground pipe. Directional drilling is also known as horizontal directional drilling, or HDD.

Proposed Rules

[For text of subps 25 to 30g, see M.R.]

Subp. 30h. **Interceptor.** “Interceptor” has the meaning given in part 4715.0100, subpart 66 Uniform Plumbing Code (UPC) section 211.0 as incorporated by part 4714.0050.

[For text of subps 30i to 48, see M.R.]

Subp. 49. ~~48a.~~ **Suction line.** “Suction line” means a pipe or line connected to the inlet side of a pump or pumping equipment or any connection to a casing that may conduct nonsystem water into the well or boring because of negative pressures.

Subp. 48b. **Thermally enhanced bentonite grout.** “Thermally enhanced bentonite grout” means a bentonite-based grout that is mixed with sand or graphite to improve the thermal efficiency of a bored geothermal heat exchanger system.

[For text of subps 49a to 49d, see M.R.]

Subp. 49e. [See repealer.]

Subp. 49f. [See repealer.]

Subp. 49g. [See repealer.]

[For text of subps 49h to 54, see M.R.]

4725.0150 INCORPORATIONS BY REFERENCE AND ABBREVIATIONS.

This part indicates documents, specifications, and standards that are incorporated by reference in this chapter. This material is not subject to frequent change; and is available from the source listed, ~~for loan or inspection from the Barr Library of the Minnesota Department of Health, or through the Minitex interlibrary loan system.~~ The abbreviations listed in parenthesis after the source name are used in this chapter.

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

C. American National Standards Institute (ANSI), ~~1430 Broadway~~ 25 West 43rd Street, New York, New York ~~10018~~ 10036.

(~~1~~) ANSI Schedule 5 and Schedule 40, “Dimensions of Welded and Stainless Steel Pipe” as contained in ASA Standard B36.19 - 1965, “Welded and Seamless Wrought Steel Pipe.”

(~~2~~) ANSI Standard Z34.1-1993, “Third Party Certification Programs for Products, Processes, and Services.”

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

E. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

[For text of subitems (1) to (7), see M.R.]

(~~8~~) ASTM D2683-14, “Standard Specification for Socket-Type Polyethylene Fittings for Outside Diameter-Controlled Polyethylene Pipe and Tubing.”

(~~8~~) (~~9~~) ASTM ~~D3035-03a~~ D3035-15, “Standard Specification for Polyethylene (PE) Plastic Pipe (DR-PR) Based on Controlled Outside Diameter.”

(~~9~~) (~~10~~) ASTM F480-02, “Standard Specification for Thermoplastic Water Well Casing Pipe and Couplings Made in Standard Dimension Ratios (SDR), SCH 40, and SCH 80.”

(~~11~~) ASTM F714-13, “Standard Specification for Polyethylene (PE) Pipe (DR-PR) Based on Outside Diameter.”

Proposed Rules

(12) ASTM F876-15a, “Standard Specification for Crosslinked Polyethylene (PEX) Tubing.”

(13) ASTM F877-11a, “Standard Specification for Crosslinked Polyethylene (PEX) Hot- and Cold-Water Distribution Systems.”

(14) ASTM F1055-16, “Standard Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter Controlled Polyethylene and Crosslinked Polyethylene (PEX) Pipe and Tubing.”

(15) ASTM F2080-16, “Standard Specification for Cold-Expansion Fittings with Metal Compression-Sleeves for Crosslinked Polyethylene (PEX) Pipe and SDR9 Polyethylene of Raised Temperature (PE-RT) Pipe.”

(16) ASTM F2620-13, “Standard Practice for Heat Fusion Joining of Polyethylene Pipe and Fittings.”
[For text of item F, see M.R.]

G. National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101, NFPA 30, “Flammable and Combustible Liquids Code, 2015 Edition.”

G.H. NSF International, 789 Dixboro Road, P.O. Box 130140, Ann Arbor, Michigan 48113.

(1) ANSI/NSF 14-2003, “Plastics Piping System Components and Related Materials.”

(2) ANSI/NSF ~~60-2003e~~ 60-2016, “Drinking Water Treatment Chemicals - Health Effects.”

(3) ANSI/NSF 61-2003e, “Drinking Water System Components - Health Effects.”

(4) NSF White Book™ - Nonfood Compounds Listing Directory.

H.I. Sims, P.K. and Morey, G.B., “Geology of Minnesota: A Centennial Volume,” pages 459-473, “Paleozoic Lithostratigraphy of Southeastern Minnesota” by George Austin, 1972.

I.J. United States Department of Agriculture, Agricultural Handbook Number 18, Soil Survey Manual pages 136 to 140, October 1993.

4725.0200 APPLICATION TO ALL WELLS AND BORINGS.

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

Subp. 4. **Access to information and property.** Upon presentation of credentials, the commissioner or an employee or agent authorized by the commissioner, may examine records or data related to matters governed by Minnesota Statutes, chapter 103I, and section 144.99, of any person subject to regulation under Minnesota Statutes, chapter 103I, and, for the purpose of taking an action authorized under statute, or rule, or otherwise identified in Minnesota Statutes, section 144.99, subdivision 1, relating to the enforcement of this chapter, may:

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

[For text of subp 5, see M.R.]

4725.0475 ACTIVITIES REQUIRING LICENSURE OR REGISTRATION.

Subpart 1. **Activity requiring licensure or registration.** Except for those persons exempted under Minnesota Statutes, section 103I.205, subdivision 4, paragraph (e), a person must hold a license or registration issued by the commissioner to:

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

[For text of subs 2 to 7, see M.R.]

Proposed Rules

4725.0650 EXPERIENCE REQUIREMENTS; CERTIFIED REPRESENTATIVE AND INDIVIDUAL WELL CONTRACTOR.

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

Subp. 2. **Monitoring well contractor certified representative.** Anyone applying to be certified as a representative of a monitoring well contractor must meet the requirements in items A to C; or meet the requirements in item D.

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

[For text of subps 3 to 7, see M.R.]

Subp. 7a. **Limited well/boring contractor certified representative; bored geothermal heat exchanger.** Anyone applying to be certified as a representative for a limited well/boring contractor licensed to construct, repair, or seal bored geothermal heat exchangers must meet the requirements in item A or ~~meet the requirements in items B and C.~~

A. The applicant must have ~~two~~ three years of experience constructing, repairing, and sealing bored geothermal heat exchangers. A year of experience is a year in which the applicant personally, and under the supervision of a licensed well contractor or licensed bored geothermal heat exchanger contractor,;

(1) constructed a minimum of at least three separate permitted bored geothermal heat exchanger systems;;

(2) with a minimum total footage of constructed at least 2,000 feet of bored geothermal heat exchanger; bore hole; and

(3) worked a minimum of at least 500 hours designing, constructing, or field supervising the construction, repair, or sealing of bored geothermal heat exchangers.

Experience must be obtained under the supervision of a licensed well contractor or licensed bored geothermal heat exchanger contractor, unless that experience was obtained during directionally drilling bored geothermal heat exchanger systems that were not regulated by this chapter at the time of construction. Experience on unregulated systems shall be counted toward an applicant's experience, whether or not the work was done under the supervision of a licensed well contractor or licensed bored geothermal heat exchanger contractor.

B. The applicant must:

(1) have a minimum of two three years of experience in well drilling. A year of experience is a year in which the applicant personally and, under the supervision of a licensed well contractor;

(a) constructed a minimum of five at least ten water-supply wells; and

(b) constructed, repaired, or sealed worked at least 1,000 hours constructing, repairing, or sealing wells and environmental bore holes for 500 hours; borings; and

C. (2) The applicant must be certified accredited by the International Ground Source Heat Pump Association or certified by the National Ground Water Association as a ground source heat pump driller or installer, or have an equivalent certification, as determined by the commissioner, based on number of hours of training, subject material, and testing.

[For text of subps 8 and 9, see M.R.]

4725.0900 COUNCIL EVALUATION OF APPLICANTS.

Upon request by the commissioner, the council may conduct oral examinations using a standardized examination developed by the commissioner in consultation with the council. Upon request by the commissioner, the council may also provide recommendations as to the appropriate disciplinary action for representatives, licensees, and registrants found to be in violation of this chapter and Minnesota Statutes, chapter 103I and this chapter.

Proposed Rules

4725.1675 CRITERIA FOR CONTINUING EDUCATION.

A continuing education activity must meet the criteria in items A to E for credit to be given.

A. The activity must be related to wells ~~and or~~ borings, drilling technology, groundwater contamination, health aspects of water quality, groundwater monitoring, geology, hydrology, well or boring construction ~~and or~~ sealing, water systems ~~and water or~~ treatment, geothermal systems, dewatering, elevator borings, or other subjects approved by the commissioner.

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

4725.1833 BORED GEOTHERMAL HEAT EXCHANGER CONSTRUCTION PERMITS.

This part applies to the construction of bored geothermal heat exchangers, including bored geothermal heat exchanger piping installed in a boring for thermal conductivity testing.

A. A bored geothermal heat exchanger must not be constructed, or have piping installed or removed below the frost line, until a permit has been issued by the commissioner to the well ~~contractor~~ or ~~limited well/boring contractor~~ licensed to construct bored geothermal heat exchangers ~~exchanger contractor~~.

B. The well contractor or bored geothermal heat exchanger contractor must submit to the commissioner a bored geothermal heat exchanger permit application on a form provided by the commissioner. The application must be legible and signed by the well contractor or bored geothermal heat exchanger contractor and the property owner or property owner's agent. The application must include:

~~C. A permit application must be completed for each bored geothermal heat exchanger and must include:~~

- (1) the name and license number of the well contractor or bored geothermal heat exchanger contractor;
- (2) the name and address of the owner of the property on which the bored geothermal heat exchanger will be installed;
- (3) the township number, range number, section and one quartile, and the property street address if assigned, of the proposed bored geothermal heat exchanger;
- (4) a plan diagram showing the location of the bored geothermal heat exchanger borings, property lines, and structures on the property;
- (5) the geological materials expected to be encountered by the borings;
- (6) the number, diameter, and depth of all bore holes drilled to install the bored geothermal heat exchanger piping;
- (7) the grout materials and grouting method;
- (8) the type of heat transfer fluid to be used; and
- (9) the system operating pressure.

C. The well contractor or bored geothermal heat exchanger contractor must inform the commissioner of the proposed construction starting time 24 hours before starting construction of bored geothermal heat exchanger borings. The information must be reported by telephone, facsimile, electronically, or in person between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays.

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

Proposed Rules

4725.1851 WELL AND BORING RECORDS.

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

Subp. 2. **Construction records.** Construction records for wells and borings must be completed on a form provided by the commissioner and must contain the information in subpart 3, items A to F, and the following information:

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

M. hydrofractured interval if hydrofractured; ~~and~~

N. drilling fluid used; ~~and~~

O. for bored geothermal heat exchangers, the following additional information must be provided either on the commissioner's form or on an accompanying document:

(1) the location where each pipe loop enters the drilled hole must be shown on a scaled map with angles and directions from surveyed property corners, a permanent benchmark, or the corner of a permanent structure;

(2) for bored geothermal heat exchanger piping installed using directional drilling technology, a scaled map showing the location of the entire length of each pipe loop and a cross-sectional profile showing the depth profile of the pipe loops;

(3) GPS coordinates for the location where each pipe loop enters the drilled hole or GPS coordinates marking the corners or perimeter of the loop field;

(4) the number of pipe loops in each bore hole; and

(5) the results of the required pressure test.

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

4725.2050 USE OF WELLS OR BORINGS FOR DISPOSAL OR INJECTION PROHIBITED.

A well or boring must not be used for disposal or injection of surface water, groundwater, or any other liquid, gas, or chemical, except for groundwater thermal exchange devices, bored geothermal heat exchangers, drilling fluids, vertical turbine prelubrication water, treatment chemicals, priming water, water used for hydrofracturing, and water used for disinfection according to parts 4725.1831, 4725.1833, 4725.2950, 4725.3250, 4725.3725, 4725.5050, 4725.5475, and 4725.5550. This does not prohibit the injection of air for drilling, development, or sparging.

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

4725.2150 REQUIRED DISTANCE FROM GAS PIPES, LIQUID PROPANE TANKS, AND ELECTRIC LINES.

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

Subp. 3. **Exceptions.** Subpart 1 does not apply to:

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

D. an overhead electric line when the repairing or sealing of a well or boring does not involve the use of a drilling machine or hoist; ~~or~~

E. a buried electric line or buried gas pipe when the repairing or sealing of a well or boring does not involve excavation; ~~or~~

F. a buried electric line or gas pipe when a nonvertical bored geothermal heat exchanger boring is installed using directional drilling technology, provided that:

Proposed Rules

(1) the notice of excavation and location of buried utilities are completed according to Minnesota Statutes, chapter 216D; and

(2) the point where the drill bit penetrates the ground surface complies with the isolation distances in subpart 1.

The requirements of this part are minimum standards; and do not exempt persons from more restrictive requirements of the Occupational Safety and Health Administration.

4725.2185 DISTANCE FROM A BUILDING.

A minimum horizontal isolation distance of three feet must be maintained between a well or boring and the farthest exterior projection of a building, including the walls, roofs, decks, overhangs, and other permanent structures unless the well or boring is located in a building constructed according to part 4725.2175. A building, deck, or other permanent structure, except a well house, must not be built to enclose a well or boring. The well or boring must be accessible for repair and sealing. Environmental bore holes and monitoring wells are exempt from this subpart if sealed within 72 hours of the time construction begins on the well or boring. A directionally drilled bored geothermal heat exchanger is exempt from this provision if constructed according to part 4725.7050, subpart 3.

4725.2250 GENERAL CASING REQUIREMENTS.

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

Subp. 7. **Temporary casing.** Casing installed temporarily during drilling is not required to meet the specifications for casing in this part except subparts 2, 7, and 16 and part 4725.2350, 4725.2550, or 4725.6650, or this part except subparts 2, 7, and 16; but must be of sufficient strength to withstand the structural load imposed by conditions both inside and outside the well or boring, and free of oil or other contaminants. The casing must be removed on completion of the well or boring.

[For text of subps 8 to 17, see M.R.]

4725.2950 DRILLING FLUIDS.

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

Subp. 2. **Drilling additives.** Drilling additives, including bentonite, must meet the requirements of ANSI/NSF Standard ~~60-2003e~~ 60-2016 as determined by a person accredited by ~~the ANSI under ANSI Standard Z34.1-1993.~~ A drilling additive is a substance added to the air or water used in the fluid system of drilling a well or boring.

4725.3350 INTERCONNECTIONS AND CROSS CONNECTIONS.

No connection between a well or boring and another well, boring, water supply system, or contamination source is allowed unless the connection is:

A. protected by an air gap as described in ~~part 4715.2010~~ UPC section 603.3.1 as incorporated by part 4714.0050;

B. protected with a backflow prevention device as specified in ~~parts 4715.2020 to 4715.2170~~ UPC sections 603.0 to 603.5.23.4 as incorporated by part 4714.0050;

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

D. between wells or borings that meet the construction standards of this chapter, are used for the same purpose, and have equivalent water quality.

This part does not apply to a water distribution system after the pressure tank; however, this part does not exempt water distribution systems otherwise regulated by chapter ~~4715~~ 4714.

4725.3450 FLOWING WELL OR BORING.

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

Proposed Rules

Subp. 1a. **Low flow and low pressure.** A flowing well or boring that flows 70 gallons per minute or less, and that has an artesian pressure ten pounds per square inch or less, must be constructed by either:

A. drilling a bore hole larger than the casing into the flowing aquifer, installing casing into the flowing aquifer, and grouting the annular space surrounding the casing with neat-cement grout or cement-sand grout from the bottom of the casing to the base of the pitless adapter or unit, or to the established ground surface according to part 4725.3050; or

B. driving steel casing with welded or threaded and coupled joints into the flowing aquifer; or

C. for a bored geothermal heat exchanger, grouting the annular space surrounding the bored geothermal heat exchanger piping with neat-cement grout or cement-sand grout from the bottom of the bore hole to the established ground surface or upper termination of the bored geothermal heat exchanger piping.

Subp. 2. **High flow, high pressure, or special construction area.**

A. A well or boring, including a bored geothermal heat exchanger boring, must be constructed according to the requirements in this subpart when:

[For text of subitems (1) to (3), see M.R.]

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

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

Subp. 5. **Overflow discharge.** A water discharge from a flowing well or boring that disposes of water to the surface, a surface water body, sewer, or subsurface must:

A. be protected with an air gap according to part 4715.2010 UPC section 603.3.1 as incorporated in part 4714.0050;

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

[For text of subp 6, see M.R.]

4725.3725 CHEMICAL TREATMENT AND REHABILITATION.

Subpart 1. **Treatment chemicals.** Chemicals placed in a well or boring to increase the yield, remove or treat contaminants or objectionable tastes or odors, or rehabilitate the well or boring must meet the requirements of ANSI/NSF Standard ~~60-2003~~ 60-2016 as determined by a person accredited by the ANSI under ANSI Standard Z34.1-1993. Sodium or calcium hypochlorite may be used if registered by the United States Environmental Protection Agency according to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), section 3(c)(7)(A), as an antimicrobial pesticide for use in potable water. Treatment chemicals must be neutralized or removed from the well, boring, and any connected piping systems prior to use of the well or boring. This part does not apply to chlorine or other treatment chemicals added to a water distribution system, or to a drilling additive used according to part 4725.2950.

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

4725.3750 REPAIR, CORRECTION, OR SEALING OF WELLS AND BORINGS.

Subpart 1. **Repair, correction, or sealing required.** The property owner must:

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

C. disconnect a cross-connection between a well or boring and a public water system unless approved by the public water supplier and protected with an air gap or backflow prevention device ~~in accordance with parts 4715.2020 to 4715.2170~~ according to UPC sections 603.0 to 603.5.23.4 as incorporated by part 4714.0050.

A well or boring not repaired or corrected must be permanently sealed.

[For text of subps 2 to 6, see M.R.]

Proposed Rules

4725.4450 WATER-SUPPLY WELL DISTANCES FROM CONTAMINATION.

Subpart 1. **Isolation distances.** A water-supply well must be located where there is optimum surface drainage and at the highest practical elevation. Whenever possible, water-supply wells should not be located down slope or down gradient of a contamination source. A water-supply well must be constructed as far as practical from a contamination source, but no less than the distances in this part.

The isolation distances in this part are minimum distances measured horizontally from the closest part of the upper termination of the water-supply well casing to the closest part of the contamination source, or the vertical projection of the contamination source on the established ground surface, whichever is closer.

Where this chapter establishes a minimum regulatory volume of a liquid, the volume of multiple tanks, each below the minimum, are not additive, unless the tanks are interconnected without backflow protection.

The minimum isolation distances must be maintained between a new well and a source of contamination no longer in use, unless all contaminants have been removed from the source, and visibly contaminated soils have been removed.

A contamination source must not be placed, constructed, or installed any closer to a water-supply well than the distances in this part.

A water-supply well must be no less than:

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

E. 50 feet from:

[For text of subitems (1) to (11), see M.R.]

(12) a buried sewer, except as provided in item G, subitem (5), that:

[For text of units (a) and (b), see M.R.]

(c) is constructed of materials that do not meet the specifications, methods, and testing protocol in parts ~~4715.0530 and 4715.2820~~ UPC table 701.1 and section 723.0 as incorporated by part 4714.0050;

[For text of subitems (13) to (15), see M.R.]

(16) ~~the buried piping of a horizontal ground source closed loop~~ bored geothermal heat exchanger or any other closed loop geothermal heat exchanger, except as provided in ~~item~~ items F, subitem (1), and H, subitem (2);

[For text of subitems (17) to (30), see M.R.]

F. 35 feet from:

(1) ~~the buried piping of a~~ bored geothermal heat exchanger piping as specified in parts 4725.0100, subpart 49g, and or any other closed loop geothermal heat exchanger that is more than 15 feet below the established ground surface, provided that the geothermal heat exchanger conforms to part 4725.7050, subpart 1, item G; and

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

G. 20 feet from:

(1) a sewage sump with a capacity of less than 100 gallons ~~which that~~ has been successfully tested in accordance with part 4715.2820, subpart 2 or 3, according to UPC section 712.0 or 723.0 as incorporated by part 4714.0050 and is constructed according to part 4715.2440, subparts 1 and 4 UPC sections 710.8, 710.10, and 710.12 as incorporated by part 4714.0050;

[For text of subitems (2) to (4), see M.R.]

(5) a buried sewer serving one building, or two or less single-family residences, constructed of cast iron or plastic pipe according to the material specifications, methods, and testing protocol described in ~~parts 4715.0530 and 4715.2820, subpart 2 or 3,~~ UPC table 701.1 and section 723.0 as incorporated by part 4714.0050 or a floor drain connected to the buried sewer, except for:

Proposed Rules

[For text of units (a) and (b), see M.R.]
[For text of subitems (6) to (12), see M.R.]

H. ten feet from:

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

(2) ~~the horizontal piping of a bored geothermal heat exchanger, or a horizontal ground source closed loop heat exchanger constructed of materials, and using a heat transfer fluid, according to the buried piping of a bored geothermal heat exchanger or any other closed loop geothermal heat exchanger that is 15 feet or less below the established ground surface, provided that the geothermal heat exchanger conforms to part 4725.7050, subpart 1.~~

[For text of subps 2 and 3, see M.R.]

4725.4825 NONPOTABLE WATER-SUPPLY WELLS.

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

Subp. 3. **Identification required.** A nonpotable well water system providing water to a building with a potable water system, or accessible to the public, must be marked as nonpotable according to ~~part 4715.1910~~ UPC section 601.2 as incorporated by part 4714.0050.

4725.5150 WATER-SUPPLY WELL SUCTION LINE.

Subpart 1. **Construction.** As specified in ~~part 4715.0510~~, UPC section 604.1 as incorporated by part 4714.0050, a suction line for a water-supply well must be constructed of:

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

[For text of subps 2 and 3, see M.R.]

4725.5475 HYDROFRACTURING WATER-SUPPLY WELLS.

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

Subp. 2. **Injection materials, water, and proppants.**

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

B. Additives must meet the requirements of ANSI/NSF Standard ~~60-2003e~~ 60-2016 as determined by a person accredited by the ANSI under ~~ANSI Standard Z34.1-1993~~.

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

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

4725.5550 WATER-SUPPLY WELL DISINFECTION.

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

Subp. 4. **Disinfection materials.** Chlorine materials must meet the requirements of ANSI/NSF Standard ~~60-2000e~~ 60-2016 as determined by a person accredited by ANSI ~~under ANSI Standard Z34.1-1993~~ or be registered by the United States Environmental Protection Agency according to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), section 3(c)(7)(A), as an antimicrobial pesticide for use in potable water. Chlorine compounds with additives such as perfumes or algaecides must not be used for disinfection. An alternate disinfection material may be used if the material is a biocide meeting the material and use standards of this part and provides biocidal activity equivalent to the chlorine concentrations and contact times required in this part.

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

4725.5825 PUBLIC WATER-SUPPLY WELLS.

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

Subp. 2. **Notification of drilling required.** The licensee must notify the commissioner of the proposed construction starting time of a community or noncommunity public water-supply well 24 hours in advance of beginning construction.

Proposed Rules

The information may be placed on the notification form required in part 4725.1820 or may be reported by telephone, facsimile, or in person. The notification must be made between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays.

[For text of subs 3 to 6, see M.R.]

4725.6050 REMEDIAL WATER-SUPPLY WELLS.

Subpart 1. **Additional requirements.** In addition to the general standards in parts 4725.2010 to 4725.3875, and the standards for water-supply wells, in parts 4725.4050 to 4725.5550, a remedial well must:

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

C. have connections protected with an air gap or back flow prevention device as specified in ~~parts 4715.2010 to 4715.2170~~, UPC sections 602.0 to 603.5.23.4 as incorporated by part 4714.0050 if the well discharges to a sewer or surface water.

[For text of subs 2 to 4, see M.R.]

4725.7050 BORED GEOTHERMAL HEAT EXCHANGERS.

Subpart 1. **Construction.** A bored geothermal heat exchanger must be constructed according to the ~~general~~ construction standards in this part and the general construction standards in parts 4725.2010 to 4725.3875 and the provisions in this part.

A. Bored geothermal heat exchanger piping must be ~~a minimum 160 psi pressure-rated, SDR 11 high density high-density polyethylene, meeting ASTM Standard D3035-03a~~, or cross-linked polyethylene that meets the following requirements:

(1) for high-density polyethylene:

(a) the walls of the pipe must be SDR 11 or thicker;

(b) pipe must meet ASTM Standard D3035-15 or ASTM Standard F714-13;

(c) pipe connections must be made with socket fusion, butt fusion, or electrofusion joining methods that meet ASTM Standard F2620-13 or ASTM Standard F1055-16; and

(d) fittings must be manufactured in accordance with ASTM Standard D2683-14;

(2) for cross-linked polyethylene:

(a) pipe must be manufactured by the high-pressure peroxide method and designated as PEXa;

(b) pipe must meet ASTM Standard F876-15a and ASTM Standard F877-11a;

(c) all components of the PEXa system must be from the same manufacturer;

(d) a fitting for a PEXa system must not be buried in a pipe loop boring or between a pipe loop boring and the heat pump unit, unless the fitting is located in a vault or other structure accessible from the ground surface or floor of the building; and

(e) fittings must meet ASTM Standard F2080-16; and

(3) high-density polyethylene and cross-linked polyethylene pipe must have a minimum pressure rating of 160 psi.

Proposed Rules

~~B. Connections to bored geothermal heat exchanger piping must use socket fusion or butt fusion joining methods.~~

~~€ B. The licensee must complete a successful pressure test of the bored geothermal heat exchanger piping after the piping is installed in the bore holes. Pipe must be pressure tested with air or potable water for 15 minutes at a pressure of 1.5 times the system operating pressure or 75 pounds per square inch 100 psi, whichever is greater, after installation in the bore hole. The pressure must remain constant for 30 minutes without adding additional water.~~

~~Ð C. The annular space between the bored geothermal heat exchanger piping and the a bore hole must be grouted with neat-cement grout or cement-sand grout in bedrock, and neat-cement grout, cement-sand grout, thermally enhanced bentonite grout, or bentonite grout in unconsolidated materials filled with grout according to the procedures in part 4725.3050, subpart 2, and according to the procedures in part 4725.3450 for a bored geothermal heat exchanger boring from which groundwater flows above the established ground surface. Thermally enhanced bentonite grout must consist of a fluid mixture of not more than 17.5 gallons of water, not more than 200 pounds of sand with 80 percent or more of the sand smaller than 0.0117 inch (passing U.S. Sieve #50), and a minimum of 50 pounds of bentonite. The annular space must be filled with:~~

~~(1) neat-cement grout or cement-sand grout in bedrock;~~

~~(2) neat-cement grout or cement-sand grout in a boring from which groundwater flows above the established ground surface; or~~

~~(3) neat-cement grout, cement-sand grout, bentonite grout, or thermally enhanced bentonite grout in unconsolidated materials. Thermally enhanced bentonite grout must consist of:~~

~~(a) a maximum of 17.5 gallons of water per 50 pounds of bentonite; and~~

~~(b) thermal enhancement material, including:~~

~~i. a maximum of 200 pounds of sand per 50 pounds of bentonite, with 80 percent or more of the sand smaller than 0.0117 inch (passing U.S. Sieve #50); and~~

~~ii. a maximum of 20 pounds of graphite that meets the ANSI/NSF Standard 60-2016 requirements per 50 pounds of bentonite.~~

~~E D. Only food-grade or USP-grade propylene glycol must be used as heat transfer fluid. No other materials or additives must be used except for potable water. A permanent sign must be attached to the heat pump specifying that only approved heat transfer fluids must be used. Heat transfer fluids must be propylene glycol or ethanol that meets the following requirements:~~

~~(1) propylene glycol must be food grade or USP grade;~~

~~(2) a propylene glycol with additives, including corrosion inhibitors and dyes, shall be approved by the commissioner if documentation is provided to the commissioner verifying that all ingredients are food grade or USP grade, and that the product is listed in the NSF White Book™ listing of nonfood compounds;~~

~~(3) ethanol products must be designed by the manufacturer for use in bored geothermal heat exchanger systems. Ethanol products must not be used unless approved in writing by the commissioner. A complete list of product ingredients and concentrations must be submitted for review;~~

~~(4) ethanol may be used in an ethanol-water solution of not more than 20 percent ethanol by volume. Ethanol concentrates used to prepare heat transfer fluid must be diluted to not more than 20 percent ethanol by volume before being brought into a building where the heat transfer fluid is to be used;~~

~~(5) storing, handling, and using ethanol is subject to the safety precautions and procedures specified by the~~

Proposed Rules

ethanol manufacturer, the applicable requirements of chapters 1305 and 7511, and NFPA Standard 30: Flammable and Combustible Liquids Code, 2015 Edition; and

(6) no other fluids or additives may be used except for potable water.

E. A permanent sign must be attached to the heat pump identifying the heat transfer fluid in the bored geothermal heat exchanger and specifying that only heat transfer fluids approved in this part may be used.

F. Water make-up lines to the bored geothermal heat exchanger must be protected with backflow prevention according to ~~parts 4715.2010 to 4715.2170~~ UPC sections 602.0 to 603.5.23.4 as incorporated by part 4714.0050.

G. The isolation distance between a water-supply well and a bored geothermal heat exchanger constructed according to this part must be no less than 35 feet from a water-supply well. The horizontal piping must be no less than ten feet from a water-supply well the distances specified in part 4725.4450, subpart 1, items F and H.

Subp. 2. [See repealer.]

Subp. 3. **Marking locations.** The locations of all buried bored geothermal heat exchanger piping from the point where the pipe loop exits the bore hole to the point where the pipe is exposed above the ground surface or floor of a building must be marked by one of the following methods:

A. tracer wire;

B. underground marking tape detectable from the ground surface; or

C. a ferromagnetic metal marker, detectable from the ground surface, located above the point where the pipe loop exits the bore hole.

Subp. 4. **Separation under buildings.** A bored geothermal heat exchanger boring installed using directional drilling technology that extends under a building or within three feet horizontally of the farthest exterior projection of the building must be located a minimum of ten feet below the lowest part of the building, including the foundation and footings. Supply-return piping that is plumbed through the building wall or floor is exempt from this requirement.

Subp. 5. **Isolation distances from certain contaminant sources.** The point where the drill bit penetrates the ground surface for a geothermal heat exchanger boring must be located at least ten feet horizontally from a contaminant source that has contaminants directly entering the soil, including:

A. the absorption area of a soil dispersal system;

B. animal feedlot, confining area, or feeding or watering area;

C. cesspool;

D. landspreading area for sewage, septage, or sludge;

E. manure basin, lagoon, or storage area;

F. rapid infiltration basin;

G. seepage pit, leaching pit, or dry well; or

H. wastewater spray irrigation area.

Subp. 6. **Bored geothermal heat exchanger borings onto the property of another.** Bored geothermal heat

Proposed Rules

exchanger piping must not be installed on or under property other than the property identified in the approved permit without the affected property owner's written consent or other legal authority.

Subp. 7. **Accessibility.** The ends of each pipe loop must be accessible within a building or buried no deeper than ten feet below the ground surface. The buried ends of a pipe loop must not be built over or otherwise made inaccessible.

Subp. 8. **Pipe loop not connected to a geothermal heat exchanger system.** A pipe loop that is not connected to a geothermal heat exchanger system, such as a loop installed for thermal conductivity testing, must be protected by:

A. extending the ends of the pipe loop to at least one foot above the ground surface;

B. encasing the ends of the pipe loop in an ASTM Schedule 40 steel or plastic outer protective pipe that is at least four inches in diameter and extends at least one foot above and two feet below the ground surface; and

C. covering the outer protective pipe with an overlapping cap or cover.

Subp. 9. **Sealing of bored geothermal heat exchangers.** When sealing all or part of a bored geothermal heat exchanger:

A. all heat transfer fluid must be removed from the bored geothermal heat exchanger piping that is to be sealed;

B. the heat transfer fluid must be contained and recycled or disposed according to applicable federal, state, and local requirements;

C. the ends of each pipe loop must be accessed and grouted by pumping grout through a tremie pipe inserted to within ten feet of the bottom of the loop, or by pumping grout into one end of the loop until grout flowing from the other end of the loop meets the minimum specifications and densities in part 4725.0100, subpart 21d, 22b, or 30n;

D. the portion of the piping in unconsolidated geologic materials must be filled with bentonite grout, neat-cement grout, or cement-sand grout; and

E. the portion of the piping in bedrock must be filled with cement-sand grout or neat-cement grout.

Subp. 10. **Notice of loss or leak.** The owner of a bored geothermal heat exchanger system must:

A. notify the commissioner of leakage from the system piping or loss of pressure in the system within 24 hours after the owner becomes aware of the loss or leak; and

B. notify the Minnesota duty officer of a bored geothermal heat exchanger leak according to Minnesota Statutes, section 115.061.

REPEALER. Minnesota Rules, parts 4725.0100, subparts 49e, 49f, and 49g; and 4725.7050, subpart 2, are repealed.

TERM CHANGE. In Minnesota Rules, part 4720.9025, subpart 1, change "part 4715.1770" to "chapter 4714."

Expedited Emergency Rules

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

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

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

Adopted Rules - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: 2020 Spring Update to Prohibition on Feeding Deer

Notice is hereby given that the following rules are being adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b), which authorizes the Commissioner to adopt emergency rules to control wildlife disease. Additional authority for the content of the rule is found in *Minnesota Statutes*, section 97A.045, subdivision 11.

The following conditions do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459: Chronic Wasting Disease (CWD) has been detected at multiple cervid farms in central and southeast Minnesota. Prions, the infectious agents that transmit the disease, are shed through saliva, urine, blood, feces, and antler velvet. Prions are highly resistant to degradation and can persist in the environment for decades. Prions spread among individual deer through both direct (animal-to-animal) and indirect (environmental) contact. The use of deer feed and attractants causes deer to concentrate in one area, thus greatly increasing the risk of both direct and indirect CWD transmission.

Because efforts to manage CWD are ongoing, and may end or require modification depending on additional detections of the disease, the 18-month effective time of rules adopted under *Minnesota Statutes*, section 84.027, subdivision 13(b) best accommodates this situation.

To further reduce the transmission of CWD, the placement or distribution of deer feed and deer attractants is prohibited in the counties of Aitkin, Cass, Crow Wing, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Hubbard, Mille Lacs, Morrison, Mower, Olmsted, Ramsey, Rice, Scott, Steele, Todd, Wabasha, Wadena, Washington and Winona. The placement or distribution of deer feed is prohibited in the counties of Carlton, Chisago, Douglas, Isanti, Kanabec, Pine, Pope and Stearns. The placement or distribution of deer feed is prohibited until July 1, 2020 in the counties of Kandiyohi, McLeod, Meeker, and Wright, and that portion of Renville lying north of U.S. Highway 212.

Dated: May 21, 2020

Sarah Strommen
Commissioner of Natural Resources

6232.4800 FEEDING DEER PROHIBITED IN CERTAIN COUNTIES.

Subpart 1. Definitions. For purposes of this part:

A. "attractants" means liquid food scents, salt, minerals, and other natural or manufactured products that are capable of attracting or enticing deer, including any product that contains or purports to contain cervid urine, blood,

Expedited Emergency Rules

gland oil, feces, or other bodily fluid;

B. “feed” means grains, fruits, vegetables, nuts, hay, and other food that is capable of attracting or enticing deer; and

C. “place” includes to place, cause to place, distribute, or otherwise put on a person’s property or allow another to place, distribute, or put on a person’s property.

Subp. 2. Applicability; prohibition; feed and attractants.

A. In Aitkin, Cass, Crow Wing, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Hubbard, Mille Lacs, Morrison, Mower, Olmsted, Ramsey, Rice, Scott, Steele, Todd, Wabasha, Wadena, Washington, and Winona Counties, a person may not place feed or attractants except as provided in subpart 3.

B. In Carlton, Chisago, Douglas, Isanti, Kanabec, Pine, Pope, and Stearns Counties, a person may not place feed except as provided in subpart 3.

C. In Kandiyohi, McLeod, Meeker, and Wright Counties and that portion of Renville County lying north of U.S. Highway 212, a person may not place feed through June 30, 2020, except as provided in subpart 3.

Subp. 3. Exceptions. The prohibitions in subpart 2 do not include feed that is:

A. intended to feed wildlife other than deer if the feed is:

(1) arranged to exclude access to deer; or

(2) put at least six feet above the ground;

B. present solely as a result of normal agricultural, forest management, or wildlife food-planting practices; or

C. for livestock purposes if the feed is:

(1) for domestic livestock that are present and actively consuming the feed daily;

(2) covered to deter deer from accessing the feed; or

(3) stored consistent with normal agricultural practices.

Subp. 4. Cleanup.

A. In addition to any other penalties imposed, a person must immediately remove any feed and attractants that have been placed in violation of subpart 2.

B. Failing to comply with this subpart is a separate violation from and in addition to a violation of subpart 2.

REPEALER. Minnesota Rules, part 6232.4800, published in the State Register, volume 44, page 939, February 24, 2020, is repealed.

EFFECTIVE PERIOD. Minnesota Rules, part 6232.4800, is effective June 30, 2020.

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 Board of Animal Health

REQUEST FOR COMMENTS on Planned Amendments to Rules Governing Farmed Cervidae, *Minnesota Rules*, 1721.0370 to 1721.0420; Revisor's ID Number R-04649

Subject of Rules. The Minnesota Board of Animal Health (Board) requests comments on its planned amendments to rules governing farmed Cervidae, *Minnesota Rules* chapters 1721.0370 to 1721.0420. The planned amendments to the farmed Cervidae rules are to incorporate changes made by the Minnesota legislature in 2019 to *Minnesota Statute* 35.155, which governs the requirements for possession and inspection of farmed Cervidae.

The Board is also considering additional amendments to *Minnesota Rules* chapters 1721.0370 to 1721.0420. The current rules were adopted by the Board in 2013; these rules have served the state and the industry well, but as the Board has implemented these rules it has recognized the rules could be improved through rulemaking in order to clarify ambiguities in current regulations, better help the agency prevent and control disease, allow the Board to more effectively address and respond to detections of Chronic Wasting Disease (CWD) positive farmed Cervids, and support compliance with state and federal requirements for farmed Cervidae. These possible amendments would, at a minimum, address the following objectives:

- Update, simplify, and clarify existing rules;
- Add or change definitions to improve clarity;
- Add or change language to align the rules with current and relevant scientific evidence related to transmission of CWD;
- Omit language that is inconsistent with federal guidelines for regulating farmed Cervidae;
- Add or change language to allow the Board to better respond to and manage animal disease events; and
- Additional objectives may be proposed or identified during the rulemaking process, or based on comments received, but only as time allows.

The Board will consider comments and suggestions for additional changes and corrections for any of the farmed Cervidae rules administered by the Board. Submitting your comments and information at this stage in the rule development process allows the Board to consider your ideas, information you provide, and issues you may raise early in this rulemaking process, and helps to ensure informed decision-making on our part. If this rulemaking affects you in any way, the Board encourages you to participate in the rulemaking process.

The state rulemaking process requires agencies to consider the economic effect and also the cumulative impact of proposed amendments. With this Request, the Board is providing notice that it will be addressing economic and cumulative impact as part of this rulemaking and encouraging parties who may be interested or have information pertaining to the expected economic effect and the cumulative effect of this rule to provide that information to the Board, and to register with the Board to receive notice when rules are proposed. (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.)

Persons Affected. Amendments to these rules will affect farmed Cervidae producers in Minnesota who must meet requirements under *Minn. R.* 1721.0370 to 1721.0420; and may affect members of the public and farmed Cervidae producers outside the state of Minnesota who conduct business with Minnesota farmed Cervidae producers; the Cervidae industry; representatives from other Minnesota livestock industries; the Minnesota hunting community; laboratories conducting CWD testing; and the general public.

Official Notices

Statutory Authority. *Minnesota Statutes*, section 35.03, requires the Board to adopt rules necessary to protect the health of the state's domestic animals; and *Minnesota Statutes*, section 35.155, requires the Board to adopt rules necessary to implement rules regarding farmed Cervidae and to otherwise provide for the control of diseases affecting Minnesota livestock.

Public Comment. Interested persons or groups may submit comments or information related to this rulemaking until **4:30 p.m. on September 14, 2020**. Submit written comments via the Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/>. All comments received are public and will be available for review at the Office of Administrative Hearings. The Board will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board will consider all comments in the development of the rule amendments. The Board plans to appoint an advisory committee to comment on the rule amendments.

Rules Drafts. The Board has not yet drafted the new rule language. The Board will prepare drafts that it will publish on its website and make available to the public upon request before formally proposing the rules. The rule amendments will at a minimum, however, include necessary changes based on the changes made by the legislature in 2019 to Minnesota Statute 35.155 regarding farmed Cervidae. Persons interested in being notified when a draft of the rules is available and other activities relating to this rulemaking are encouraged to register at <https://public.govdelivery.com/accounts/MNBAH/subscriber/new>. Information relevant to this rulemaking is located on the Board's rulemaking webpage: <https://www.bah.state.mn.us/public-rule-making/>

Agency Contact Person. The Board's contact person(s) for this rulemaking are:

Annie Balghiti
Board of Animal Health
625 Robert Street North
St. Paul, MN 55104
telephone 651-201-6805
annie.balghiti@state.mn.us

Dr. Linda Glaser
Board of Animal Health
625 Robert Street North
St. Paul, MN 55104
telephone 651-201-6828
linda.glaser@state.mn.us

Requests for rule drafts and more information on these rule amendments may be directed to the agency contact persons above. Submit written comments and questions via the Office of Administrative Hearings Rulemaking eComments website at: <https://minnesotaoah.granicusideas.com/discussions>

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(s) 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 Board is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: June 23, 2020

Dr. Beth S. Thompson, Executive Director
Minnesota Board of Animal Health

Official Notices

Department of Human Services (DHS)

Health Care Administration

Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of a statutory change made to the Medical Assistance (MA) Program by the 2019 and 2020 Minnesota Legislatures.

This notice is published pursuant to *Code of Federal Regulations*, title 42, part 447, section 205 (42 C.F.R. § 447.205), which requires publication of a notice when there is any significant proposed change in the methods and standards for setting payment rates for Medicaid services.

These changes are estimated to affect net spending in the MA program as described below. All estimates provided in this notice represent the expected change in aggregate expenditures which includes state and federal funds.

The actual text of the 2019 and 2020 legislative changes is contained in *Laws of Minnesota*, First Special Session, Chapter 9 and *Laws of Minnesota 2020*, Chapter 74. These are available by calling the House of Representatives Public Information Office at (651) 296-2146 (voice) or (651) 296-9896 (TTY) or 1-800-657-3550 (Greater Minnesota) or 1-800-627-3529 (TTY); or the Senate Information Office at (651) 296-0504 (voice) or (651) 296-0250 (TTY); for Greater Minnesota call 1-888-234-1112 (voice) or 1-888-234-1216 (TTY). These laws are also available on the internet at: <http://www.revisor.mn.gov/laws/>

Information relating to implementation of these changes will be sent to health care providers through newsletters and updates to the *Minnesota Health Care Programs Provider Manual*, available at: <http://www.dhs.state.mn.us>

The changes are as follows:

Medical Assistance Services and Payment Rates

Effective for services on or after July 1, 2020, the Commissioner is required to raise the per diem rates by 15 percent for eligible residential substance use disorder (SUD) treatment providers participating in the SUD demonstration project and meeting the criteria in Minnesota Statutes § 256B.0759. *Laws of Minnesota 2020*, chapter 74, article 3, section 6. This change is estimated to increase expenditures in the MA program by \$4,671,896 in state fiscal year 2021 and \$4,924,351 in state fiscal year 2022.

Effective for services on or after January 1, 2021, the Commissioner is required to raise rates for outpatient SUD treatment services, medication-assisted therapy, and adolescent treatment programs licensed as an outpatient treatment programs by 10 percent for substance use disorder treatment providers participating in the SUD demonstration project and meeting the criteria in Minnesota Statutes § 256B.0759. *Laws of Minnesota 2020*, chapter 74, article 3, section 6. This change is estimated to increase MA expenditures by \$675,821 in state fiscal year 2021 and \$2,491,454 in state fiscal year 2022.

For further information, please contact Patrick Hultman at (651) 431-4311 or via email at patrick.hultman@state.mn.us.

Department of Labor and Industry

NOTICE OF HEARING for Possible Amendments to Rules Governing the Minnesota Residential Energy Code, *Minnesota Rules*, Chapter 1322; Revisor ID # R-04512; OAH Docket # 8-9001-36776

Public Hearing. The Minnesota Department of Labor and Industry (“Department”) will hold a public hearing at 9:00 a.m. on Monday, August 3, 2020, via WebEx, for the purposes of taking public comment and testimony regarding

the appropriateness of amending the existing Minnesota Residential Energy Code, *Minnesota Rules*, chapter 1322, to adopt the residential provisions of the 2018 International Energy Conservation Code (“IECC”). All interested or affected persons will have an opportunity to participate by submitting oral or written comments, statements, or arguments. Participation in the hearing will be by WebEx (video/audio or audio-only) or telephone. A link to register for the WebEx is available on the Department’s website at: *Minnesota Rules, Chapter 1322, Residential Energy Code Docket*. To participate in the hearing by telephone, at the date and time listed above, you may call 415-655-0003 or 855-282-6330 and enter access code: 146 183 4514.

Please note: This is the rescheduled May public hearing that was canceled due to COVID-19 pandemic circumstances. Pursuant to Minn. Stat. § 13D.021, this meeting will be held remotely because it is not practical or prudent for an in-person meeting due to a health pandemic or an emergency declared under chapter 12. If the public hearing must be postponed or re-scheduled for any reason, the Department will send a notice of such a change to its State Building Code Rulemaking List and to the organizations listed on its Additional Notice Plan. The Department will also post the Notice of such a change on its website at: *Minnesota Rules, Chapter 1322, Residential Energy Code Docket*.

Subject of Hearing and Statutory Authority. *Minnesota Statutes*, section 326B.106, subdivision 1 (d), requires the Commissioner to act in accordance with federal law on each new model residential energy code for which the United States Department of Energy has issued an affirmative determination of improved energy efficiency in compliance with *United States Code*, title 42, section 6833. On December 10, 2019, the United States Department of Energy issued an affirmative determination concerning the residential provisions of the 2018 IECC, concluding that buildings meeting that most recent revision would result in national site energy savings of 1.68 percent, national source energy savings of 1.91 percent, and national energy cost savings of approximately 1.97 percent of residential building energy consumption. This affirmative determination statement may be viewed in its entirety by contacting the agency contact person listed below for a copy of the same or by viewing it at: <https://www.govinfo.gov/content/pkg/FR-2019-12-10/pdf/2019-26550.pdf>.

Based on that affirmative determination, *United States Code*, title 42, section 6833 (a)(5)(B), now requires each state to review the provisions of its residential energy code to determine whether it is appropriate for the state to revise its current building code to meet or exceed the residential energy efficiency provisions of the 2018 IECC. *United States Code*, title 42, section 6833 (a)(2), further requires that this state determination be made after public notice and hearing, be based upon the record provided for at the hearing, and be made generally available to the public. Accordingly, the Department encourages comments and public participation at the hearing as scheduled above.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views either orally at the WebEx hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address below or **via the Office of Administrative Hearings Rulemaking eComments website** <https://minnesotaoah.granicusideas.com/discussions>. All evidence that you present should relate to the issue identified above. 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 this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings or on their website.

The agency requests that any person submitting written comments or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written comments or data to the agency contact person at the address listed below.

Administrative Law Judge. Administrative Law Judge Eric L. Lipman will conduct the hearing on the date and at the time and place listed above. Judge Lipman’s legal assistant, Michelle Hendrickson, may be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone (651) 361-7896, fax (651) 539-0310, and email: michelle.hendrickson@state.mn.us.

Official Notices

Agency Contact Person. The agency contact person is: Amanda Spuckler at the Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, telephone (651) 284-5006, and email: dli.rules@state.mn.us.

Adoption Procedure after the Hearing. After the close of the hearing record, the administrative law judge will issue a Report and Recommendation to the Commissioner as to whether it is appropriate to revise existing *Minnesota Rules*, chapter 1322, to adopt the residential energy saving provisions of the 2018 IECC. You may ask to be notified of the date when the administrative law judge's Report and Recommendation will become available. You 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 when the Commissioner issues her Final Order on the administrative law judge's Recommendation. You may make this request at the hearing or in writing to the agency contact person listed above. Copies of the administrative law judge's Report and Recommendation and the Commissioner's Final Order will also be made available for viewing on the agency's website at: <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-1322>.

If the Commissioner's Final Order determines that it is appropriate to revise the residential energy efficiency provisions of *Minnesota Rules*, chapter 1322, then the Commissioner will proceed with adopting the necessary amendments under the formal rulemaking provisions of Chapter 14, the Minnesota Administrative Procedures Act. If the Commissioner's Final Order determines that it is not appropriate at this time to revise the residential energy efficiency provisions of *Minnesota Rules*, chapter 1322, then the Commissioner will certify that determination and the reasons for the same to the United States Department of Energy as required by *United States Code*, title 42, section 6833 (a)(4). Copies of the Commissioner's Final Order will be made available for viewing on the agency's website at: *Minnesota Rules, Chapter 1322, Residential Energy Code Docket*.

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.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Minnesota Campaign Finance Board. Questions regarding this requirement may be directed to that Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889, and at: <https://cfb.mn.gov/>.

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

Date: June 24, 2020

Nancy J. Leppink
Commissioner
Minnesota Department of Labor and Industry

Department of Labor and Industry

Workers' Compensation Division

Notice of August 31, 2020, Effective Date of Required Electronic Filing of Non-EDI Workers' Compensation Reports or Documents by Web Form, Upload or XML Attachment

Notice is hereby given that the workers' compensation reports and other documents described in this notice must be electronically filed with the commissioner by web form, upload or XML attachment on or after August 31, 2020, the effective date of the Department of Labor and Industry's (DLI's) new workers' compensation Claims Access and Management Platform User System (CAMPUS) technology. If a web form is listed in the table below, the web form must be used to file the report or document. If there is no applicable web form, the report or document must be filed in CAMPUS by uploading it or by submitting it via XML attachment to an electronic data interchange (EDI) transaction. Except as otherwise noted in the table below, a person must electronically file web form reports, uploaded documents or

XML attachments to an EDI transaction by signing into their CAMPUS account on or after August 31, 2020.

An injured worker is not required to file a web form or any document electronically, but may elect to do so after creating a CAMPUS account. A web form or other document filed electronically must be served on or sent to an injured worker or other parties to a workers' compensation claim, case or dispute as required by law.

Statutory authority and background: Minnesota Statutes, section 176.231, subdivision 5, paragraphs (a) and (b) (2019, 1st sp. session), provide that a workers' compensation report or other document that is required to be filed with the commissioner must be filed electronically in the manner and format required by the commissioner. Except as provided in paragraph (d), this statute requires the commissioner to give at least 60 days' notice to self-insured employers and insurers, and publish notice in the State Register, of the effective date of required electronic filing of the report or other document. Paragraph (d) establishes the commissioner's authority to adopt a workers' compensation electronic reporting standard published by the International Association of Industrial Accident Boards and Commissions (IAIABC) and a corresponding Minnesota implementation guide.

On June 1, 2020, the commissioner's Notice of Adoption was published in the *State Register*, adopting Version 3.1 of the IAIABC Claims Release Standard and Minnesota implementation guide. The adopted standard and guide will be used by workers' compensation insurers, self-insured employers, and their third-party administrators and vendors to file required workers' compensation claim reports with the commissioner in CAMPUS, by EDI transactions, on or after August 31, 2020.

Not all required workers' compensation reports and documents will be filed using an IAIABC Claims release 3.1 EDI transaction (or equivalent eFROI or eSROI transaction). The table below describes reports and documents that must instead be filed electronically by web form.

Name of web form	Form usage
PPD benefit	To supplement an EDI transaction initiating or amending payment of PPD benefits. May also be filed as an XML attachment to an EDI transaction.
Benefits addendum	To supplement an EDI transaction, upon request by the Department of Labor and Industry, to report missed transactions related to payment of benefits.
Employee's Dependent Information	To supplement an EDI transaction to report information on payment to one or more dependents.
Notice of Intention to Discontinue Benefits	To supplement an EDI transaction to discontinue or suspend benefits for reasons other than return to work.
Submit Insurer Report	To file a workers' compensation Report of Benefits Paid during the 12-month period ending Dec. 31 annually for purposes of Special Compensation Fund assessments.
Annual Claim for Reimbursement	To request reimbursement from the Special Compensation Fund for supplementary benefits or second-injury reimbursement.
Initiate dispute	To request certification of medical and rehabilitation disputes, medical and rehabilitation administrative conferences, mediations and formal hearings on decisions issued following a medical and rehabilitation conferences.
Dispute Response	To respond to a medical or rehabilitation request.
Motion to Intervene	To intervene in a medical or rehabilitation dispute pending at DLI.
Election to Exclude	To exclude relatives of the executive officer of a closely held corporation or relatives of managers of a limited liability company (LLC). Filed by the executive officer or LLC manager.

Official Notices

Name of web form	Form usage
Claim Access Authorization	To attach an authorization for review of the division file or release copies of the Workers' Compensation Division file.
Trading Partner Profile Registration	To apply to be an EDI trading partner.
Disability Status Report	To file a disability status report.
VRU Rehabilitation Consultation Request	To file a request for a consultation by DLI's Vocational Rehabilitation Unit.
Rehabilitation Consultation Report (RCR)	To file a vocational rehabilitation consultation report.
R-2 Rehabilitation Plan	To file a vocational rehabilitation plan.
Rehab Plan Amendment (R3)	To file an amendment to a vocational rehabilitation plan.
Plan Closure Report	To file a notice of vocational rehabilitation plan closure (R8).
Plan Progress Report	To file a progress report about a vocational rehabilitation plan.
Retraining Plan	To file a proposed vocational retraining plan.
Rehab Provider Individual Registration	To apply for registration or renewal of registration as a qualified rehabilitation consultant (QRC) intern (R20) or QRC (R25).
Rehab Provider Registration	To apply for registration or renewal of registration as a QRC firm (R24) or registered rehabilitation vendor (R22).
Object to Penalty	To file an objection to a penalty assessed by DLI.
Request for Guidance with an Unreported Injury	To request DLI assistance in reporting an injury.
Notice of Appearance or Representation	To file an attorney notice of appearance or representation of a party to a workers' compensation claim, case or dispute.

How to obtain more information: You can obtain more information about the web forms, as well as the adopted EDI transactions and Minnesota implementation guide, on DLI's website at *Work Comp: Electronic Data Interchange (Edi) And Efroi Web Portal*. You can also contact DLI at campus.ediguide.DLI@state.mn.us or 651-284-5011.

Dated: June 19, 2020

Nancy J. Leppink, Commissioner
Department of Labor and Industry

Minnesota Department of Transportation (MnDOT)

Office of Transportation System Management (OTSM)

Notice of Solicitation for Public Review and Comment on the Draft State Transportation Improvement Program (STIP) for State Fiscal Years 2021-2022-2023-2024 (July 1, 2020 through June 30, 2024)

The Minnesota Department of Transportation (MnDOT) is offering an opportunity for public review and comment on a draft list of projects to be included in the *State Transportation Improvement Program (STIP)* for state fiscal years 2021-2022-2023-2024 (July 1, 2020 through June 30, 2024).

The regular program for the 2021-2024 STIP is approximately \$2.8 billion federal funds, \$1.8 billion of state trunk highway funds, plus trunk highway bonds, local agency funds, and other funding sources. The program includes local road and bridge projects; transit capital investments; state highway road and bridge projects; national highway road, bridge, and freight projects.

The draft list of projects in the STIP is available for review at the Department of Transportation District Offices and

on MnDOT's website: <http://www.dot.state.mn.us/planning/program/stip.html>.

If you have questions about projects in the Draft 2021-2024 STIP, please feel free to contact the following individuals.

District 1 – Duane Hill, District Engineer, Duane.Hill@state.mn.us
District 2 – JT Anderson, District Engineer, J.T.Anderson@state.mn.us
District 3 – Baxter, Mike Ginnaty, District Engineer, Mike.Ginnaty@state.mn.us
District 4 – Detroit Lakes, Shiloh Wahl, District Engineer, Shiloh.Wahl@state.mn.us
District 6 – Rochester, Mark Schoenfelder, District Engineer, Mark.Schoenfelder@state.mn.us
District 7 – Mankato, Greg Ous, District Engineer, Greg.Ous@state.mn.us
District 8 – Willmar, Jon Huseby, District Engineer, Jon.Huseby@state.mn.us
Metro District – Michael Barnes, District Engineer, Michael.Barnes@state.mn.us
Central Office – Trang Chu, Trang.Chu@state.mn.us or Deborah Pena, Debbie.Pena@state.mn.us

If you would like to provide written comments on the Draft 2021-2024 STIP, please email:
Trang.Chu@state.mn.us or Debbie.Pena@state.mn.us

If you would like to provide comments via telephone, please contact:

Brian Gage
Phone: 651-366-3748
Office of Transportation System Management
Minnesota Department of Transportation
395 John Ireland Blvd, St Paul, MN 55155

You have 30 calendar days to submit comments. Comments must be received by 4:30 p.m. on July 28, 2020. Comments are encouraged and should identify the portion of the STIP addressed, reason for the comment, and any change proposed.

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 Human Services

Behavioral Health Division

Notice of Request for Proposals to PeaceTime Emergency Relief for Community Mental Health Services and Supports

The Minnesota Department of Human Services (DHS) is requesting proposals to contract with community based mental health providers to help them enhance and build their telehealth capacity, purchase PPE equipment for use by their staff when delivering services, and for purchase of small IT equipment in order to increase their mental health services.

State Grants & Loans

DHS is seeking proposals for the grant period July 20, 2020_ through September 20, 2020.

For more information, or to obtain a copy of the Request for Proposals, contact:

Heron Abegaze
Department of Human Services
Behavioral Health Division
Phone number: 651 431-2249
Email: heron.abegaze@state.mn.us

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

To obtain this information in a different format, please call 651-431-3612.

Proposals submitted in response to this Request for Proposals must be received via email at the email address above no later than **4:00 p.m., Central Time, on July 6, 2020. This application will continue to remain posted for one more week after July 6, 2020. If additional funding is available, we may award additional grants based on responses we received after July 6, 2020 (4:00pm), but no later than July 13, 2020 (4:00pm).**

Only emailed applications will be accepted. Sign section A, and email an electronic copy of all pages of the grant application to Heron Abegaze heron.abegaze@state.mn.us with the subject line: PeaceTime Emergency Relief for Community Mental Health Services and Supports Grant Application.

The RFP can be viewed by visiting the Minnesota Department of Human Services Grants, Requests for Proposals (RFP) and Requests for Information (RFI) web site: <https://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/>

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 Labor and Industry (DLI)

Construction Codes and Licensing Division

Notice of Request for Proposals for the Building Official Training Grant Program

The Minnesota Department of Labor and Industry announces the availability of \$1,560,000 in grant funding for the implementation and coordination of the Building Official Training Program in the State of Minnesota. The performance period for twelve (12) grants will be from the date the contract is executed to December 31, 2022 depending on which Training Track is selected by the applicant.

I. Purpose

The purpose of DLI's Building Official Training Grant Program (hereafter referred to as the Grant Program) is to provide funding and support for the implementation and coordination of partnerships between the State of Minnesota and municipalities that will provide safe and meaningful education, work experience, and competency-based skills training that prepares trainees, 18 years of age and older, to become building officials.

II. Objective of the RFP

The Department of Labor and Industry through its Grant Program is seeking proposals from eligible municipalities to partner with and fund Building Official Training programs.

The objective is to encourage, promote, provide and support municipal partnerships to educate and train new building officials. These partnerships will provide classroom instruction and paid learning opportunities in the administration and enforcement of the Minnesota State Building Code. Successful applicants will demonstrate the ability to achieve these objectives.

III. Eligibility

Proposals will be accepted and funding will be allocated through a competitive process. The deadline to submit a grant proposal to the Minnesota Department of Labor and Industry is July 24, 2020. The Grant Program committee will review and score grant applications and proposals.

IV. Application Process

For information about this grant, eligibility, documents, proposal requirements and deadlines email your requests to: bot.dli@state.mn.us also the documents are available at www.dli.mn.gov/bot.

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 - \$5,000 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) Non-Construction Related Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for P/T contract opportunities, goods/commodities, and non-construction related services on its Vendor and Supplier Opportunities website (<http://minnstate.edu/vendors/index.html>). 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.

If you have any questions regarding this notice, or are having problems viewing the information on the Vendor and Supplier Opportunities website, please call the Minnesota State Procurement Unit at 651-201-1444, Monday-Friday, 9:00 am – 4:00 pm.

Department of Economic Development (DEED) Vocational Rehabilitation Services Request for Proposals for Career Counseling Information and Referral Services

The Department of Employment and Economic Development, through its Vocational Rehabilitation Services Division, is seeking proposals from existing Centers for Independent Living in Minnesota to provide Career Counseling, Information and Referral services as required by the Workforce Innovation and Opportunity Act. The RFP is posted on DEED's website: <https://mn.gov/deed/about/contracts/>. Responses must be received not later than 4:30 pm, Central Time, on July 15, 2020.

State Contracts

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 call the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.

Non-State Public Bids, Contracts & Grants

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

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

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2020 MSP Campus Building Roof Replacements

Airport Location: Minneapolis-St. Paul International Airport
Project Name: 2020 MSP Campus Building Roof Replacements
MAC Contract No: 106-3-623
Bids Close At: 2:00 p.m. on Tuesday, July 14, 2020

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This work includes removal and replacement of the existing roofing systems on the existing roof decks of the MSP campus. The work also includes partial removal and replacement of some existing roofing systems at Terminal 1.

— Non-State Public Bids, Contracts & Grants

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to *MAC'S E-News Subscription Service* 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 9%.

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

Availability of Construction Documents: Plans and specifications are on file for inspection at the office of Alliance; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring drawings and specifications may secure a complete digital set at <http://www.franzrepro.com>. Click on the "Plan Rooms" tab and select the "Franz Public Plan Room". Bidders may download the complete set of digital bidding documents for \$ 50.00 by entering **106-3-623-00** in the "search projects" box then click "refresh/search" button. Contact Franz at 763-503-3401 or support@franzrepro.com for assistance. Hard copy drawings and specifications are available for purchase at Bidders expense.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on June 22, 2020, at MAC's web address of <http://www.metroairports.org/airport-authority/business-opportunities/solicitations> (construction bids).

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2020-2022 Glycol Recovery Program

Project Location: Minneapolis-St. Paul International Airport
Project Name: 2020-2022 Glycol Recovery Program
MAC Contract No. 37012SC
Bids Close At: 2:00 PM on July 14, 2020

Notice to Contractors: Sealed bid proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for the installation and removal of sewer by-pass plugs in existing storm sewer pipes at various locations on the airfield. This project also provides for the collection of glycol/water mixtures resulting from aircraft deicing operations at Minneapolis-St. Paul International Airport and transportation of this material to the Owner's Glycol Management Facility shown on the Location Plan. The project also includes cleaning the interiors of existing Glycol Tanks in preparation for inspection by the Owner, and repairs to the Glycol Tank liners and roof.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to *MAC'S E-News Subscription Service* 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 9.0%.

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 Construction Documents: Plans and specifications are on file for inspection at the office of TKDA, the Minnesota Builders Exchange, Dodge Data and Analytics, and NAMC-UM Plan Room. Digital copies of the

Non-State Public Bids, Contracts & Grants **==**

drawings and specifications will also be available at www.questcdn.com. Documents may be downloaded for a non-refundable fee of \$50.00 by entering Quest Project No. 7139498 on the Project Search page. Please contact QuestCDN at (952) 233-1632 or info@questcdn.com for assistance and free membership registration. Hard copy drawings and specifications will not be made available to Bidders.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on June 29, 2020, at MAC's web address of <http://www.metroairports.org/airport-authority/business-opportunities/solicitations> (construction bids).

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2020 Terminal 2 RAC Plate Barrier Improvements

Airport Location: Minneapolis-St. Paul International Airport
Project Name: 2020 Terminal 2 RAC Plate Barrier Improvements
MAC Contract No.: 106-3-645
Bids Close At: 2:00 p.m., Tuesday, July 14, 2020

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for concrete and bituminous removals, excavation, concrete paving, construction of electrically heated concrete slabs, salvaging and reinstalling of plate barrier vehicle control equipment, electrical improvements including installing a new panelboard, salvaging and reinstalling Plate barrier controls, security card readers, & traffic loop detectors.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to **MAC'S E-News Subscription Service** 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 7%.

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

Availability of Construction Documents: Plans and specifications are on file for inspection at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring drawings and specifications for personal use may secure a complete digital set at <http://www.questcdn.com>. Bidders may download the complete set of digital bidding documents for \$15.00 by entering eBidDoc™ #7136645 in the "Search Projects" page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy drawings and specifications will not be made available to Bidders.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on June 29, 2020, at MAC's web address of <http://www.metroairports.org/airport-authority/business-opportunities/solicitations> (construction bids).

