

# Official Notices

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**Petition for Contested Case Hearing:** You also may submit a petition for a contested case hearing. A contested case hearing is a formal hearing before an administrative law judge that provides evidence on issues requested to be change. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or draft CMP and/or TMDL Reports; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft CMP and/or TMDL Reports. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision. A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

## **MPCA Decision:**

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on the CMP and TMDL Reports. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Commissioner, will make the final decision on the draft TMDL Report.

## **Minnesota Pollution Control Agency (MPCA) REQUEST FOR COMMENTS on Possible Rules for Minnesota's Compliance With the Clean Power Plan; Revisor's ID Number R-04265**

**Background and subject of rulemaking.** In June 2014, the Environmental Protection Agency (EPA) proposed the Clean Power Plan (CPP), a rule that for the first time cuts carbon pollution from existing power plants, the single largest source of carbon pollution in the United States. The proposed EPA rule sets state-specific carbon dioxide emission targets and requires each state to submit a plan detailing its strategy for meeting the targets.

Although the EPA has not yet finalized the CPP's guidelines and targets, state plans are expected to be due by summer 2016. In an effort to be ready to meet that deadline, the Minnesota Pollution Control Agency (MPCA) is beginning to assess potential pathways for compliance with the anticipated guidelines. Our state plan will need to address carbon emissions from existing fossil fuel-burning facilities, low-carbon or zero-carbon methods for producing electricity, and ways to reduce consumer demand for electricity in order to achieve necessary emissions reductions while supporting reliable, affordable power for all Minnesotans.

The MPCA has not yet started drafting a plan because the EPA has not yet published the standards that Minnesota's plan will need to meet. The MPCA requests public input and comments to help guide our considerations of methods for meeting the EPA's CPP targets, as well as any other objectives that the state's plan might include. Specific topics on which we are seeking comment include the following:

1. Environmental results
2. Electricity system impact
  - Effects of the plan on the existing electric infrastructure—markets, dispatch, retirements, etc.
  - Fuel diversity
  - Renewable energy and energy efficiency
  - Cost and reliability
3. Flexibility, enforceability, and applicability

- Federal enforceability while assuring state control over compliance
  - Flexibility for regulated entities
  - Methods to capture reductions from all sources
4. Multistate approach
    - Things to consider in a possible multistate plan
  5. Equity
    - Equity considerations across regulated entities—distribution, etc.
    - Impact on communities of environmental-justice concern—minority populations, neighborhoods bearing disproportionate financial or environmental burdens, etc.
    - Cost and reliability
    - Geographic equity
  6. General issues or other considerations not listed above

**Parties affected.** The rules the MPCA is considering would probably affect all Minnesotans in some form—most directly the power companies as regulated entities, but also the utility consumers who purchase electricity from them. Rule requirements to reduce carbon dioxide will support Minnesota’s efforts to address climate change and should have a co-benefit of reducing pollutants such as sulfur dioxide and nitrogen oxides, which can provide health benefits to all Minnesotans, particularly sensitive receptors (e.g., children with asthma).

**Statutory authority.** *Minnesota Statutes*, § 116.07, subd. 4, authorizes the MPCA to adopt rules and standards for the prevention, abatement, and control of air pollution.

**Rules drafts.** The MPCA has not yet drafted the rules under consideration. If you are interested in being notified when a draft is available and of other activities relating to this or other MPCA rulemakings, we encourage you to register for GovDelivery notices at [https://public.govdelivery.com/accounts/MNPCA/subscriber/new?topic\\_id=MNPCA\\_234](https://public.govdelivery.com/accounts/MNPCA/subscriber/new?topic_id=MNPCA_234)

**Public comment.** Interested parties may submit comments or information on these possible rules to Katie Izzo at the contact information listed below until the MPCA drafts and publishes a proposed rule in the *State Register*. We encourage you to submit your comments in writing for the sake of clarity and accuracy in our considerations, but you may also comment by phone.

The MPCA does not anticipate that the rule amendments will require a local government to adopt or amend an ordinance or other regulation under *Minnesota Statutes*, § 14.128. Local governments may submit written information to the contrary.

The MPCA requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations related to the specific purpose of the rule. *Cumulative effect* means the impact that results from incremental effects of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

The MPCA does not plan to appoint an advisory committee to comment on the possible rules; however, stakeholder meetings are ongoing. Upcoming meeting dates as well as agendas, notes, and other related documents will be posted at

<http://www.pca.state.mn.us/w9y3awr>

**Agency contact person.** Comments, questions, and requests for more information on these possible rules should be directed to

Katie Izzo  
520 Lafayette Rd.  
St. Paul, MN 55155  
**E-mail:** [katie.izzo@state.mn.us](mailto:katie.izzo@state.mn.us)  
**Phone:** (651) 757-2595  
**Fax:** (651) 297-8676.

**Alternative format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge (ALJ) if and when the MPCA begins a proceeding to adopt rules. The MPCA is required to submit to the ALJ

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only those written comments received in response to the rules after they are proposed. If you submit comments during the development of the rules and want to ensure that the ALJ reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 22 July 2015

Michelle Beeman, Deputy Commissioner, signed for  
John Linc Stine, Commissioner  
Minnesota Pollution Control Agency

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

### NOTICE OF DEBARMENT

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

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

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

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

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

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

*Minnesota Statute* section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller's or transfer's debarment.