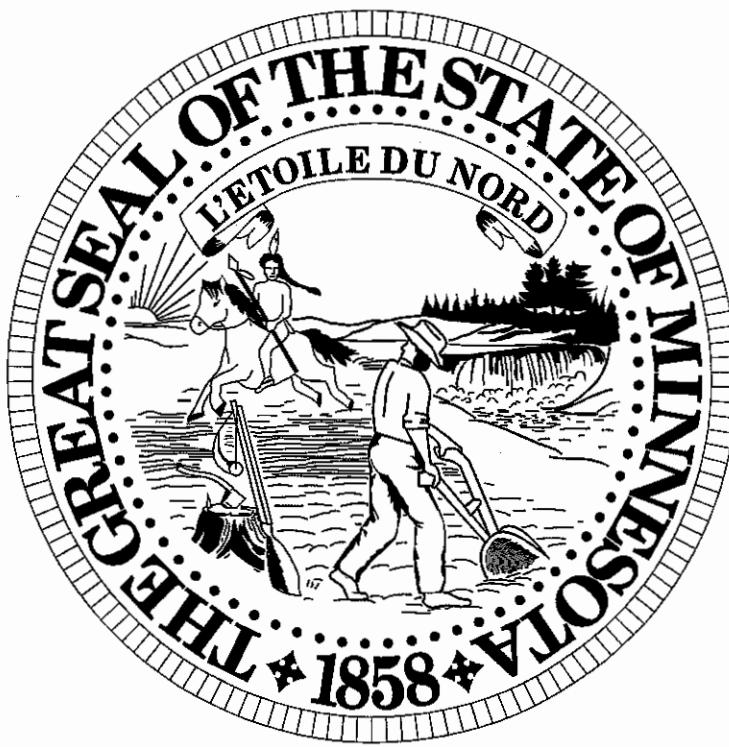


Minnesota

State Register

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



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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

**Monday 25 August 2014
Volume 39, Number 8
Pages 255 - 280**

Minnesota State Register

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

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

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- **Withdrawn Rules**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

Printing Schedule and Submission Deadlines

Vol. 39	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)
Issue Number	(BOLDFACE shows altered publish date)		
# 9	TUESDAY 2 September	Noon Tuesday 26 August	Noon Thursday 21 August
# 10	Monday 8 September	Noon Tuesday 2 September	Noon Thursday 28 August
# 11	Monday 15 September	Noon Tuesday 9 September	Noon Thursday 4 September
# 12	Monday 22 September	Noon Tuesday 16 September	Noon Thursday 11 September

PUBLISHING NOTICES: We need to receive your submission **ELECTRONICALLY** in **Microsoft WORD format**. Submit **ONE COPY** of your notice via e-mail to: robin.panlener@state.mn.us. State agency submissions must include a "State Register Printing Order" form, and, with contracts, a "Contract Certification" form. Non-State Agencies should submit **ONE COPY** in **Microsoft WORD**, with a letter on your letterhead stationery requesting publication and date to be published. Costs are \$10.20 per tenth of a page (columns are seven inches wide). One typewritten, double-spaced page = 4/10s of a page in the *State Register*, or \$40.80. About 2-1/2 pages typed, double-spaced, on 8-1/2"x11" paper = one typeset page in the *State Register*. Contact editor if you have questions (651) 297-7963, or e-mail: robin.panlener@state.mn.us.

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- **Minnesota State Register:** On-line subscription – \$180, includes links, index, special section "CONTRACTS & GRANTS," with Sidebar Table of Contents, Early View after 4:30 pm Friday (instead of waiting for early Monday), and it's sent to you via **E-mail**.
- Single issues are available for a limited time: *Minnesota State Register* \$5.00.
- "Affidavit of Publication" includes a notarized "Affidavit" and a copy of the issue: \$15.00.
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Minnesota Legislative Information

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State Capitol, Room 231, St. Paul, MN 55155
Website: www.senate.mn

House Public Information Services (651) 296-2146
State Office Building, Room 175,
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

Minnesota State Court System
Court Information Office (651) 296-6043
MN Judicial Center, Rm. 135,
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St. Paul, MN 55155 Website: www.mncourts.gov

Federal Register
Office of the Federal Register (202) 512-1530; or (888) 293-6498
U.S. Government Printing Office – Fax: (202) 512-1262
Website: http://www.access.gpo.gov/su_docs/aces/aces140.html

Official Notices

Minnesota Pollution Control Agency (MPCA)

Request for Comments on Planned Amendments to Water Quality Standards to Incorporate a Classification System Based on the Application of Tiered Aquatic Life Uses, *Minnesota Rules* Chapters 7050, 7052 and 7053

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) requests comments on planned changes to rules governing water quality standards, *Minnesota Rules* chapter 7050 (Waters of the State). The changes being considered will add a new framework called Tiered Aquatic Life Uses (TALU). TALU will add a biologic component to the existing standards for Class 2 (aquatic life and recreation) waters. Possible supporting changes to *Minnesota Rules* chapters 7052 (Lake Superior Basin), and 7053 (State Waters Discharge Restrictions) are also being considered. Comments should be submitted according to the Public Comment section below.

Subject of Rules: Minnesota's surface waters are currently classified according to a number of possible uses (e.g. drinking water, aquatic life, industrial use) and physical and chemical criteria apply according to those uses. Adoption of the TALU framework will not change the existing uses or physical/chemical criteria, but will more accurately categorize rivers and streams based on biological communities. TALU will change the current aquatic life use standards from a "one-size-fits-all" approach to one that protects rivers and streams based on their biological potential. This means:

- High quality or "Exceptional Use" rivers and streams will be given additional protection to maintain the condition of these habitats.
- Categories of "Modified" and "Limited Use" will be added to address some waters that cannot meet aquatic life use goals, either as a result of past practices such as ditching or channelization or because of technological limits.
- Assessment and enforcement of water quality standards will be more effective and transparent.

The changes being considered will include changes to Class 2 use classes and to the biological standards that are necessary to implement the TALU framework, but will not extend to changes to the chemical/physical standards (numeric and narrative) that already apply to Minnesota waters. The MPCA does not intend to change *Minnesota Rules* chapters 7052 or 7053 except as needed to correspond to the TALU changes being made to *Minnesota Rules* chapter 7050 or to make minor changes or corrections found in the course of the rulemaking process.

The state rulemaking process requires agencies to consider several specific topics as it develops rules. The MPCA is specifically asking for comment about the expected economic effect and cumulative impact¹ of the changes being considered (*Minnesota Statutes* §14.131), and also whether a local government may be required to adopt or amend an ordinance or other regulation in response to the changes. (*Minnesota Statutes* § 14.128).

Plain English Summary: This Request for Comments is the MPCA's legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage there is no draft rule available to review; we want your feedback to inform us about the ideas described under the Subject of Rules section above. If you have other ideas or information related to this topic that we need to consider, please provide them. Submitting your ideas and information to us at this early stage in rulemaking allows time to address issues and ensures informed decision-making.

Where to Get More Information: A web page has been established for this rulemaking. (**Tiered Aquatic Life Use (TALU) framework**) This page provides an explanation of the TALU system and rulemaking information will be posted in the **Rulemaking documents** and **Schedule/public participation** tabs. Draft rule language is not available at this time but a concept document that provides information about the changes being considered is available for review in the **Rulemaking documents** tab.

If you are interested in being notified when draft rules are available for review and of other activities related to this rulemaking, please

(Footnotes)

¹ Cumulative impact means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

Official Notices

register for GovDelivery at: <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>. The checkbox for the TALU rule located under the topic heading "Public Notices and Rulemaking".

Persons Affected: The TALU rulemaking potentially affects all persons working with or interested in the state Water Quality Standards, such as persons working in planning, natural resource management, soil and water conservation and environmental protection. Because the TALU system will also result in more accurate classification of waters and more effective assessment and implementation of Water Quality Standards, persons with a general interest in the quality of Minnesota's waters, such as fishing, tourism and agriculture, may also be affected.

Statutory Authority: *Minnesota Statute § 115.03*, subd. 1 grants the MPCA general authority to promulgate and/or revise the rules relating to the pollution of any of the waters of the state; and *Minnesota Statute § 115.44* grants the MPCA authority to group designated waters of the state into classes.

Public Comment: Interested persons or groups may submit written comments or information on these planned rule amendments from August 25, 2014 until 4:30 p.m. on October 17, 2014. Comments or information should be submitted to Carol Nankivel at the address below. The MPCA does not plan to appoint an advisory committee to comment on the possible rules.

MPCA Contact Person: Written comments and requests for more information on these planned rule amendments should be directed to:

Carol Nankivel
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul MN 55155-4194
Telephone: (651) 757-2597
Toll-free: 1-800-657-3864
TTY: (651) 282-5332
E-mail: carol.nankivel@state.mn.us

Alternative Format: This information is available in an alternative format, such as large print, Braille, or audio through the contact person identified above.

Note: The comments received during this comment period will be considered by the MPCA in the development of the rules. However, if you submit written comments at this time and want the administrative law judge to review your comments, you must resubmit them when proposed rules are published for official comment.

Dated: August 14, 2014

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

Minnesota Department of Transportation (Mn/DOT) Notice to Bidders: Suspensions/Debarments as of July 28, 2014

NOTICE OF SUSPENION

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be suspended effective July 8, 2014:

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

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be suspended effective July 16, 2014:

- Jeffrey Plzak, Loretto, MN
- Laurie Plzak, Loretto, MN