

# MINNESOTA STATE REGISTER

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# Minnesota State Register

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

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

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- Withdrawn Rules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

## Printing Schedule and Submission Deadlines

Vol. 49 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)
#23	Monday 2 December	Noon MONDAY 25 November	Noon Thursday 21 November
#24	Monday 9 December	Noon Tuesday 3 December	Noon Thursday 28 November
#25	Monday 16 December	Noon Tuesday 10 December	Noon Thursday 5 December
#26	Monday 23 December	Noon Tuesday 17 December	Noon Thursday 12 December

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## Minnesota Legislative Information

**Senate Public Information Office**  
(651) 296-0504

State Capitol, Room 231, St. Paul, MN 55155  
<https://www.senate.mn/>

### Minnesota State Court System

Court Information Office (651) 296-6043  
MN Judicial Center, Rm. 135,  
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
<http://www.mncourts.gov>

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(651) 296-2146

State Office Building, Room 175  
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<https://www.house.leg.state.mn.us/hinfo/hinfo.asp>

### Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498  
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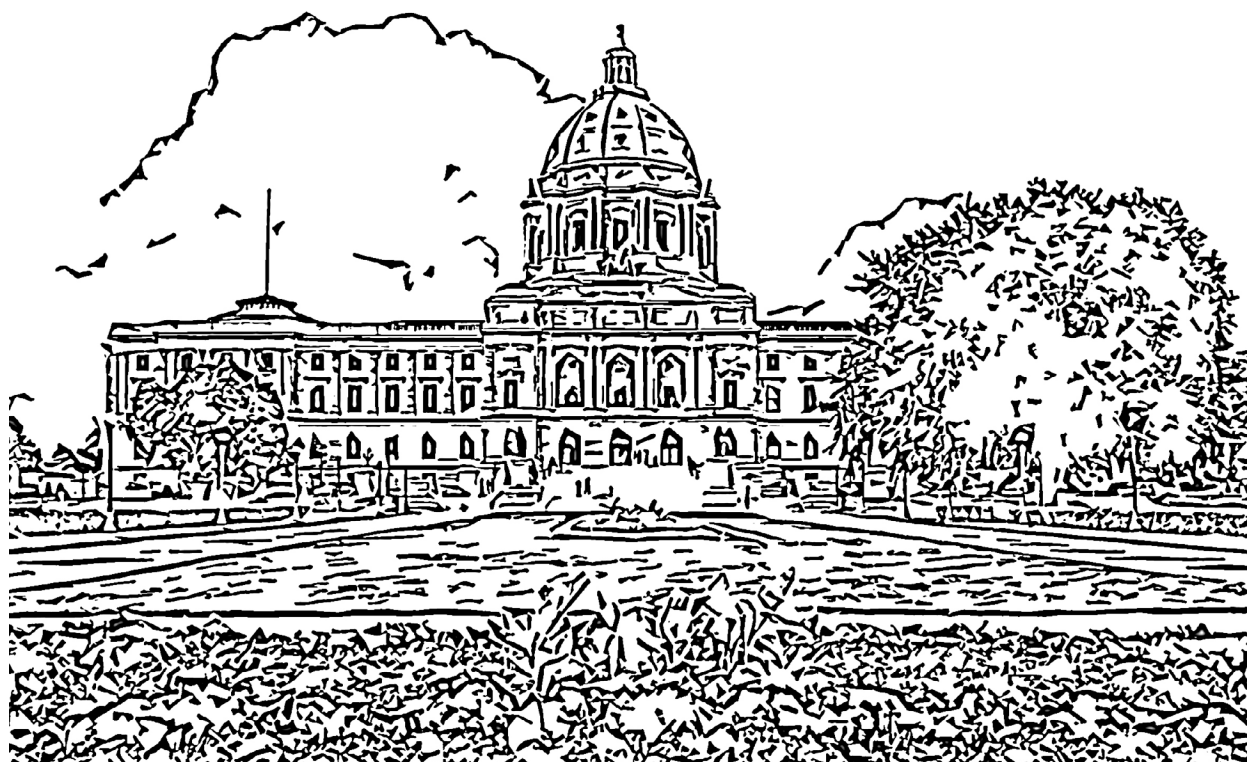
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**Front Cover Artwork:** *The downtown Saint Paul skyline shows off on a crisp fall day as the Green Line train rolls by State of Minnesota buildings.*  
Photo by Sean Plemmons



# 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 the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

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# Proposed Rules

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

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

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

## Minnesota Pollution Control Agency

### Environmental Analysis and Outcomes Division

**Proposed Permanent Rules Relating to Air Toxics Reporting; DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Parties Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor’s ID Number R-4599**

**Proposed Amendment to Rules Governing Air Quality, *Minnesota Rules*, chapters 7002, 7005, 7007, and 7019.**

**Proposed Repeal to Rules Governing Air Quality, *Minnesota Rules*, chapter 7007.1850.**

**Overview.** This notice is the Minnesota Pollution Control Agency’s (MPCA) legal notice of its intent to adopt air quality rules. The purpose of these rules, known as the “Air toxics emissions reporting rule,” is to establish new rules for air toxics emissions reporting requirements as directed by *Minnesota Statutes*, section 116.062, and to repeal emergency affirmative defense provisions as directed by the Environmental Protection Agency (EPA).

This notice provides an opportunity for public comment and input on the proposed rules. Anyone who would like to comment on the proposed rule language must submit written comment or a written request for a hearing on the proposed rules by the deadline identified below. The **Subject of Rules** section provides further description of these proposed rules.

# Proposed Rules

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If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

View the **Alternative Format/Accommodation** and **MPCA Contact Person** sections of this notice for information on requesting this document in an alternative format.

**Introduction.** The MPCA intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings (OAH), *Minnesota Rules* parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. However, if 25 or more parties submit a written request for a hearing on the rules by 4:30 p.m. on January 15, 2025, the MPCA will hold a public hearing. View the **Request a Hearing** section of this notice for information on requesting a hearing.

**Subject of Rules.** The MPCA proposes to amend several chapters of Minnesota’s air quality rules.

## Air Toxics Emissions Reporting

Minnesota Rules require that air permitted facilities submit an annual air emissions inventory for criteria air pollutants including particulate matter, ammonia, volatile organic compounds (VOCs), lead, nitrogen dioxide, carbon monoxide, and sulfur dioxide. The MPCA collects voluntary air toxics emissions data from facilities every three years for hazardous air pollutants (HAPs), per- and polyfluoroalkyl substances (PFAS), and additional air toxics of concern in Minnesota. The criteria pollutant and air toxics emissions data collected are used by the MPCA and EPA to assess community health risks.

The proposed rules would require air permitted facilities located in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington counties (except those with Option B registration permits) to annually report air toxics emissions, as directed by Minn. Stat. § 116.062. The proposed rules will help identify and prioritize areas of concern. However, the air toxics emissions data will be incomplete because the statute authorizing this rulemaking does not apply to air permitted facilities statewide.

Proposed amendments or additions of the following chapters are described below.

- **Chapter 7002.0015.** Changes to an existing definition of “Chargeable pollutant,” to clarify that these are emissions that facilities are assessed a fee to emit.
- **Chapter 7005.0100.** Changes to add a definition of “Air toxics,” “Air toxics reporting facility,” and “Toxics release inventory (TRI) list”.
- **Chapter 7019.3000.** Changes to include requirements for annual air toxics air emissions inventory report submittals to be consistent with criteria air pollutant emissions inventory reports. Changes to include language to clarify mercury emissions reporting.
- **Chapter 7019.3020.** Changes to include requirements for calculating air toxics emissions as directed by Minn. Stat. § 166.062(b).
- **Chapters 7019.3030, 7019.3060, and 7019.3080.** Changes to include the methods for calculating air toxics emissions that are consistent with the existing methods for criteria air pollutant emissions. Changes to include requirements for reporting air toxics emissions.
- **Chapter 7019.3110.** Changes to add a new section, “Air Toxics Emission Inventory and Emissions Reporting” requirements. The new section includes:
  - The list of air toxics required to be reported. To address Minn. Stat. § 116.062 (c), a definition of “Air toxics” is proposed to include, by reference, HAPs and PFAS included on the TRI list. Additional pollutants of concern that have inhalation risks, are persistent, bioaccumulative, and toxic chemicals (PBTs), or have known health, environmental, or ecological effects are included in this section. Some additional PFAS pollutants are also included that can be detected with performance testing.
  - A de minimis for reporting when the material balance method of calculation is used for calculating air



toxics emissions. There are several pollutants that do not have a de minimis and all emissions must be reported.

- Calculation methods that must be used to estimate emissions.
- Recordkeeping requirements related to air toxics emissions calculations.

### Emergency Affirmative Defense Provisions

The MPCA is proposing to repeal certain sections of chapter 7007 that allow a Title V air permittee to assert emergency affirmative defense. This amendment is in response to the EPA's final rule effective August 8, 2023, that removed emergency affirmative defense provisions from the Clean Air Act Title V operating permit program regulations. The EPA determined that the emergency affirmative defense provisions are inconsistent with the Clean Air Act. The EPA set a deadline for states to remove this language from state rules by August 21, 2024, or to seek an extension and remove the language as soon as practicable. The MPCA requested and was granted an extension until August 21, 2025. The repeal of this language is proposed in this rulemaking because it involves amendments that effect permitted air emission facilities and is an upcoming permanent air rulemaking.

Proposed repeals were made to certain subparts within Chapter 7007.0800 and 7007.1146, and all of Chapter 7007.1850.

Where rule chapters are open for this rulemaking, minor housekeeping edits to modernize rule language and format that do not change the intent of existing rule language are also proposed.

**Comments.** You have until 4:30 p.m. on January 15, 2025, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules.

Submit written comments to the:

1) Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>; or

2) OAH attn: William Moore, OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620 or fax 651-539-0310.

You may view frequently asked questions about the OAH Rulemaking eComments website at [https://mn.gov/oah/assets/ecomments-faq\\_tcm19-82012.pdf](https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf). Any questions about submitting comments via the Rulemaking eComments website should be directed to William Moore of the OAH at 651-361-7900 or by email at [william.t.moore@state.mn.us](mailto:william.t.moore@state.mn.us); please note that you may not submit rulemaking comments by phone or email.

Comments received are public and will be available for review at the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions> and at the OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620.

The MPCA encourages comments. 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 MPCA hold a hearing on the rules. You have until **4:30 p.m. on January 15, 2025**, to submit your written request for a hearing to the:

1) Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>; or

2) OAH attn: William Moore, OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620 or fax 651-539-0310.

# Proposed Rules

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You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the MPCA cannot count it when determining whether to 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.

You may also direct questions on the use of the OAH's Rulemaking eComments website to William Moore at 651-361-7900 or by email at [william.t.moore@state.mn.us](mailto:william.t.moore@state.mn.us); please note that you may not submit rulemaking comments by phone or email.

**Withdrawal of Requests.** If 25 or more parties submit a valid written request for a hearing, the MPCA will hold a public hearing unless a sufficient number of parties withdraw their requests in writing. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The MPCA reserves the option to remove any section of the rule that may be controversial and to proceed without a hearing on the noncontroversial parts of the proposed rules.

**Modifications.** The MPCA might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the MPCA or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the MPCA follows the procedure under *Minnesota Rules*, part 1400.2110. The public is also advised that depending upon the comments received the MPCA may withdraw the proposed changes.

**Cancellation of Hearing.** The MPCA will cancel the hearing scheduled for February 27, 2025, if the MPCA does not receive requests for a hearing from 25 or more parties. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether it will be held. You may also call the MPCA contact person at 651-757-2754 after January 15, 2025, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more parties submit valid written requests for a public hearing on the rules, the MPCA will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The MPCA will hold the hearing on the date and at the time and place listed below. The hearing will continue until all interested people have been heard. Administrative Law Judge Jessica Palmer-Denig is assigned to conduct the hearing. Judge Palmer-Denig's Legal Assistant William Moore can be reached at OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone 651-361-7900, and fax 651-539-0310 or [william.t.moore@state.mn.us](mailto:william.t.moore@state.mn.us).

If 25 or more parties submit a written request for a hearing, the ALJ will conduct the hearing on **February 27, 2025**, by WebEx beginning at **3:00 pm**.

**Hearing link: *Webex Meeting Link***

Meeting number: 2499 766 4902

Meeting password: yGaMJiPA342

For audio connection, join the hearing by phone:

Call: 1-415-655-0003 (US Toll)

Access code: 2499 766 4902

The hearing continues until all parties are heard, or until the ALJ adjourns the hearing (no earlier than 6:00 pm). The MPCA may schedule additional days of hearing if necessary. All interested or affected parties will have an opportunity to participate by submitting either oral or written data, statements, or arguments. You may submit a statement without appearing at the hearing. To find out whether the MPCA will adopt the rules without a hearing or if it will hold the hearing, you should contact the **MPCA contact person** after January 15, 2025 and before February 27, 2025.

**Hearing Procedure.** If the MPCA holds a hearing, you and all interested or affected people, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your



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# Proposed Rules

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 ALJ to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the ALJ may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. After the comment period, there is a five-working-day rebuttal period when the MPCA and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The OAH must receive all comments and responses submitted to the ALJ via the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions> no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions> and at the OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620 [OAH]. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, section 14.131 to 14.20. You may direct questions about the procedure to the ALJ.

The MPCA requests that any person submitting written views or data to the ALJ before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the MPCA contact person.

**MPCA Contact Person.** The MPCA contact person is Addison Otto at the MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; telephone 651-757-2754; and [addison.otto@state.mn.us](mailto:addison.otto@state.mn.us). You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service. Please note that you may not submit rulemaking comments by phone or email.

**Availability of Rules.** A copy of the proposed rules is published in the *State Register* after this notice, or they can be viewed on the rule webpage at <https://www.pca.state.mn.us/get-engaged/air-toxics-emissions-reporting>. A free copy of the proposed rules is also available upon request by contacting the **MPCA contact person**. One copy per request will be sent.

**Availability of 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 MPCA contact person. You may review or obtain copies for the cost of reproduction by contacting the **MPCA contact person**. A copy of the SONAR is available during the public comment period at <https://www.pca.state.mn.us/get-engaged/air-toxics-emissions-reporting>.

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

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

**Statutory Authority.** The statutory authority to adopt the rules is *Minnesota Statutes*, section 116.07, subdivision 4 which authorizes the MPCA to adopt rules for prevention, abatement, or control of air pollution, and *Minnesota Statutes*, section 116.062 Air Toxics Emissions Reporting which authorizes the MPCA to adopt rules to require facilities to submit air toxics emissions reports.

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

**Adoption Procedure after a Hearing.** If a hearing is held, the ALJ will issue a report on the proposed rules. You may ask to be notified of the date that the ALJ's report will become available and can make this request at the hearing or

# Proposed Rules

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in writing to the ALJ. You may also ask to be notified of the date that the MPCA adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the **MPCA contact person**.

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

Date signed: September 30, 2024

Katrina Kessler, P.E.  
Commissioner  
Minnesota Pollution Control Agency

## 7002.0015 DEFINITIONS.

*[For text of subparts 1 and 2, see Minnesota Rules]*

Subp. 2a. **Chargeable pollutant.** “Chargeable pollutant” means a pollutant that is assessed a fee and includes the following:

*[For text of items A and B, see Minnesota Rules]*

*[For text of subparts 2b to 4, see Minnesota Rules]*

## 7005.0100 DEFINITIONS.

*[For text of subparts 1 to 2b, see Minnesota Rules]*

Subp. 2c. **Air toxics.** “Air toxics” means pollutants, except for criteria pollutants, that are known or suspected to cause cancer or other serious health effects or adverse environmental and ecological effects. Air toxics includes the pollutants listed under part 7019.3110, subpart 2.

Subp. 2d. **Air toxics reporting facility.** “Air toxics reporting facility” means a facility in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County for which the owner or operator of the facility must obtain an air emission permit under chapter 7007, but does not include a facility permitted under part 7007.1120, registration permit option B.

*[For text of subparts 3 to 44a, see Minnesota Rules]*

Subp. 44b. **Toxic release inventory list.** “Toxic release inventory list” or “TRI list” means the list of chemicals and chemical categories adopted by the Environmental Protection Agency under Code of Federal Regulations, title 40, section 372.65, according to the federal Emergency Planning and Community Right-to-Know Act, United States Code, title 42, section 11023.

*[For text of subpart 45, see Minnesota Rules]*

## 7007.0800 PERMIT CONTENT.

*[For text of subparts 1 to 5, see Minnesota Rules]*

Subp. 6. **Reporting.**

*[For text of items A to E, see Minnesota Rules]*

F. ~~For deviations caused by emergencies, as defined in part 7007.1850, the permittee may assert an affirmative defense only if it meets all the requirements of part 7007.1850.~~

*[For text of subparts 7 to 16, see Minnesota Rules]*

## 7007.1146 CAPPED PERMIT; COMPLIANCE REQUIREMENTS.

*[For text of subparts 1 to 4, see Minnesota Rules]*

Subp. 5. **Reporting.** An owner or operator of a source with a capped permit must submit to the agency commissioner the reports described under items A to E. All reports required under a capped permit ~~shall~~ must be certified by a responsible official consistent with part 7007.1143, subpart 1.

A. Deviation reporting time frames as described in subitems (1) and (2).



(1) For deviations that endanger human health or the environment, the permittee ~~shall~~ must notify the commissioner as required in part 7019.1000, subpart 1. ~~The permittee may assert the affirmative defense of emergency only if it meets all the requirements of part 7007.1850, which includes notifying the agency within two working days of when the emission limitations were exceeded due to the emergency.~~

*[For text of subitem (2), see Minnesota Rules]*

*[For text of items B to E, see Minnesota Rules]*

## **7019.3000 EMISSION INVENTORY.**

### **Subpart 1. Emission inventory required.**

A. All owners or operators of emission reporting facilities, as defined in part 7002.0015, subpart 3a, ~~shall~~ and air toxics reporting facilities, as defined in part 7005.0100, subpart 2d, must submit an annual emission inventory report to the agency, commissioner.

#### B. The report under item A must meet the following criteria:

(1) the owner or operator of an emission reporting facility must submit the report in a format specified by the commissioner, relating to ammonia, carbon monoxide, particulate matter, and all chargeable pollutants as defined in part 7002.0015, subpart 2a;

(2) the owner or operator of an air toxics reporting facility must submit the report in a format specified by the commissioner, relating to air toxics according to part 7019.3110;

(3) The report shall be submitted the owner or operator of an emission reporting facility or air toxics reporting facility must submit the report on or before April 1 of the year following the calendar year being reported; and

(4) the responsible official, as defined in part 7007.0100, subpart 21, must sign the report and ~~shall~~ make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision by qualified personnel. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that the data provided in this document will be used by the MPCA to calculate a fee, ~~which that~~ the facility will be required to pay under Minnesota Rules, part 7002.0065, based on the tons of pollution emitted by the facility.”

~~B. C.~~ (1) All owners or operators of facilities issued option B registration permits under part 7007.1120 ~~shall~~ must submit either an emission inventory using methods described under subitem (3) and parts 7019.3020 to 7019.3100 or the certification and VOC-containing material report in subitem (2). The report ~~shall~~ must be submitted on or before ~~the~~ April 1 following the calendar year being reported.

(2) All owners or operators that choose to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (2), ~~shall~~ must submit a report and certification to the agency commissioner. The responsible official, as defined in part 7007.0100, subpart 2, must sign the report and ~~shall~~ make the following certification:

“I certify under penalty of law that the facility described in registration permit number .... is eligible for the option B registration permit that it was issued and holds and that the facility purchased or used (as stated in the permit application) .... gallons of VOC-containing materials in the 12-month reporting period. I further certify that the eligibility of the facility and the quantity of material reported herein were determined under my direction or supervision by qualified personnel. The information used to determine eligibility and the quantity of material reported herein for the registration permit is, to the best of my knowledge and belief, true and accurate. I understand that the information provided in this certification will be used by the MPCA to assess a fee under Minnesota Rules, part 7002.0025, subpart 1, item C, ~~which that~~ the facility will be required to pay under Minnesota Rules, part 7002.0065.”

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(3) All owners and operators that choose to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), ~~shall must~~ submit an emission inventory report to the agency commissioner, in a format specified by the commissioner, relating to emissions from the use of VOC-containing materials using methods described in part 7019.3030, ~~item B~~ subpart 2, and the certification in subitem (2). The certification and emission inventory ~~shall must~~ be signed by the responsible official, as defined in part 7007.0100, subpart 2.

Subp. 2. **Owner or operator error in reporting data.** If an owner or operator discovers an error in the data after having submitted it to the agency commissioner, the owner or operator ~~shall must~~ submit corrected data, with a written explanation of the mistake and why it occurred. If the commissioner agrees that the correction is appropriate, the commissioner ~~shall must~~ correct the data in the inventory. However, for purposes of assessing the emission fee under part 7002.0025, the commissioner ~~shall must~~ not accept any correction submitted by an owner or operator ~~which that~~ would result in a reduction of tons emitted if the correction is submitted more than 45 days after the mailing date of the previous calendar year's air emissions summary.

## Subp. 3. **Mercury emission sources.**

A. Owners or operators of a mercury emission source as defined in part 7005.0100, subpart 23b, must submit an annual emission inventory report of the mercury emissions to the commissioner in a format specified by the commissioner. The report must be submitted on or before April 1 of the year following the calendar year being reported. ~~The initial report must cover the first full calendar year following September 29, 2014.~~

B. Owners or operators of stationary sources that have air emissions of mercury but that are not mercury emission sources must report every three years.

C. Owners or operators of stationary sources that are air toxics reporting facilities must report mercury emissions as provided under part 7019.3110.

Subp. 4. **Possible mercury emission sources.** If the commissioner determines that a stationary source has activity levels or emission factors that indicate that the source may be a mercury emission source, the commissioner may request that the owners or operators quantify the source's mercury emissions using the methods listed in part 7019.3030, ~~item A~~ subpart 1. The owners or operators must complete the quantification and submit a report to the commissioner within 120 days of the commissioner's request.

## 7019.3020 CALCULATING ACTUAL EMISSIONS FOR EMISSION INVENTORY.

### Subpart 1. **Scope.**

A. Emissions from all emissions units must be reported in the annual emissions inventory report in a format specified by the commissioner.

Subp. 2. **Insignificant activities.** ~~Emissions from insignificant activities listed in part 7007.1300, subpart 2, must not be reported. Emissions from insignificant activities listed in part 7007.1300, subparts 3 and 4, and conditionally insignificant activities listed in part 7008.4000 must be reported if unless:~~ Emission reporting facilities and air toxics reporting facilities are not required to report emissions from insignificant activities listed in part 7007.1300, subparts 3 and 4, and conditionally insignificant activities listed in part 7008.4000 must be reported if unless:

A. the commissioner or owner or operator has determined that emissions from those activities are not insignificant for purposes of permitting under parts 7007.0100 to ~~7007.1850~~ 7007.1800 or for those activities required to be quantified by a facility issued a capped permit option 1. ~~Notwithstanding the previous sentence, or~~

B. the commissioner ~~may request~~ requests an inventory of fugitive emissions from roads and parking lots, defined as insignificant under part 7007.1300, subpart 3, item G, upon determining that emissions from these sources represent a substantial portion of the facility's total emissions.

## Subp. 3. Calculating emissions.

B. Except as provided in subparts 4 to 7, all owners or operators of emission reporting facilities, as defined in part 7002.0015, subpart 3a, or facilities issued option B registration permits under part 7007.1120 that choose to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), shall must calculate emissions based on parts 7019.3030 to 7019.3100, except for any facility ~~which that~~ has obtained an option A, C, or D registration permit under part 7007.1115, 7007.1125, or 7007.1130 or a capped permit under parts 7007.1140 to 7007.1148.

## Subp. 4. Calculating emissions for option A permits.

C. Owners or operators of emission reporting facilities that hold an air emission permit under part 7007.1115, registration permit option A, must report actual emissions calculated for the calendar year for which emissions are being reported in a format specified by the commissioner. The owners or operators of a facility issued an option A registration permit under part 7007.1115 must calculate emissions for all emission units using the methods listed in parts 7019.3030 to 7019.3100.

## Subp. 5. Calculating emissions for option C permits.

~~D.~~ All owners or operators of emission reporting facilities ~~which that~~ have obtained an air emission permit under part 7007.1125, registration permit option C, shall must report the quantity of each fuel purchased or used (whichever was stated in the facility's registration permit application) in the calendar year for which emissions are being calculated. The report shall must apportion the quantity of fuel burned with the type of combustion unit (indirect heating units or internal combustion engines) ~~in which that~~ it was burned in. The owner or operator shall must report the quantity of VOC-containing materials purchased or used (whichever is stated in the facility's registration permit application) in the calendar year for which emissions are being calculated and air toxics emissions using the method listed in part 7019.3060. The owners or operators reporting VOC-containing materials purchases or usage shall must also report the weight factor (WF) of the VOC and air toxics in the materials (weight of VOC per weight of VOC-containing materials) and the density of the materials. ~~The actual emissions shall be calculated by the commissioner.~~

## Subp. 6. Calculating emissions for option D permits.

E. All owners or operators of emission reporting facilities ~~which that~~ have obtained an air emission permit under part 7007.1130, registration permit option D, shall must report the actual emissions calculated for purposes of compliance demonstration required in part 7007.1130, subpart 3, item E, for the calendar year for which emissions are being reported in a format specified by the commissioner.

## Subp. 7. Calculating emissions for capped permits.

F. All owners or operators of emission reporting facilities ~~which that~~ have obtained an air emission permit under parts 7007.1140 to 7007.1148, capped permit, shall must report the actual emissions calculated for purposes of compliance demonstration required in part 7007.1146, subpart 2, item H, for the calendar year for which emissions are being reported for all emission units in a format specified by the commissioner.

## Subp. 8. Material balance.

G. All owners or operators of an emission reporting facility submitting an emission inventory based in whole, or in part, on a material balance calculation shall must submit a sample material balance calculation with the emission inventory. Such facilities shall must also maintain a record of the ~~material~~ safety data sheets or vendor certification of the VOC, air toxics, mercury, or sulfur content of the material for each material or fuel used and the material balance calculations for ~~a period of five years after the date of submittal of the emission inventory is submitted.~~

## Subp. 9. Control equipment.

H. ~~The~~ An emission inventory may be based on the use of control equipment only if the use of the specific control

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equipment is required under conditions of a permit or applicable requirement as defined in part 7007.0100, subpart 7, or is included in a notification received by the agency commissioner under part 7007.1150, item C.

This ~~item~~ subpart applies upon issuance under chapter 7007 of a registration, state, capped, general, or part 70 permit to a stationary source ~~but no earlier than the date three years after EPA grants full program approval of the agency's permit program under Title 5 of the Clean Air Act.~~

Subp. 10. **Control efficiency factors.** An owner or operator submitting the emission inventory must apply control efficiency factors, as defined under part 7005.0100, subpart 9b, to air toxics emissions calculations according to items A and B, unless the control efficiency factor for the pollutant is identified in the permit. The owner or operator must:

A. use the VOC control efficiency factor for volatile air toxics; and

B. use the PM10 control efficiency factor for particulate air toxics.

## **7019.3030 METHOD OF CALCULATION.**

### Subpart 1. **Method hierarchy.**

~~A.~~ The owner or operator of an emission reporting facility, except one issued an option C or D registration permit under part 7007.1125 or 7007.1130 or a capped permit under parts 7007.1140 to 7007.1148, ~~shall~~ must calculate the facility's actual emissions using the methods listed in ~~subitems (1) to (4)~~ items A to D. ~~The owner or operator of an air toxics reporting facility issued an option D registration permit or a capped permit must calculate air toxics emissions for each emission unit using the methods listed in items A to D, except that similar emission units may be aggregated. The methods are listed in a hierarchy of the most preferred method to the least preferred method. The most preferred method available shall must be used. Where more than one method is listed in the subitem item, they are considered to be equal in the hierarchy and any can be used:~~

A. (1) part 7019.3040 (continuous emission monitor data);

B. (2) part 7019.3050; ~~item B~~ (performance test data);

C. (3) part 7019.3060 (VOC and air toxics material balance), 7019.3065 (mercury material balance), 7019.3070 ( $\text{SO}_2$ ,  $\text{SO}_2$  material balance), 7019.3080 (emission factor), or 7019.3090 (enforceable limitations), as applicable; or

D. (4) part 7019.3100 (facility proposal).

### Subp. 2. **Option B permit fees.**

~~B.~~ The owner or operator of a facility issued an option B registration permit under part 7007.1120 that chooses to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), ~~shall~~:

A. must calculate the facility's actual emissions using the methods listed in part 7019.3060; and

~~The owner or operator of a facility issued an option B registration permit under part 7007.1120 that chooses to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), shall~~

B. must not consider the effects of pollution control equipment on emissions from the use of VOC-containing materials when calculating actual emissions for an emissions inventory.

### Subp. 3. **Selecting calculation method.**

~~C.~~ For purposes of selecting a calculation method, a method is considered available if the conditions associated with the method in parts 7019.3040 to 7019.3100 are met. The method described in part 7019.3100 may be used; ~~provided that if~~ the proposal is submitted to the commissioner by September 1 of the first calendar year for which the

emissions are being calculated. The commissioner must reject data submitted using the methods described in parts 7019.3040 to 7019.3090 if the conditions for the method are not fully met.

**Subp. 4. Reporting individual pollutants.** An owner or operator of a facility must report individual pollutants to the maximum extent feasible. If the owner or operator cannot report individual pollutants within a group, such as lead compounds or nickel compounds, the owner or operator must report total emissions as a group.

## **7019.3060 VOLATILE ORGANIC COMPOUND (VOC) AND AIR TOXICS MATERIAL BALANCE.**

If the methods in part 7019.3040 or 7019.3050 are unavailable to the owner or operator of an emission reporting facility or a facility issued an option B registration permit under part 7007.1120 that chooses to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), the facility may calculate VOC and air toxics emissions using the material balance method described in this part. This method may be used in conjunction with or instead of emission factors and enforceable limitations methods described in parts 7019.3080 and 7019.3090, where applicable. A person using material balance to calculate VOC and air toxics emissions must determine the total VOC emissions and air toxics emissions (E) as follows:

$$E = (A - B - C) * (1 - CE)$$

where:

A = the amount of VOC and air toxics entering the process. The amount of VOC used in this calculation must be the amount certified by the supplier, the maximum amount stated on the material safety data sheet, or the amount determined by reference method 24.

B = the amount of VOC and air toxics incorporated into the product. This includes VOCs chemically transformed in production. An explanation of this calculation must also be submitted.

C = the amount of VOC and air toxics, if any, leaving the process as waste, or otherwise not incorporated into the product and not emitted to the air. If the actual VOC and air toxics content of the waste is unknown, then C = 0.

CE = the control efficiency, or the product of capture efficiency and collection or destruction efficiency, of any device used to capture and/or control VOC and air toxics emissions, expressed as a decimal fraction of 1.00. The control efficiency must be based on efficiency factors, as defined in part 7005.0100, subpart 9b, including air toxics, or must be based on the control efficiency verified by a performance test conducted according to parts 7017.2001 to 7017.2060 and 7019.3050. The overall efficiency of a pollution control system that uses a hood, as defined in part 7011.0060, subpart 2, as the emission capture device must be based on a capture efficiency of 60 percent. If an alternative capture efficiency has been determined by a performance test conducted according to parts 7017.2001 to 7017.2060 and 7019.3050, that capture efficiency must be used in the calculation of actual emissions.

## **7019.3080 EMISSION FACTORS.**

*[For text of item A, see Minnesota Rules]*

B. Control equipment efficiency must be based on efficiency factors as defined in part 7005.0100, subpart 9b, including air toxics, or on the efficiency verified by a performance test conducted according to parts 7017.2001 to 7017.2060 and 7019.3050. Calculations of actual emissions from an emission unit through a pollution control system that uses a hood, as defined in part 7011.0060, subpart 2, as the emission capture device must be based on a capture efficiency of 80 percent. If an alternative capture efficiency has been determined by a performance test conducted according to parts 7017.2001 to 7017.2060 and 7019.3050, the owner or operator must use that capture efficiency in the calculation of actual emissions.

## **7019.3110 AIR TOXICS EMISSION INVENTORY AND EMISSIONS REPORTING.**

**Subpart 1. Inventory required.** An owner or operator of an air toxics reporting facility, as defined in part 7005.0100, subpart 2d, must include the air toxics emissions under subpart 2 in the annual air toxics emission inventory according to part 7019.3000.



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## Subp. 2. Air toxics to be reported.

A. An owner or operator of an air toxics reporting facility must include HAPs as defined in part 7007.0100, subpart 12a.

B. An owner or operator of an air toxics reporting facility must include PFAS as defined in Minnesota Statutes, section 116.943, subdivision 1, paragraph (p), that are listed on the TRI list defined in part 7005.0100. An owner or operator must also include the following PFAS:

<u>Chemical Abstracts Service (CAS) number</u>	<u>Pollutant</u>
(1) 375-61-1	1,1,1,2,2,3,3,4,4,5,5-Undecafluoropentane
(2) 811-97-2	1,1,1,2-Tetrafluoroethane
(3) 420-46-2	1,1,1-Trifluoroethane
(4) 209482-18-8	1-(4-Butoxynaphthyl) tetrahydrothiophenium perfluorobutanesulfonate
(5) 120226-60-0	10:2 Fluorotelomer sulfonic acid
(6) 763051-92-9	11-Chloroperfluoro-3-oxaundecanesulfonic acid
(7) 2252-84-8	1H-Heptafluoropropane
(8) 375-17-7	1H-Nonafluorobutane
(9) 355-37-3	1H-Perfluorohexane
(10) 375-83-7	1-Hydroperfluoroheptane
(11) 2991-50-6	2-(N-Ethylperfluorooctanesulfonamido)acetic acid
(12) 2355-31-9	2-(N-Methylperfluorooctanesulfonamido)acetic acid
(13) 53826-13-4	2-(Perfluorodecyl)ethanoic acid
(14) 53826-12-3	2-(Perfluorohexyl)ethanoic acid
(15) 27854-31-5	2-(Perfluorooctyl)ethanoic acid
(16) 359-49-9	2,3,3,3-Tetrafluoropropanoic acid
(17) 914637-49-3	2H,2H,3H,3H-Perfluorooctanoic acid
(18) 70887-84-2	2H-Perfluoro-2-decenoic acid
(19) 3330-14-1	2H-Perfluoro-5-methyl-3,6-dioxanonane
(20) 812-70-4	3-(Perfluoroheptyl)propanoic acid
(21) 70887-88-6	3-(Perfluoropentyl)-3-fluoro-2-propenoic acid
(22) 356-02-5	3:3 Fluorotelomer carboxylic acid
(23) 919005-14-4	4,8-Dioxa-3H-perfluorononanoic acid
(24) 27619-93-8	4:2 Fluorotelomer sulfonate sodium
(25) 757124-72-4	4:2 Fluorotelomer sulfonic acid
(26) 27619-94-9	6:2 Fluorotelomer sulfonate sodium salt
(27) 27619-97-2	6:2 Fluorotelomer sulfonic acid
(28) 27619-96-1	8:2 Fluorotelomer sulfonate sodium salt
(29) 39108-34-4	8:2 Fluorotelomer sulfonic acid
(30) 335-65-9	8H-Perfluorooctane
(31) 1478-61-1	Bisphenol AF
(32) 75-73-0	Carbon tetrafluoride

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<u>Chemical Abstracts Service (CAS) number</u>	<u>Pollutant</u>
(33) 75-45-6	<u>Chlorodifluoromethane</u>
(34) 75-72-9	<u>Chlorotrifluoromethane</u>
(35) 75-10-5	<u>Difluoromethane</u>
(36) 593-53-3	<u>Fluoromethane</u>
(37) 116-15-4	<u>Hexafluoropropene</u>
(38) 115-25-3	<u>Octafluorocyclobutane</u>
(39) 559-40-0	<u>Octafluorocyclopentene</u>
(40) 354-33-6	<u>Pentafluoroethane</u>
(41) 678-26-2	<u>Perflenapent</u>
(42) 756426-58-1	<u>Perfluoro(2-((6-chlorohexyl)oxy)ethanesulfonic acid)</u>
(43) 863090-89-5	<u>Perfluoro(4-methoxybutanoic acid)</u>
(44) 428-59-1	<u>Perfluoro(methyloxirane)</u>
(45) 113507-82-7	<u>Perfluoro-2-ethoxyethanesulfonic acid</u>
(46) 3330-15-2	<u>Perfluoro-3-(1H-perfluoroethoxy)propane</u>
(47) 151772-58-6	<u>Perfluoro-3,6-dioxaheptanoic acid</u>
(48) 377-73-1	<u>Perfluoro-3-methoxypropanoic acid</u>
(49) 355-25-9	<u>Perfluorobutane</u>
(50) 335-77-3	<u>Perfluorodecanesulfonic acid</u>
(51) 79780-39-5	<u>Perfluorododecanesulfonic acid</u>
(52) 76-16-4	<u>Perfluoroethane</u>
(53) 335-57-9	<u>Perfluoroheptane</u>
(54) 375-92-8	<u>Perfluoroheptanesulfonic acid</u>
(55) 375-85-9	<u>Perfluoroheptanoic acid</u>
(56) 355-42-0	<u>Perfluorohexane</u>
(57) 68259-12-1	<u>Perfluorononanesulfonic acid</u>
(58) 307-34-6	<u>Perfluorooctane</u>
(59) 754-91-6	<u>Perfluorooctanesulfonamide</u>
(60) 2706-91-4	<u>Perfluoropentanesulfonic acid</u>
(61) 2706-90-3	<u>Perfluoropentanoic acid</u>
(62) 76-19-7	<u>Perfluoropropane</u>
(63) 365971-87-5	<u>Perfluorotetradecanoate</u>
(64) 72629-94-8	<u>Perfluorotridecanoic acid</u>
(65) 2058-94-8	<u>Perfluoroundecanoic acid,</u>
(66) 83329-89-9	<u>Potassium 11-chloroeicosafluoro-3-oxaundecane-1-sulfonate</u>
(67) 335-24-0	<u>Potassium perfluoro-4-ethylcyclohexanesulfonate</u>
(68) 2923-16-2	<u>Potassium trifluoroacetate</u>
(69) 2250081-67-3	<u>Sodium 4,8-dioxa-3H-perfluorononanoate</u>
(70) 2806-15-7	<u>Sodium perfluorodecanesulfonate</u>
(71) 1260224-54-1	<u>Sodium perfluorododecanesulfonate</u>
(72) 21934-50-9	<u>Sodium perfluoroheptanesulfonate</u>
(73) 4021-47-0	<u>Sodium perfluorooctanesulfonate</u>

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<u>Chemical Abstracts Service (CAS) number</u>	<u>Pollutant</u>
(74) 116-14-3	<u>Tetrafluoroethylene</u>
(75) 75-69-4	<u>Trichlorofluoromethane</u>
(76) 75-46-7	<u>Trifluoromethane</u>
(77) 1493-13-6	<u>Trifluoromethanesulfonic acid</u>
(78) 144317-44-2	<u>Triphenylsulfonium nonafluorobutanesulfonate</u>

C. An owner or operator of an air toxics reporting facility must include the air toxics included in subitems (1) to (66). For all pollutant names that contain the word “compounds,” any chemical substance that contains the named chemical as part of that chemical’s infrastructure is included.

<u>Chemical Abstracts Service (CAS) number</u>	<u>Pollutant</u>
(1) 540-59-0	<u>1,2-Dichloroethylene</u>
(2) 5131-66-8	<u>1-Butoxy-2-propanol</u>
(3) 563-47-3	<u>3-Chloro-2-methyl-1-propene</u>
(4) 67-64-1	<u>Acetone</u>
(5)	<u>Aldehyde</u>
(6) 309-00-2	<u>Aldrin</u>
(7)	<u>Aluminum compounds</u>
(8) 140-57-8	<u>Aramite</u>
(9) 12674-11-2	<u>Aroclor 1016</u>
(10) 12672-29-6	<u>Aroclor 1248</u>
(11) 11097-69-1	<u>Aroclor 1254</u>
(12) 1912-24-9	<u>Atrazine</u>
(13) 103-33-3	<u>Azobenzene</u>
(14) 100-52-7	<u>Benzaldehyde</u>
(15) 108-86-1	<u>Bromobenzene</u>
(16) 85-68-7	<u>Benzyl butyl phthalate</u>
(17) 105-60-2	<u>Caprolactam</u>
(18) 1306-38-3	<u>Ceric oxide</u>
(19) 12789-03-6	<u>Technical chlordane</u>
(20) 10049-04-4	<u>Chlorine dioxide</u>
(21) 75-68-3	<u>1-Chloro-1,1-difluoroethane</u>
(22) 75-45-6	<u>Chlorodifluoromethane</u>
(23) 10061-01-5	<u>(Z)-Dichloropropene</u>
(24)	<u>Copper compounds</u>
(25) 123-73-9	<u>(E)-Crotonaldehyde</u>
(26) 110-82-7	<u>Cyclohexane</u>
(27) 25321-22-6	<u>Dichlorobenzene</u>
(28) 95-50-1	<u>1,2-Dichlorobenzene</u>
(29) 541-73-1	<u>1,3-Dichlorobenzene</u>
(30) 75-71-8	<u>Dichlorodifluoromethane</u>
(31) 50-29-3	<u>DDT</u>

# Proposed Rules

<u>Chemical Abstracts Service (CAS) number</u>	<u>Pollutant</u>
<u>(32) 156-59-2</u>	<u>(Z)-1,2-Dichloroethylene</u>
<u>(33) 156-60-5</u>	<u>(E)-1,2-Dichloroethylene</u>
<u>(34) 77-73-6</u>	<u>Dicyclopentadiene</u>
<u>(35) 117-84-0</u>	<u>Di-n-octyl phthalate</u>
<u>(36) 637-92-3</u>	<u>Ethyl t-butyl ether</u>
<u>(37) 111-76-2</u>	<u>2-Butoxyethanol</u>
<u>(38) 64-18-6</u>	<u>Formic acid</u>
<u>(39) 591-78-6</u>	<u>2-Hexanone</u>
<u>(40) 7783-06-4</u>	<u>Hydrogen sulfide</u>
<u>(41) 1318-09-8</u>	<u>Amphibole-group minerals</u>
<u>(42) 78-93-3</u>	<u>Methyl ethyl ketone</u>
<u>(43) 2385-85-5</u>	<u>Mirex</u>
<u>(44) 71-36-3</u>	<u>1-Butanol</u>
<u>(45) 123-72-8</u>	<u>Butyraldehyde</u>
<u>(46) 7697-37-2</u>	<u>Nitric acid</u>
<u>(47) 55-18-5</u>	<u>N-Nitroso-diethylamine</u>
<u>(48) 924-16-3</u>	<u>N-Nitroso-di-butylamine</u>
<u>(49) 930-55-2</u>	<u>N-Nitroso-pyrrolidine</u>
<u>(50) 40487-42-1</u>	<u>Pendimethalin</u>
<u>(51) 115-07-1</u>	<u>1-Propene</u>
<u>(52) 107-98-2</u>	<u>1-Methoxy-2-propanol</u>
<u>(53) 7631-86-9</u>	<u>Silica</u>
<u>(54) 7664-93-9</u>	<u>Sulfuric acid</u>
<u>(55) 540-88-5</u>	<u>tert-Butyl acetate</u>
<u>(56) 75-65-0</u>	<u>tert-Butyl alcohol</u>
<u>(57) 109-99-9</u>	<u>Tetrahydrofuran</u>
<u>(58) 62-56-6</u>	<u>Thiourea</u>
<u>(59) 26471-62-5</u>	<u>Toluene diisocyanate</u>
<u>(60) 10061-02-6</u>	<u>trans-1,3-Dichloropropene</u>
<u>(61) 96-18-4</u>	<u>1,2,3-Trichloropropane</u>
<u>(62) 526-73-8</u>	<u>1,2,3-Trimethylbenzene</u>
<u>(63) 95-63-6</u>	<u>1,2,4-Trimethylbenzene</u>
<u>(64) 108-67-8</u>	<u>1,3,5-Trimethylbenzene,</u>
<u>(65)</u>	<u>Vanadium compounds</u>
<u>(66)</u>	<u>Zinc compounds</u>

## Subp. 3. De minimis reporting; exceptions.

A. Except as provided in item B, if a toxic chemical is present in a mixture of chemicals at an air toxics reporting facility and the toxic chemical is in a concentration in the mixture that is below one percent of the mixture according to the safety data sheet (SDS) or is below 0.1 percent of the mixture in the case of a toxic chemical that is a carcinogen or potential carcinogen, an owner or operator is not required to consider the quantity of the toxic chemical present in such mixture when calculating and reporting emissions. The sources listed in subitems (1) to (3) establish a chemical as a carcinogen or potential carcinogen and are incorporated by reference.

# Proposed Rules

(1) Report on Carcinogens, National Toxicology Program, United States Department of Health and Human Services (15th edition and subsequent editions). The report is not subject to frequent change and is available on the website of the National Institute of Environmental Health Sciences (<https://www.niehs.nih.gov>);

(2) IARC Monographs on the Identification of Carcinogenic Hazards to Humans, International Agency for Research on Cancer (volumes 1 to 134 and as subsequently added). The monographs are subject to frequent change and are available on the website of the International Agency for Research on Cancer (<https://monographs.iarc.who.int/monographs-available>); or

(3) Code of Federal Regulations, title 29, part 1910, subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration.

B. An owner or operator of an air toxics reporting facility must report all emissions of the air toxics in subitems (1) to (20). The de minimis standard under item A does not apply. For all pollutant names that contain the word “compounds,” any chemical substance that contains the named chemical as part of that chemical’s infrastructure is included.

<b><u>Chemical Abstracts Service (CAS) number</u></b>	<b><u>Pollutant</u></b>
(1) 309-00-2	<u>Aldrin</u>
(2)	<u>Arsenic compounds</u>
(3)	<u>Cadmium compounds</u>
(4) 57-74-9	<u>Chlordane</u>
(5)	<u>Chromium compounds</u>
(6)	<u>Cobalt compounds</u>
(7)	<u>Dioxins/furans</u>
(8) 75-21-8	<u>Ethylene oxide</u>
(9) 76-44-8	<u>Heptachlor</u>
(10) 118-74-1	<u>Hexachlorobenzene</u>
(11)	<u>Lead compounds</u>
(12)	<u>Mercury compounds</u>
(13) 72-43-5	<u>Methoxychlor</u>
(14)	<u>Nickel compounds</u>
(15)	<u>Polycyclic organic matter (POMs)</u>
(16) 40487-42-1	<u>Pendimethalin</u>
(17)	<u>PFAS under subpart 2, item B</u>
(18)	<u>Polychlorinated biphenyl (PCBs)</u>
(19) 8001-35-2	<u>Toxaphene</u>
(20) 1582-09-8	<u>Trifluralin</u>

## Subp. 4. **Calculating actual emissions.**

A. An owner or operator of an air toxics reporting facility, except any facility permitted under part 7007.1125, registration permit option C, must calculate actual air toxics emissions using the methods in part 7019.3030, subpart 1, for the annual air toxics emission report.

B. An owner or operator of an air toxics reporting facility permitted under part 7007.1125, registration permit option C, must calculate emissions using the methods in part 7019.3020, subpart 5.

## Subp. 5. **Recordkeeping.**



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# Proposed Rules

A. An owner or operator of an air toxics reporting facility must maintain records according to this subpart for five years after the date the air toxics emission inventory is submitted and must provide the records, upon request, to the commissioner.

B. An owner or operator must maintain a record of the SDS or vendor certification of air toxics content for each air-toxics-containing material purchased or used.

C. If an owner or operator assumes a reduction of air toxics emissions due to recycling or disposing of material off site, the owner or operator must keep records of the amount of disposed material, the amount of material shipped off site for recycling, and the calculations done to determine the amount to subtract. Acceptable records are the SDS, invoices, shipping papers, and hazardous waste manifests.

D. An owner or operator must maintain a record of the calculation for each air toxic emitted.

**REPEALER.** Minnesota Rules, part 7007.1850, is repealed.

## Expedited Rules

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

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

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

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

## Department of Employment and Economic Development (DEED) Proposed Expedited Permanent Rules Regulating Paid Leave; Notice of Intent to Adopt Expedited Rules Without A Public Hearing

**Proposed Rules Governing Minnesota Family and Medical Benefit Insurance Program, Minnesota Rules, Chapter 3317; Revisor's ID Number R-04846**

**Introduction.** The Minnesota Department of Employment and Economic Development intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until January 3, 2025.

**Department Contact Person.** Submit clarification questions and requests for additional information to Greg Norfleet:

# Expedited Rules

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Greg Norfleet  
Great Northern Building,  
180 E 5th St, Suite 1200,  
St. Paul, MN 55101-1678  
Email: [Greg.Norfleet@state.mn.us](mailto:Greg.Norfleet@state.mn.us)  
Phone: 651-259-7315

Submit questions about the rulemaking process to Kathleen Reitz:

Kathleen Reitz  
Great Northern Building,  
180 E 5th St, Suite 1200,  
St. Paul, MN 55101-1678  
Email: [Kathleen.Reitz@state.mn.us](mailto:Kathleen.Reitz@state.mn.us)  
Phone: 651-259-7161

**You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>.**

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules (“proposed rules”) are intended to define additional key terms and address various aspects of the Minnesota Family and Medical Benefit Insurance Program (“Paid Leave” program) to facilitate the implementation of the Paid Leave program. The Paid Leave program will help covered individuals take time off from work when they need to care for themselves or their loved ones. The Minnesota Department of Employment and Economic Development (“Department”) is charged with administering the Paid Leave program.

The Department is using the expedited rulemaking process, as authorized by Minnesota Statutes, section 268B.02, subdivision 3, to complete this round of rulemaking before the Paid Leave program’s benefits become available on January 1, 2026. The proposed rules provide additional clarification on a variety of topics necessary to implement the Paid Leave program, Minnesota Statutes, chapter 268B, including: health care provider certification, seasonal employees, election of coverage, covered individuals’ notification to employers, employer response to requests for information, designation of supplemental benefits, reporting of fraud, suspension of payments, overpayments, offset of benefits received from other states, leave schedules and modifications, intermittent leave, benefits calculation, backdating of applications, payment of benefits after death, requirements for employers applying for private plan exemptions, caring leave, small employer grants and safety leave. The proposed rules include the definitions of additional key terms. The proposed rules also address program participation, processing of applications for and changes to benefits, as well as dispute resolution. The proposed rules are necessary to provide further clarity and practical guidance on the topics listed above.

Minnesota Statutes, section 268B.02, subdivision 3 provides the statutory authority for the Paid Leave program to adopt rules under the expedited rulemaking process.

A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The proposed rules may be viewed on the Minnesota Paid Leave Rulemaking webpage at: <https://mn.gov/deed/paidleave/about/rulemaking/>.

**Comments.** You have until 4:30 p.m. on January 3, 2025, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the proposed rules.

- Your comment must be in writing and received by the Department contact person by the due date. The Department encourages comment.
- Your comment should identify the portion of the proposed rules you are addressing and the reason for the comment. You are encouraged to propose any change desired.

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# Expedited Rules

- You must also make any comments that you have on the legality of the proposed rules during this comment period.

The Department encourages you to participate in the rulemaking process if the proposed rules interest you in any way.

During the public comment period, submit written comments or information to:

1. Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>; or
2. OAH Attn: William Moore, OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620 or fax 651-539-0310.

You may view frequently asked questions about the OAH Rulemaking eComments website at [https://mn.gov/oah/assets/ecomments-faq\\_tcm19-82012.pdf](https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf). Any questions about submitting comments via the Rulemaking eComments website should be directed to William Moore of the OAH at 651-361-7900 or by email at [William.T.Moore@state.mn.us](mailto:William.T.Moore@state.mn.us).

Comments received are public and will be available for review at the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions> and at the OAH at the address listed above.

**Modifications.** The Department may modify the proposed rules using either of the following two options:

1. The Department may modify the proposed rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c); or
2. The Department may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110.

If the final rules are identical to the proposed rules originally published in the State Register, the Department will publish a notice of adoption in the State Register. If the final rules are different from the proposed rules originally published in the State Register, the Department must publish a copy of the changes in the State Register.

**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 Department contact person at the address or telephone number listed above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 18006573889.

**Adoption and Review of Expedited Rules.** The Department may adopt the proposed rules at the end of the comment period. The Department will then submit the proposed rules and supporting documents to the Office of Administrative Hearings to review for legality. You may ask to be notified of the date that the Department submits the proposed rules. Submit your request to the Department contact person listed above if you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the Department to receive notice of future rule proceedings.

Date: November 13, 2024

Evan Rowe  
Deputy Commissioner  
Minnesota Department of Employment and  
Economic Development

# Expedited Rules

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## **3317.0010 SCOPE AND PURPOSE.**

Parts 3317.0010 to 3317.8000 govern the administration of the family and medical benefit insurance program under Minnesota Statutes, chapter 268B.

## **3317.0015 DEFINITIONS.**

Subpart 1. **Applicability.** For the purposes of parts 3317.0010 to 3317.8000, the following terms have the meanings given.

Subp. 2. **Application.** “Application” means an application for paid leave benefits.

Subp. 3. **Department.** “Department” means the Department of Employment and Economic Development.

Subp. 4. **Commissioner.** “Commissioner” means the commissioner of employment and economic development or the commissioner’s designated representative.

Subp. 5. **Covered individual.** “Covered individual” means an individual whose application for paid leave benefits has been approved.

Subp. 6. **Certifying party.** “Certifying party” means a qualified person who is eligible to sign documentation certifying safety leave pursuant to part 3317.8000.

Subp. 7. **Health care provider.** “Health care provider” has the meaning specified in Minnesota Statutes, section 268B.01, subdivision 24, and includes:

A. licensed midwives; and

B. all health care providers provided under Code of Federal Regulations, title 29, section 825.125.

Subp. 8. **Paid leave.** “Paid leave” means the program administered under Minnesota Statutes, chapter 268B.

## **3317.2000 HEALTH CARE PROVIDER CERTIFICATION.**

Health care providers operating outside of Minnesota or the United States must complete a certification on a form provided by the commissioner on behalf of an applicant applying for paid leave benefits. Upon request, health care providers must provide any additional information that the commissioner deems necessary to determine eligibility for benefits.

## **3317.3000 SEASONAL EMPLOYEES.**

Subpart 1. **Receipts.**

A. The commissioner must use monthly gross receipts to establish whether an employer meets the receipts threshold under Minnesota Statutes, section 268B.01, subdivision 35.

B. For the purposes of this subpart, “receipts” has the meaning given to “gross receipts” under Minnesota Statutes, section 297A.61, subdivision 8.

Subp. 2. **Primary line of work for seasonal employees.** For the purposes of Minnesota Statutes, section 268B.01, subdivision 35, an employee’s primary line of work is considered to be hospitality if all or part of their employer’s business meets one or more of the definitions under Minnesota Statutes, section 157.15, subdivisions 4 to 9 and 11 to 14.

Subp. 3. **Duration of employment for seasonal employees.** To be designated as a seasonal employee by an employer

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# Expedited Rules

under Minnesota Statutes, section 268B.01, subdivision 35, an employee must not be employed by the same employer for more than 150 calendar days in a calendar year.

## **3317.4000 ELECTION OF COVERAGE.**

Subpart 1. **Individual election of coverage.** Self-employed individuals and independent contractors, as specified in Minnesota Statutes, section 268B.01, must establish an online account through the department for paid leave program participation.

Subp. 2. **Employer election of coverage.** Employers operating in Minnesota that are not required to participate in the paid leave program must establish an online account through the department to opt into paid leave program participation.

## **3317.4100 COVERED INDIVIDUALS' NOTIFICATION TO EMPLOYERS.**

Subpart 1. **Validation of covered individuals' notification to employers.** The commissioner must validate that a covered individual provided notice of their request for leave to the employer as required under Minnesota Statutes, section 268B.085, by requiring an attestation from the covered individual that includes:

A. a statement that the covered individual notified the employer pursuant to Minnesota Statutes, section 268B.085, subdivision 1;

B. the date the covered individual provided notice to the covered individual's employer; and

C. the method the covered individual used to communicate their notice to their employer.

The commissioner must send the attestation under this subpart to the employer from whom the covered individual would be taking leave.

Subp. 2. **Failure to notify employer.** An employer has seven calendar days from the date the commissioner sends the employer the covered individual's attestation to send the commissioner a written statement disputing a covered individual's claim that they provided notice of their request for leave to the employer as required under Minnesota Statutes, section 268B.085.

If the commissioner finds that a covered individual failed to notify their employer pursuant to the requirements of Minnesota Statutes, section 268B.085, the determination of the application is delayed until the commissioner finds that the covered individual provided the required notice to their employer.

## **3317.4150 EMPLOYER RESPONSE TO REQUESTS FOR INFORMATION.**

An employer must respond to the commissioner's request for information about an employee's application within seven calendar days of the request. If the commissioner does not receive a response from the employer, the commissioner must process the application without the information requested from the employer.

If the commissioner receives information from an employer after a determination of an applicant's eligibility, the commissioner must use the additional information to adjust the amount of leave and benefits determined if necessary.

## **3317.4200 DESIGNATION OF SUPPLEMENTAL BENEFITS.**

An employer may choose whether to designate payments to a covered individual as supplemental benefits, as defined under Minnesota Statutes, section 268B.01, subdivision 41, through the employer's internal policies and procedures. An employer must report any supplemental benefits for a covered individual to the commissioner.

## **3317.4300 REPORTING FRAUD.**

The commissioner must not consider an employer's report to the commissioner or law enforcement that a



# Expedited Rules

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covered individual has committed fraud in connection with the covered individual's application or use of paid leave benefits, to be an action of retaliation or interference under Minnesota Statutes, section 268B.09. An employer's intentionally inaccurate report of fraud must be considered an action of retaliation or interference.

## **3317.4310 SUSPENDING PAYMENTS.**

The commissioner must suspend paid leave benefit payments to a covered individual if the commissioner finds by a preponderance of the evidence that the covered individual intentionally gave the commissioner materially false information to obtain paid leave benefits. The commissioner must suspend the covered individual's payments for a period of time not to exceed three months beyond the time the commissioner determines that the condition has been corrected.

## **3317.4400 OVERPAYMENTS.**

Subpart 1. **Calculation of overpayment.** When determining an overpayment, the commissioner must assess the dates during which a covered individual received more benefit payments from the paid leave program than the covered individual was eligible to receive.

Subp. 2. **Notice of overpayment.** The commissioner must notify a covered individual of an assessed overpayment in writing. A notice of overpayment must specify the reason for the overpayment, the time period during which the overpayment occurred, the amount of the overpayment, and the covered individual's right to appeal the commissioner's overpayment determination.

## **3317.4500 OFFSET OF BENEFITS RECEIVED FROM OTHER STATES.**

If an applicant is eligible for paid leave benefits from a public program in a state other than Minnesota, for the same qualifying event that renders the applicant eligible for paid leave benefits from Minnesota's paid leave program, benefits paid by Minnesota must be offset by any benefits received from the other state.

## **3317.4600 SCHEDULES AND MODIFICATIONS.**

Subpart 1. **Schedule adherence.** Covered individuals must adhere to the leave schedule approved by the commissioner.

A. A covered individual is not eligible for benefits for days not included in their approved leave schedule.

B. Days taken outside of an approved leave schedule are applied to the covered individual's maximum length of benefits for the benefit year.

C. A covered individual may, subject to Minnesota Statutes, section 268B.04, subdivision 8, request reimbursement for absences taken outside of an approved leave schedule if the covered individual applies for and is granted a leave schedule modification.

Subp. 2. **Reporting additional income.** If a covered individual receives additional income during a leave that they did not report in the initial application for benefits, the covered individual must notify the commissioner. The covered individual does not need to notify the commissioner of income designated as a supplementary benefit by the covered individual's employer.

Subp. 3. **Ending a leave early.** A covered individual who intends to end their leave before the approved leave period ends must provide advance notice of at least one business day to the commissioner and any employer from whom they are taking leave.

Subp. 4. **Extending an approved leave.**

A. If a covered individual seeks an extension of benefits after the approved leave period ends, the covered

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# Expedited Rules

individual must request an extension with the commissioner pursuant to this subpart and inform any employer from whom they are taking leave.

B. The covered individual must make the request for an extension to the commissioner in writing no less than 14 calendar days prior to the expiration of the original approved leave period. If a covered individual requests an extension less than 14 calendar days prior to the expiration of the original approved leave period, the covered individual must show good cause for the delay. Good cause means timely notification was delayed due to circumstances outside of the control of the covered individual.

C. A request for an extension must include:

- (1) the reason for the extension;
- (2) the requested duration of the extended leave;
- (3) the date on which the covered individual provided notice to all employers; and

(4) an updated certification supporting the request for extension from a health care provider or a certifying party, except in the case of bonding leave.

D. An employer may dispute a covered individual's claim that the covered individual provided notice pursuant to this subpart. The commissioner shall provide a process for impartial review of the dispute in which the commissioner must review all information provided by the covered individual and the employer. If the commissioner finds that the employer has not been properly notified, the commissioner shall require the applicant to provide the need for a leave and a proposed leave schedule with any employer before the commissioner makes a determination regarding an extension of benefits.

## **Subp. 5. Changing intermittent leave schedules.**

A. If a covered individual seeks to change an approved intermittent leave schedule, the covered individual must request a change in schedule from the commissioner and notify any employer from whom they are taking leave.

B. The covered individual must make the request for a change to an intermittent leave schedule in writing no less than 14 calendar days prior to the expiration of the original approved leave. If a covered individual requests an extension less than 14 calendar days prior to the expiration of the original approved intermittent leave schedule, the covered individual must show good cause for the delay. Good cause means timely notification was delayed due to circumstances outside of the control of the covered individual.

C. A request for a change in schedule must include:

- (1) the reason for the change;
- (2) the requested changes to the schedule;
- (3) the date on which the covered individual provided notice to all employers; and

(4) an updated certification supporting the change from a health care provider or a certifying party, except in the case of bonding leave.

D. An employer may contact the commissioner to dispute a covered individual's claim that the covered individual provided notice pursuant to this subpart. The commissioner shall provide a process for impartial review of the dispute in which the commissioner shall review all information provided by the covered individual and the employer. If the commissioner finds that the employer has not been properly notified, the commissioner shall require the applicant to share the need for a leave and a proposed leave schedule with any employer before the commissioner makes a

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determination regarding a change to the intermittent leave schedule.

## **Subp. 6. Changing from intermittent to continuous leave.**

A. If a covered individual seeks to change from an approved intermittent leave schedule to a continuous leave schedule, the covered individual must request a change in schedule from the commissioner and notify any employer from whom they are taking leave.

B. The covered individual must make the request for a change in writing no less than 14 calendar days prior to the expiration of the original approved intermittent leave schedule. If a covered individual requests a change less than 14 calendar days prior to the expiration of the original approved intermittent leave schedule, the covered individual must show good cause for the delay. Good cause means timely notification was delayed due to circumstances outside of the control of the covered individual.

C. A request for a change in schedule must include:

(1) the reason for the change;

(2) the requested start and end date of the continuous leave;

(3) the date on which the covered individual provided notice to all employers; and

(4) an updated certification supporting the request for extension from a health care provider or a certifying party, except in the case of bonding leave.

D. An employer may contact the commissioner to dispute a covered individual's claim that the covered individual provided notice pursuant to this subpart. The commissioner shall provide a process for impartial review of the dispute in which the commissioner shall review all information provided by the covered individual and the employer. If the commissioner finds that the employer has not been properly notified, the commissioner must require the applicant to share the need for a leave and a proposed leave schedule with any employer before the commissioner makes a determination regarding a change from an approved intermittent leave schedule to a continuous leave schedule.

## **Subp. 7. Changing from continuous to intermittent leave.**

A. If a covered individual seeks to change from an approved continuous leave schedule to an intermittent leave schedule, the covered individual must request a change in schedule from the commissioner and notify any employer from whom they are taking leave.

B. The covered individual must make the request for a change in writing no less than 14 calendar days prior to the expiration of the original approved leave. If a covered individual requests a change less than 14 calendar days prior to the expiration of the original approved leave, the covered individual must show good cause for the delay. Good cause means timely notification was delayed due to circumstances outside of the control of the covered individual.

C. A request for a change in schedule must include:

(1) the reason for the change;

(2) the requested start and end date of the continuous leave;

(3) the date on which the covered individual provided notice to all employers; and

(4) an updated certification supporting the request for extension from a health care provider or certifying party, except in the case of bonding leave.

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# Expedited Rules

D. An employer may contact the commissioner to dispute a covered individual's claim that the covered individual provided notice pursuant to this subpart. The commissioner shall provide a process for impartial review of the dispute in which the commissioner shall review all information provided by the covered individual and the employer. If the commissioner finds that the employer has not been properly notified, the commissioner shall require the applicant to share the need for a leave and a proposed leave schedule with any employer before the commissioner makes a determination regarding a change from an approved continuous leave schedule to an intermittent leave schedule.

## **3317.4700 INTERMITTENT LEAVE.**

Subpart 1. **Calculating benefits for intermittent leave.** The commissioner shall calculate a total weekly benefit payment for intermittent leave using the process specified in Minnesota Statutes, section 268B.04, subdivision 3, except that the weekly benefit payment must be prorated as follows:

A. The commissioner shall calculate the hourly replacement by dividing the total weekly benefit by the number of hours worked in an applicant's typical workweek.

B. The commissioner shall calculate the benefit payment by taking the number of hours used during the intermittent leave multiplied by the hourly replacement.

Subp. 2. **Definition.** For the purposes of this part, "reasonable effort" means that an applicant must communicate the need for a leave and a proposed leave schedule with any employer before applying for paid leave benefits.

Subp. 3. **Disagreements between employees and employers on intermittent leave schedules.** If an employer believes that an applicant has failed to make a reasonable effort to share the need for a leave and a proposed leave schedule with any employer before applying for paid leave benefits, and the leave schedule is not identified as necessary by a health care provider's certification under Minnesota Statutes, section 268B.06, subdivision 3, paragraphs (a) to (c) and (f) to (g), an employer may file a dispute with the commissioner. The commissioner shall provide a process for impartial review of the dispute in which the commissioner shall review information provided by the applicant and the employer. If the commissioner finds that the employee has not made a reasonable effort, the commissioner shall require the applicant to provide the need for a leave and a proposed leave schedule with any employer before the commissioner makes a determination on an application for intermittent leave.

## **3317.4910 BENEFITS CALCULATION.**

The commissioner shall pay benefits as follows:

A. Continuous leave benefits must be paid weekly.

(1) For applications submitted and approved prior to the effective date of leave, the commissioner shall begin processing the first payment seven calendar days after the effective date of leave.

(2) For applications submitted or approved after the effective date of leave, the commissioner shall begin processing the first payment either seven calendar days after the effective date of leave or the next business day following approval of the application, whichever is later.

B. Intermittent leave is eligible for payment up to once weekly. To seek payment for an intermittent leave, an applicant must report the dates and times of absences related to the leave to the commissioner.

## **3317.4920 BACKDATING OF APPLICATION.**

A. If an applicant is unable to apply in a timely manner due to incapacitation or due to no fault of their own, the department shall backdate the application to the effective date of leave.

B. The applicant must provide information and documentation to determine that good cause or incapacitation prevented the timely submission of the application. The documentation must show the factors that prevented the

# Expedited Rules

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applicant from applying for benefits when the qualifying event occurred.

C. An applicant who seeks to backdate an application or weekly payment must file for benefits within seven days after the factors preventing a timely application no longer exist.

## **3317.4930 PAYMENT OF BENEFITS AFTER DEATH.**

A. Payment of benefits must cease upon the death of a covered individual. Any accrued but unpaid benefits are payable to the estate of the covered individual.

B. Payment of benefits must cease upon the death of the person who the covered individual is taking leave to care for or with whom they are taking leave to bond.

C. The effective date of the cessation of payments under item A or B is the first full day during which the individual is no longer alive.

D. Upon request of the commissioner, a covered individual, the covered individual's estate, or the covered individual's representatives must provide the commissioner with a death certificate or other documentation establishing death.

## **3317.5000 PRIVATE PLANS.**

Subpart 1. **Amendments to approved private plans.** A self-insured employer or private plan insurer whose private plan was approved by the commissioner in consultation with the commissioner of commerce must file all substantive amendments with the commissioner to document changes to the plan. A self-insured employer or private plan insurer must file any amendment to an approved private plan with the commissioner no less than 30 days before the amendment goes into effect.

Subp. 2. **Effective dates of voluntary termination of a private plan.** A self-insured employer must set the effective date for a voluntary private plan termination at the end of a calendar quarter.

Subp. 3. **Surety bond collection for involuntary termination of self-insured private plans.** The surety bond acquired by the self-insured employer under Minnesota Statutes, section 268B.10, subdivision 4, must name the Department of Employment and Economic Development as an obligee and must allow for recovery of costs and fees incurred by the department in pursuing a claim on the bond.

The commissioner shall collect the full value of the self-insured employer's surety bond when a self-insured private plan is involuntarily terminated. If a self-insured private plan is voluntarily terminated, but the self-insured private plan does not provide coverage through the effective date of the termination, as required by Minnesota Statutes, section 268B.10, subdivision 20, the commissioner shall collect the full value of the self-insured employer's surety bond.

Subp. 4. **Private plan reporting.** A self-insured employer or private plan insurer must submit an annual report to the commissioner that includes information required by this subpart and Minnesota Statutes, section 268B.25. Beginning in 2027, and annually thereafter, a self-insured employer or private plan insurer must submit the following information to the commissioner by November 1:

A. total eligible claims;

B. the number and percentage of claims attributable to each category of benefit;

C. claimant demographics by age, race or ethnicity, gender, average weekly wage, occupation, and the type of leave taken;

D. the percentage of claims denied and the reasons the claims were denied;



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# Expedited Rules

- E. average weekly benefit amount paid for all claims and by category of benefit;
- F. changes in the benefits paid compared to previous fiscal years;
- G. processing times for initial claims processing, initial determinations, and final decisions;
- H. average duration for cases completed; and
- I. the number of cases remaining open at the close of the year.

Subp. 5. **Coverage up to effective date of approved private plan.** An employer remains liable to the commissioner for premiums on wages paid until the effective date of the approved private plan. Employees remain eligible for benefits from the state-administered plan until the effective date of an approved private plan.

## **3317.5100 NOTICE OF COVERAGE UNDER PRIVATE PLAN.**

Subpart 1. **Notice.** All requirements of Minnesota Statutes, section 268B.26, apply to an employer with a private plan. In addition to the notice required by Minnesota Statutes, section 268B.26, an employer must provide notice to their employees about coverage under a private plan that includes:

A. an affirmation that the private plan confers all of the same rights, protections, and benefits provided to employees under the state-administered plan, including:

(1) benefits under Minnesota Statutes, section 268B.04; and

(2) employment protections, rights, and remedies under Minnesota Statutes, section 268B.09;

B. the effective date of the approved private plan;

C. a description of the private plan's wage replacement benefits;

D. a description of the private plan's leave and employment protection benefits;

E. a description of the process to determine employee eligibility;

F. a description of the process to calculate and collect employee contributions;

G. the employee's appeal rights; and

H. the employee's optional alternatives to appeal a benefits determination to the private plan administrator, if such alternatives exist.

Subp. 2. **Timeline for notice of coverage under a private plan.** An employer must provide the notice described in subpart 1 not more than 30 days from the start date of the employee's employment, or 30 days before premium collection begins, whichever is later.

Subp. 3. **Notice of termination of a private plan.** An employer must provide notice to their employees about any termination of a private plan, including a revocation under Minnesota Statutes, section 268B.10, subdivision 16.

## **3317.5200 PRIVATE PLAN RECORDS RETENTION AND CONFIDENTIALITY.**

A self-insured employer or private plan insurer must maintain data related to an employee's paid leave benefits securely and, to the extent possible, separately from the employee's other employment records.

# Expedited Rules

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## **3317.5300 EMPLOYEE ACCESS TO PRIVATE PLAN CLAIM INFORMATION.**

A self-insured employer or private plan insurer must provide a covered individual, upon request and free of charge, access to, and copies of, all documents, records, and other information relevant to the covered individual's claim for paid leave benefits. A private plan must provide data requested by the covered individual within ten business days of a request.

## **3317.5400 INTERMITTENT LEAVES ADMINISTERED BY PRIVATE PLANS.**

A. A self-insured employer or private plan insurer must calculate an applicant's initial leave time balance by taking the number of hours in a typical workweek multiplied by the maximum leave benefits in Minnesota Statutes, section 268B.04, subdivision 5.

B. A self-insured employer or private plan insurer defining a benefit year as a fixed 12-month period measured forward from an employee's first day of leave taken must recalculate the length of benefits available to the covered individual on the anniversary of the effective date of a covered individual's first date of leave taken under this chapter.

## **3317.6000 CERTIFICATION FOR CARING LEAVE.**

Subpart 1. **Certification requirements.** Certification for an applicant seeking leave to care for a family member with a serious health condition must include:

- A. the relationship of the applicant to the family member who needs care;
- B. the proposed leave schedule for the applicant to care for the family member; and
- C. an attestation by the health care provider signing the certification that affirms:

(1) that the family member requires care from the applicant and that the health care provider is treating the family member; and

(2) the date on which the serious health condition commenced, the probable duration of the condition, and the facts within the knowledge of the health care provider establishing that the family member requires care.

Subp. 2. **Multiple applicants.** If more than one applicant seeks leave to provide care for the same family member with a serious health condition, the applicants' certification must be completed by the same health care provider.

## **3317.6100 ATTESTATION OF RELATIONSHIP WITH FAMILY MEMBER REQUIRING CARING LEAVE.**

An applicant seeking leave to care for a family member with a serious health condition must attest that the person the applicant is taking leave to care for is the applicant's family member as defined in Minnesota Statutes, section 268B.01, subdivision 23. Providing false information is considered a misrepresentation under Minnesota Statutes, section 268B.185, or other relevant laws.

## **3317.7000 SMALL EMPLOYER GRANTS.**

Subpart 1. **Application.** Applications for small employer assistance grants under Minnesota Statutes, section 268B.29, must be submitted electronically.

Subp. 2. **Definitions.** For the purposes of administering small employer assistance grants pursuant to Minnesota Statutes, section 268B.29, the following terms have the meanings given.

A. "Temporary worker" means an individual that an employer hires to substitute for a covered individual who is on leave for a period of seven days or more. The temporary worker assumes all or some of the covered individual's

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# Expedited Rules

duties but will not fill the covered individual's role following the covered individual's return to work from leave.

B. "Wage-related costs" means costs associated with either or both of the following:

(1) hiring, training, or paying a temporary worker; or

(2) training or increasing the wages of an existing employee or employees to assume all or some of the duties of the covered individual on leave.

## **3317.8000 SAFETY LEAVE.**

Subpart 1. **Certification process for safety leave.** A qualified person who is eligible to sign documentation certifying safety leave includes:

A. an individual who is licensed, certified, or otherwise authorized under law to practice as a mental health professional or a mental health practitioner as defined in Minnesota Statutes, section 245I.04, and operating within the scope of their practice;

B. a licensed health care professional operating within the scope of their license;

C. a domestic abuse advocate or sexual assault counselor as defined by Minnesota Statutes, section 595.02, acting in their professional capacity;

D. a victim's advocate who is employed by, under contract with, or appointed by the court, acting in their professional capacity;

E. a judge, referee appointed pursuant to the Minnesota Rules of Civil Procedure, court administrator, prosecutor, or probation officer, acting in their professional capacity;

F. a Title IX coordinator, as defined by Code of Federal Regulations, chapter 34, section 106.8, acting in their professional capacity;

G. a peace officer, part-time peace officer, or reserve officer as defined by Minnesota Statutes, section 626.84, acting in their professional capacity; or

H. any other person acting in their professional capacity who can submit documentation to the commissioner that includes the necessary information required by Minnesota Statutes, section 268B.06.

Subp. 2. **Certifying parties.** The commissioner must offer a process for verifying the identity and credentials of certifying parties.

Subp. 3. **Documentation of a qualified person or their organization.** The qualified person providing a certification for an applicant seeking safety leave must maintain documentation verifying their credentials or organizational affiliation and provide such documentation to the commissioner upon request.

# 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.

## Department of Human Services

### Health Care Administration

#### Request for Comments on the Minnesota Reentry Section 1115 Medicaid Demonstration Waiver Application

DHS is announcing a 30-day comment period on the proposed application for Minnesota's Reentry section 1115 Medicaid demonstration waiver.

Minnesota's Reentry demonstration waiver seeks to improve health outcomes, reduce deaths, decrease repeat offense rates, and address related disparities for people who have been incarcerated. To achieve this, Minnesota will provide a set of Medicaid covered services to eligible beneficiaries in correctional facilities who are within 90-days of release. It is expected that providing additional services prior to release will assist beneficiaries and support continued engagement with needed services and supports in the community. The services focus on assessment and treatment of substance use, mental health, and complex and chronic medical needs paired with case management. The waiver will test this service design in selected jails and prisons.

DHS invites public comment on the waiver application. A summary of the waiver application and an electronic version of the full waiver application can be found at ***Federal health care waivers with public hearings and comments / Minnesota Department of Human Services***.

Written comments may be submitted to the following email mailbox: ***Section1115WaiverComments@state.mn.us***. To support making comments available to people who use screen readers, DHS requests comments be submitted in Microsoft Word format or incorporated within the email text. If you would also like to provide a signed copy of a comment letter, you may submit a second copy in Adobe PDF format. Comments must be received by December 26, 2024.

In addition to the opportunity to submit written comments during the 30-day public comment period, two hearings will be held to provide the public with an opportunity to comment directly to DHS staff. The dates and times of the two hearings are:

#### **First Hearing – In-person**

If you would like to attend the in-person hearing, please send an email to ***Section1115WaiverComments@state.mn.us***. Your email assures sufficient room capacity and record of participation.

Date: Tuesday, December 10, 2024

Time: 3:30 p.m. – 4:30 p.m.

Location: Minnesota Department of Human Services  
Elmer L. Anderson Human Services Building, Room 2370  
540 Cedar St.  
St. Paul, MN 55101

## Second Hearing – Video Conference

If you would like to attend the video conference, please see the *Federal health care waivers with public hearings and comments / Minnesota Department of Human Services* webpage for the link to the hearing or email [Section1115WaiverComments@state.mn.us](mailto:Section1115WaiverComments@state.mn.us) and we will send you the link.

Date: Wednesday, December 11, 2024

Time: 9:30 a.m. – 10:30 a.m.

Location: WebEx (video conference)

Comments and feedback during the hearings may be audio recorded. A summary of all comments and feedback received, and DHS' responses will be shared publicly as part of the waiver application.

## 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: <https://mn.gov/admin/citizen/grants/>

## Department of Commerce

### Division of Energy Resources

#### Request for Proposals for Minnesota Home Energy Training Centers

The Minnesota Department of Commerce ("Commerce") seeks proposals for the creation and development of the Minnesota Home Energy Training Centers ("MHETC"), a training entity to provide training, administration, and services to the Weatherization Assistance Program ("WAP") and home energy industry professionals.

A Request for Proposal ("RFP") and required forms are available for download on Commerce's RFP website at <https://mn.gov/commerce/business/rfp.jsp>. Proposals must be submitted through Commerce's grant submission portal. A link to the portal and instructions for submitting proposals can be found in the RFP.

Proposals are due by the **January 17, 2025 at 5:00 PM CDT. Late proposals will not be considered.**

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

## Department of Employment and Economic Development (DEED)

### Notice of Grant Opportunity

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at <https://mn.gov/deed/about/contracts/open-rfp.jsp>

# State Grants & Loans

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## Department of Human Services

### Contracts and Legal Compliance Division

#### Notice of Changes to Grant Request for Proposal noticing in the State Register for the Department of Human Services

The Minnesota Department of Human Services (DHS) will no longer publish individual grant RFP notices to the State Register effective March 27, 2023. The RFPs and RFIs can be viewed by visiting the Minnesota Department of Human Services Grants, Requests for Proposals (RFP) and Requests for Information (RFI) website: <https://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/>.

The RFPs and RFIs do not obligate the State to complete the work contemplated in the respective notices. The State reserves the right to cancel solicitations. All expenses incurred in responding to the RFPs and RFIs are solely the responsibility of the responder.

## 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, Office of State Procurement (OSP) Website. Interested vendors are encouraged to monitor the P/T Contract Section of the OSP Website at <https://mn.gov/admin/osp> 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 Office of State Procurement strongly recommends meeting the following requirements: \$0 - \$5000 does not need to be advertised; \$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.

Contact the Office of State Procurement at: (651) 296-2600

## Minnesota State Colleges and Universities (Minnesota State)

### Notice of Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for contract opportunities for goods and services on its Vendor and Supplier Opportunities website (<https://www.minnstate.edu/vendors/index.html>). Minnesota State may add new public notices to the website daily and post for the time 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 email the Minnesota State Procurement Unit at [Sourcing@MinnState.edu](mailto:Sourcing@MinnState.edu).

## Minnesota State Colleges and Universities (Minnesota State)

### Normandale Community College

#### Request for Qualifications for Construction Manager at risk for the Intrapersonal Education (IPE) Center Renovation – Jodsaas Building

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Normandale Community College, Bloomington, Minnesota, is seeking a CM@r to help construct and transform 18,000 square feet of space into an IPE Center. These simulation spaces encompass a range of facilities, including a nursing skills lab (low fidelity), medical/surgical rooms, a versatile simulation room for trauma/EMR/CPR simulation, a home skills lab, and a dental simulation lab.

A full Request for Qualifications RFQ is available on the Minnesota State website, <https://www.minnstate.edu/vendors/index.html>, under Facilities Opportunities.

A mandatory informational meeting is scheduled for 11am, December, 05, 2024, in Room A1570, at Normandale Community College.

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

## Minnesota Racing Commission

### Request for Proposals for Harness Racing Judge

**PROJECT NAME:** Harness Racing Judge

**DETAILS:** The Minnesota Racing Commission (MRC) is accepting proposals for the contractual position of Racing Judge for the live Standardbred horse race meet to be held May 2025 through mid-September 2025 at Running Aces Harness Park in Columbus, MN. The approximate term of contract would be from approximately April 15, 2025, through April 14, 2026, with the option to extend an additional four years in increments determined by the State.

Work is anticipated to start after in April 2025.

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

Lynette Podritz, Contract Manager  
Minnesota Racing Commission  
[Lynette.podritz@state.mn.us](mailto:Lynette.podritz@state.mn.us)

**PROPOSAL DEADLINE:** All responses must be received by December 31, 2025, by 2:00 PM Central Time. Priority for next racing season will be given to responses received by December 31, 2024, by 2:00 PM Central Time. Late proposals will not be considered.

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

# State Contracts

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## Minnesota Racing Commission Request for Proposals for Racing Steward

**PROJECT NAME:** Racing Steward

**DETAILS:** The Minnesota Racing Commission (MRC) is accepting proposals for the contractual position of Racing Judge for the live Thoroughbred and Quarter Horse race meet to be held May 2025 through mid-September 2025 at Canterbury Park in Shakopee, MN. The approximate term of contract would be from approximately April 15, 2025, through April 14, 2026, with the option to extend an additional four years in increments determined by the State.

Work is anticipated to start after in April 2025.

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

Lynette Podritz, Contract Manager  
Minnesota Racing Commission  
*Lynette.podritz@state.mn.us*

**PROPOSAL DEADLINE:** All responses must be received by December 31, 2025, by 2:00 PM Central Time. Priority for next racing season will be given to responses received by December 31, 2024, by 2:00 PM Central Time. Late proposals will not be considered.

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

## Teachers Retirement Association (TRA) Request for Proposals for 2025 Board of Trustees Election Services

**PROJECT NAME:** 2025 Board of Trustees Election

**DETAILS:** The Minnesota Teachers Retirement Association (TRA) requests proposals for the administration of the 2025 TRA Board of Trustees Election. Minnesota Statutes, Section 354.06, Subd. 1, specifies the composition of the TRA Board of Trustees (Board). The statute further states that the five elected members of the Board must be chosen by ballot in a manner fixed by the Board.

In early 2025, an election will be held for two active member positions on the Board and one retired position on the Board. The election voting population pool for the active member seats is approximately 86,000 and 70,500 for the retired member seat.

The goal of this project is to select an Election Administrator who will provide a transparent and accurate election representing the voting intent of active TRA members. The administrator will deliver a final report for certification by the Board.

Work is anticipated to start after 1/16/2025.

**COPY REQUEST:** To receive a copy of the Request for Proposals, please send a written request by email to:

Teachers Retirement Association  
Alex Rank, Accounting Officer Senior  
*arank@minnesotatra.org*



**PROPOSAL DEADLINE:** Proposals in response to the Request for Proposals in this advertisement must be received by email not later than **2:30 PM, Central Time, December 16, 2024. Late proposals will not be considered.** Fax/mailed proposals will not be considered.

This request does not obligate the State of Minnesota to award a contract or complete the proposed program, and the State reserves the right to cancel this solicitation if it is considered in its best interest. All costs incurred in responding to this solicitation will be borne by the responder.

## **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\*](http://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: <https://mn.gov/admin/osp> as well as the Office of Grants Management (OGM) at: <https://mn.gov/admin/citizen/grants/>.

## Brown's Creek Watershed District (BCWD) Request for Qualifications for Engineering Consulting Services for Calendar Years 2024-2025

### 1. Introduction

The Brown's Creek Watershed District (BCWD) is the governmental unit with primary responsibility for protecting the water resources of the Brown's Creek Watershed. The District was established in 1997 under the Minnesota Watershed District Act.

The District covers approximately 18,000 acres that drain into Brown's Creek, which then enters the St. Croix River. The watershed includes Brown's Creek; a DNR designated trout stream and several small tributaries. The watershed includes twelve major lakes and numerous wetlands. The District includes portions of the Cities of Oak Park Heights, Grant, Hugo, Lake Elmo, and Stillwater along with May and Stillwater Townships.

### 2. Solicitation

Minnesota Statutes, Section 103B.227, Subdivision 5, require BCWD to solicit proposals every two years to provide consulting services. The current engineering consulting services include, but are not limited to; 1) assistance with the implementation of the approved 2017-2026 watershed management plan and updated 2026-2035 plan, 2) assistance with a rule revision process, 3) the implementation of a permitting and plan review program and, 4) advising managers of technical options and various projects and studies as requested by the managers.

### 3. General Instructions

Firms interested in providing services to BCWD shall submit electronic qualifications. The Brown's Creek Watershed District on or before 3:00 P.M., December 31, 2024, will accept qualification statements.

Submittals should be sent to: Brown's Creek Watershed District  
Attention: Karen Kill  
[Karen.kill@mnwcd.org](mailto:Karen.kill@mnwcd.org)

Qualification statements received after this time will not be considered. Prospective responders who have any questions regarding this "Request for Qualifications", may contact Karen Kill, (651) 330-8220 x26.

### 4. Qualification Statement Content

Firms are requested to include in their qualification statement, the following information in the order listed:

- a. A brief summary of the firm's qualifications.
- b. Name and phone number of the person designated to answer questions about the qualification statement.

# — Non-State Public Bids, Contracts & Grants

- c. A specific list of the individuals who would be assigned to work and manage BCWD projects, their proposed responsibilities, technical background, years of experience, and their previous experience in servicing watersheds.
- d. Hourly fee schedules by labor category and an estimated monthly blended retainer fee based upon 66 hours of typical services.
- e. BCWD encourages participation by minority, women, and veteran-owned businesses as prime consultants, and encourages all prime consultants to make a significant commitment to use minority, women, veteran owned and other disadvantaged business entities as subcontractors and suppliers. If applicable, please list any information regarding how these categories of disadvantaged business entities are included in your submission.
- f. Submittals may not exceed 10 pages in length. Submittals that exceed 10 pages in length may not be considered.

## 5. Selection Process

Because the BCWD is charged with managing a DNR Designated Trout Stream and many other unique resources, selection will emphasize criteria that indicate a firm's experience and knowledge of integrated resource management approaches to watershed management.

Qualification statements will be evaluated by the Board of Managers and ranked based on the following criteria:

- 1. Experience with watershed management organizations within the metropolitan area.
- 2. Experience with innovative and alternative watershed management approaches that integrate water resources engineering with natural resource management.
- 3. Engineering design and timely construction management and inspection.
- 4. Locally based firm with the ability to respond to emergency situations in the watershed or situations that would require immediate attention.
- 5. Ability to work with the public, regulatory agencies (including DNR) and other stakeholders and the ability to communicate effectively with the BCWD Board of Managers, Watershed District Attorney and SWCD staff.
- 6. Permitting, plan review and environmental assessment experience.
- 7. Interdisciplinary group of water resources professionals that can provide full range of services to the watershed (i.e., surface water, ground water, natural resources, water quality, engineering, etc.)
- 8. The BCWD Board of Managers anticipates making a decision, within 30 days, based upon the submittals. However, at their discretion, they may choose to conduct interviews after reviewing the proposals.

## Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2025 Steam System Upgrade Program

<b>Airport Location:</b>	<b>Minneapolis-St. Paul International Airport</b>
<b>Project Name:</b>	<b>2025 Steam System Upgrade Program</b>
<b>MAC Contract No.:</b>	<b>106-2-1084</b>
<b>Bids Close At:</b>	<b>2:00 PM on December 17, 2024</b>
<b>Bid Opening Conference Call:</b>	<b>3:00 PM on December 17, 2024</b>
<b>Teleconference Dial In #:</b>	<b>1-612-405-6798</b>
<b>Conference ID #:</b>	<b>897 927 742#</b>

**Notice to Contractors:** Electronic Bid Submission for the project listed above will be received by the MAC, a

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

public corporation, via **QuestCDN's website** until the official time and date as displayed in QuestCDN Online.

**Note:** You can sign up on our web site (<https://metroairports.org/doing-business/solicitations>) to receive email notifications of new business opportunities.

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

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

**Availability of Construction Documents:** Plans and specifications are available at QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester 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 the **QuestCDN website**. Bidders may download the complete set of digital documents for \$22.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #9420021 in the "Search Projects" page. Contact Quest Construction Data Network at (952) 233-1632 or [info@questcdn.com](mailto:info@questcdn.com) for assistance. Hard copy drawings and specifications will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will **ONLY** be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on November 25, 2024, at MAC's web address of <https://metroairports.org/doing-business/solicitations> (construction bids).



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